

1 A bill to be entitled

2 An act relating to concrete masonry education;  
 3 providing a short title; creating the Florida Concrete  
 4 Masonry Education Council, Inc.; requiring the council  
 5 to operate under a written contract with the  
 6 Department of Economic Opportunity; providing powers  
 7 and duties of the council; providing restrictions;  
 8 providing for appointment and terms of the governing  
 9 board of the council; authorizing the council to  
 10 accept grants, donations, contributions, and gifts  
 11 under certain circumstances; authorizing the council  
 12 to make payments to other organizations under certain  
 13 circumstances; providing for collection of a voluntary  
 14 assessment on concrete masonry units; requiring  
 15 manufacturers who elect to pay the assessment to  
 16 commit to paying the assessment for a specified  
 17 period; requiring the council to adopt bylaws;  
 18 providing for the adoption of bylaws and amendments to  
 19 bylaws; providing an effective date.

20  
 21 Be It Enacted by the Legislature of the State of Florida:

22  
 23 Section 1. This section may be cited as the "Concrete  
 24 Masonry Education Act."

25 Section 2. Concrete masonry education.—

26 (1) (a) The Florida Concrete Masonry Education Council,

27 Inc., is created as a nonprofit corporation organized under the  
 28 laws of this state and operating as a direct-support  
 29 organization of the Department of Economic Opportunity.

30 (b) The council shall operate under a written contract  
 31 with the department which provides, at a minimum, for:

32 1. Approval of the articles of incorporation and bylaws of  
 33 the council by the department.

34 2. Submission of an annual budget for approval by the  
 35 department.

36 3. Reversion of moneys and property held in trust by the  
 37 council for concrete masonry education to the department if the  
 38 council ceases to exist or to the state if the department ceases  
 39 to exist.

40 (c) The council shall:

41 1. Plan, implement, and conduct programs of education for  
 42 the purpose of training individuals in the field of concrete  
 43 masonry.

44 2. Develop and improve access to education for individuals  
 45 seeking employment in the field of concrete masonry.

46 3. Develop and implement outreach programs to ensure  
 47 diversity among individuals trained in the programs conducted  
 48 pursuant to this section.

49 4. Coordinate educational programs with national programs  
 50 or programs of other states.

51 5. Inform and educate the public about the sustainability  
 52 and economic benefits of concrete masonry products in order to

53 increase employment opportunities for individuals trained in the  
54 programs conducted pursuant to this section.

55 6. Develop, implement, and monitor a system for the  
56 collection of a self-imposed voluntary assessment on each  
57 concrete masonry unit produced and sold by concrete masonry  
58 manufacturers in this state.

59 7. Submit a report to the Governor, the President of the  
60 Senate, and the Speaker of the House of Representatives by  
61 January 15 of each year outlining the revenues received by the  
62 council, the percentage of the industry participating in the  
63 programs, the use of the funds received, goals and objectives  
64 for the year and methods of achieving such goals and objectives,  
65 the number of individuals who have received training or  
66 assistance from the programs supported by the council, and  
67 information relating to job placements and industry workforce  
68 needs.

69 (d) The council may:

70 1. Provide to governmental bodies, on request, information  
71 relating to subjects of concern to the concrete masonry industry  
72 and act jointly or in cooperation with the state or Federal  
73 Government, and agencies thereof, in the development or  
74 administration of programs that the council considers to be  
75 consistent with the objectives of this section.

76 2. Sue and be sued as a council without individual  
77 liability of the members for actions of the council when acting  
78 within the scope of the powers conferred by this section and in

79 the manner prescribed by the laws of this state.

80 3. Maintain a financial reserve for emergency use, the  
 81 total of which must not exceed 10 percent of the council's  
 82 anticipated annual income.

83 4. Employ subordinate officers and employees of the  
 84 council, prescribe their duties, and fix their compensation and  
 85 terms of employment.

86 5. Cooperate with any local, state, regional, or  
 87 nationwide organization or agency engaged in work or activities  
 88 consistent with the objectives of this section.

89 6. Meet with concrete masonry manufacturers in this state  
 90 to coordinate the collection of self-imposed voluntary  
 91 assessments on concrete masonry units.

92 (e)1. The council may not participate or intervene in any  
 93 political campaign on behalf of or in opposition to any  
 94 candidate for public office or any state or local ballot  
 95 initiative, including, but not limited to, the publication or  
 96 distribution of any statement.

97 2. The net receipts of the council may not in any part  
 98 inure to the benefit of or be distributable to its directors,  
 99 its officers, or other private persons; however, the council may  
 100 pay reasonable compensation for services rendered by council  
 101 officers and employees and may make payments and distributions  
 102 in furtherance of the purposes of this section.

