



458180

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/03/2014	.	
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The Committee on Governmental Oversight and Accountability
(Benacquisto) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

Section 2. Concrete masonry education.-

(1) (a) The Florida Concrete Masonry Education Council,
Inc., is created as a nonprofit corporation organized under the
laws of this state and operating as a direct-support



458180

11 organization of the Department of Economic Opportunity.
12 (b) The council shall operate under a written contract with
13 the department which provides, at a minimum, for:
14 1. Approval of the articles of incorporation and bylaws of
15 the council by the department.
16 2. Submission of an annual budget for approval by the
17 department.
18 3. Reversion of moneys and property held in trust by the
19 council for concrete masonry education to the department if the
20 council ceases to exist or to the state if the department ceases
21 to exist.
22 (c) The council shall:
23 1. Plan, implement, and conduct programs of education for
24 the purpose of training individuals in the field of concrete
25 masonry.
26 2. Develop and improve access to education for individuals
27 seeking employment in the field of concrete masonry.
28 3. Develop and implement outreach programs to ensure
29 diversity among individuals trained in the programs conducted
30 pursuant to this section.
31 4. Coordinate educational programs with national programs
32 or programs of other states.
33 5. Inform and educate the public about the sustainability
34 and economic benefits of concrete masonry products in order to
35 increase employment opportunities for individuals trained in the
36 programs conducted pursuant to this section.
37 6. Develop, implement, and monitor a system for the
38 collection of a self-imposed voluntary assessment on each
39 concrete masonry unit produced and sold by concrete masonry



458180

40 manufacturers in this state.

41 7. Submit a report to the Governor, the President of the
42 Senate, and the Speaker of the House of Representatives by
43 January 15 of each year outlining the revenues received by the
44 council, the percentage of the industry participating in the
45 programs, the use of the funds received, the goals and
46 objectives for the year and the methods of achieving such goals
47 and objectives, the number of individuals who have received
48 training or assistance from the programs supported by the
49 council, and information relating to job placements and industry
50 workforce needs.

51 (d) The council may:

52 1. Provide to governmental bodies, on request, information
53 relating to subjects of concern to the concrete masonry industry
54 and act jointly or in cooperation with the state or Federal
55 Government, and agencies thereof, in the development or
56 administration of programs that the council considers to be
57 consistent with the objectives of this section.

58 2. Sue and be sued as a council without individual
59 liability of the members for actions of the council when acting
60 within the scope of the powers conferred by this section and in
61 the manner prescribed by the laws of this state.

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

65 4. Employ subordinate officers and employees of the
66 council, prescribe their duties, and fix their compensation and
67 terms of employment.

68 5. Cooperate with any local, state, regional, or nationwide



458180

69 organization or agency engaged in work or activities consistent
70 with the objectives of this section.

71 6. Meet with concrete masonry manufacturers in this state
72 to coordinate the collection of self-imposed voluntary
73 assessments on concrete masonry units.

74 (e)1. The council may not participate or intervene in any
75 political campaign on behalf of or in opposition to any
76 candidate for public office or any state or local ballot
77 initiative, including, but not limited to, the publication or
78 distribution of any statement.

79 2. The net receipts of the council may not in any part
80 inure to the benefit of or be distributable to its directors,
81 its officers, or other private persons; however, the council may
82 pay reasonable compensation for services rendered by council
83 officers and employees and may make payments and distributions
84 in furtherance of the purposes of this section.

85 3. Notwithstanding any other provision of law, the council
86 may not carry on any other activity not permitted to be carried
87 on by a corporation:

88 a. That is exempt from federal income taxation under s.
89 501(c)(3) of the Internal Revenue Code; or

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

92 (2) (a) The Florida Concrete Masonry Education Council,
93 Inc., shall be governed by a board of directors composed of 13
94 voting members as follows:

95 1. Eight members representing concrete masonry
96 manufacturers of various sizes. After receiving recommendations
97 from the Masonry Association of Florida, the Governor shall



458180

98 appoint two of these board members, and the President of the
99 Senate and the Speaker of the House of Representatives shall
100 each appoint three of these board members. Of the eight board
101 members appointed under this subparagraph, at least five members
102 must be representatives of manufacturers that are members of the
103 Masonry Association of Florida. A manufacturer may not be
104 represented by more than one board member.

105 2. One member representing a major building industry
106 association in the state appointed by the Governor.

107 3. One member having expertise in apprenticeship or
108 workforce education training appointed by the Speaker of the
109 House of Representatives.

110 4. One member who is not a masonry contractor or
111 manufacturer or an employee of a masonry contractor or
112 manufacturer but who is otherwise a stakeholder in the masonry
113 industry. This member shall be appointed by the President of the
114 Senate.

115 5. Two members who are masonry contractors and who are
116 members of the Masonry Association of Florida, one of whom shall
117 be appointed by the President of the Senate and one of whom
118 shall be appointed by the Speaker of the House of
119 Representatives.

120 (b)1. Five of the initial board members shall be appointed
121 to serve 1-year terms. Of the five members, one shall be
122 appointed by the Governor, two shall be appointed by the
123 President of the Senate, and two shall be appointed by the
124 Speaker of the House of Representatives.

125 2. Four of the initial board members shall be appointed to
126 serve 2-year terms. Of the four members, one shall be appointed



458180

127 by the Governor, one shall be appointed by the President of the
128 Senate, and two shall be appointed by the Speaker of the House
129 of Representatives.

130 3. Four of the initial board members shall be appointed to
131 serve 3-year terms. Of the four members, one shall be appointed
132 by the Governor, two shall be appointed by the President of the
133 Senate, and one shall be appointed by the Speaker of the House
134 of Representatives.

135 4. 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.



458180

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 organizations
162 for work or services performed that are consistent with the
163 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 records
183 a separate accounting of all moneys received under this
184 subsection. The council shall provide for an annual financial



458180

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.

199 ===== T I T L E A M E N D M E N T =====

200 And the title is amended as follows:

201 Delete everything before the enacting clause
202 and insert:

203 A bill to be entitled
204 An act relating to concrete masonry education;
205 providing a short title; creating the Florida Concrete
206 Masonry Education Council, Inc.; requiring the council
207 to operate under a written contract with the
208 Department of Economic Opportunity; providing powers
209 and duties of the council; providing restrictions;
210 providing for appointment and terms of the governing
211 board of the council; authorizing the council to
212 accept grants, donations, contributions, and gifts
213 under certain circumstances; authorizing the council



458180

214 to make payments to other organizations under certain
215 circumstances; providing for collection of a voluntary
216 assessment on concrete masonry units; requiring
217 manufacturers who elect to pay the assessment to
218 commit to paying the assessment for a specified
219 period; requiring the council to adopt bylaws;
220 providing for the adoption of bylaws and amendments to
221 bylaws; providing an effective date.