103 3. Notwithstanding any other provision of law, the council  
 104 may not carry on any other activity not permitted to be carried

105 on by a corporation:

106 a. That is exempt from federal income taxation under s.  
107 501(c)(3) of the Internal Revenue Code; or

108 b. To which charitable contributions are deductible under  
109 s. 170(c)(2) of the Internal Revenue Code.

110 (2)(a) The Florida Concrete Masonry Education Council,  
111 Inc., shall be governed by a board of directors composed of 13  
112 voting members appointed by the Governor as follows:

113 1. Eight members representing concrete masonry  
114 manufacturers of various sizes. The Governor shall receive  
115 recommendations from the Masonry Association of Florida before  
116 appointing these members. At least five of the eight members  
117 appointed under this subparagraph must be representatives of  
118 manufacturers that are members of the Masonry Association of  
119 Florida. A manufacturer may not be represented by more than one  
120 board member.

121 2. One member representing a major building industry  
122 association in the state.

123 3. One member having expertise in apprenticeship or  
124 workforce education training.

125 4. One member who is not a masonry contractor or  
126 manufacturer or an employee of a masonry contractor or  
127 manufacturer but who is otherwise a stakeholder in the masonry  
128 industry.

129 5. Two members who are masonry contractors and who are  
130 members of the Masonry Association of Florida.

131 (b)1. Five of the initial board members shall be appointed  
132 to serve 1-year terms, four of the initial board members shall  
133 be appointed to serve 2-year terms, and four of the initial  
134 board members shall be appointed to serve 3-year terms.

135 2. Each subsequent vacancy on the board of directors shall  
136 be filled in accordance with the initial appointment.

137 Thereafter, each board member shall be appointed to serve a 3-  
138 year term and may be reappointed to serve an additional  
139 consecutive term. However, a member may not serve more than two  
140 consecutive terms.

141 (c) A board member may not be required to participate in a  
142 voluntary assessment on concrete masonry units as a condition of  
143 appointment. A member representing a manufacturer must have been  
144 employed by a manufacturer engaging in the trade of manufacture  
145 of concrete masonry products for at least 5 years immediately  
146 preceding the first day of his or her service on the board. All  
147 members of the board shall serve without compensation but are  
148 entitled to reimbursement for per diem and travel expenses  
149 incurred in carrying out the intents and purposes of this  
150 section in accordance with s. 112.061, Florida Statutes.

151 (d) In addition to the 13 voting members described in  
152 paragraph (a), the executive director of the Department of  
153 Economic Opportunity, or his or her designee, shall serve ex  
154 officio as a nonvoting member of the board of directors of the  
155 council.

156 (3) The council may accept grants, donations,

157 contributions, or gifts from any source if the use of such  
158 resources is not restricted in a manner that the council  
159 considers to be inconsistent with the objectives of this  
160 section.

161 (4) (a) The council may make payments to other  
162 organizations for work or services performed that are consistent  
163 with the objectives of this section.

164 (b) Before making payments described in this subsection,  
165 the council must secure a written agreement that the  
166 organization receiving payment will furnish at least annually,  
167 or more frequently upon request of the council, written or  
168 printed reports of program activities and reports of financial  
169 data that are relative to the council's funding of such  
170 activities.

171 (c) The council may require adequate proof of security  
172 bonding on the payments to any individual, business, or other  
173 organization.

174 (5) (a) The self-imposed voluntary assessment shall be paid  
175 for each masonry unit produced and sold by the manufacturer.

176 (b) Each manufacturer that elects to pay the self-imposed  
177 voluntary assessment must commit to paying the assessment for at  
178 least 1 year. Thereafter, the manufacturer may elect to  
179 terminate payment or continue payment for the next year.

180 (c) The manufacturer shall collect all such moneys and  
181 forward them quarterly to the council.

182 (d) The council shall maintain within its financial

183 records a separate accounting of all moneys received under this  
184 subsection. The council shall provide for an annual financial  
185 audit of its accounts and records in accordance with s. 215.981,  
186 Florida Statutes.

187 (6) (a) The council shall, by September 30, 2014, adopt  
188 bylaws to carry out the intents and purposes of this section.  
189 Before adoption by the council, the bylaws must be approved by  
190 the department. The bylaws must conform to the requirements of  
191 this section but may also address any matter not in conflict  
192 with the general laws of this state.

193 (b) Amendments to adopted bylaws may be proposed with 30  
194 days' notice to board members at any regular or special meeting  
195 called for such purpose and may be adopted by the council  
196 following approval by the department.

197 Section 3. This act shall take effect July 1, 2014.