

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: SB 286

INTRODUCER: Senator Richter and others

SUBJECT: Concrete Masonry Education

DATE: January 8, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	White	Yeatman	CA	Favorable
2.	_____	_____	RI	_____
3.	_____	_____	GO	_____

I. Summary:

SB 286 creates the “Concrete Masonry Education Act.” The bill creates the Florida Concrete Masonry Council, Inc., (council) as a nonprofit corporation operating as a direct-support organization of the Florida Department of Education. Administrative powers and duties of the council include the power to plan, implement, and conduct educational programs related to the field of concrete masonry, particularly for individuals seeking employment. The bill provides for the appointment of the 15 members of the governing board.

This bill allows the council to accept grants, donations, contributions, gifts, and to collect self-imposed, voluntary assessments on concrete masonry units¹ produced and sold by concrete masonry manufacturers in the state. Manufacturers may choose to remit assessments, which are to be paid quarterly for not less than one year.

II. Present Situation:

Concrete Masonry Education Programs

Educational programs to train individuals in the field of concrete masonry are currently offered by school districts, colleges and apprenticeship programs throughout Florida. The Florida Department of Education develops Career and Technical Education programs in ‘Concrete Masonry’ as well as ‘Brick and Block Masonry.’ These programs are provided through a “network of service providers, which include District Technical Centers, Adult Education Providers and Florida colleges.”² Career and Technical Education programs are reviewed on a three-year cycle by programmatic review committees,³ with industry members comprising 50

¹ Made of cement and suitable aggregates, a concrete masonry unit is a building unit or block larger in size than 12 inches by 4 inches by 4 inches. Section 2102, Building, Florida Building Code (2010).

² Florida Department of Education, Career and Adult Education, available at <http://www.fldoe.org/workforce/> (last visited December 9, 2013).

³ Section 1004.92(2)(b)4, F.S.

percent of the review committees in the case of masonry programs.⁴ The 2012 review of the Concrete Masonry program recommended deletion of the program due to low enrollment.⁵ The program will be removed from inventory in the 2014-2015 school year.⁶

The Florida Masonry Apprentice and Educational Foundation, Inc., was created in 2002 as a non-profit educational foundation associated with the Masonry Association of Florida and the Florida Concrete & Products Association. The foundation coordinates and provides apprenticeship education of the masonry trade. Voluntary contributions are the sole financial support of the Florida Masonry Apprentice & Educational Foundation.⁷

Check-off Programs

Commodity check-off programs are cooperative efforts by groups of suppliers intended to enhance their individual and collective profitability. The term “check-off” refers to the collection of a fee and comes from the concept of checking off the appropriate box on a form to authorize a contribution for a specific purpose. These assessments are pooled together to finance programs to enhance producer welfare. As demonstrated in agriculture, lumber, and other industries, check-off programs provide a mechanism by which every producer supports research, education, and promotion efforts intended to expand markets.

Examples of State Industry Marketing Structures

Citrus Industry

The Florida Department of Citrus (department) has regulatory responsibility for all aspects of the citrus industry. The department is funded by the “box tax” and the equalizing excise tax. The box tax is an excise tax levied on each standard field box of fruit grown and placed into the primary channel of trade in Florida. The equalizing excise tax is assessed on processed citrus products imported into the state at a rate equal to the box tax. The majority of the proceeds of these taxes must be used by the department to advertise Florida citrus products.⁸

Florida Beef Council

The Florida Beef Council is a wholly-owned corporation of the Florida Cattlemen’s Association. Created by the Beef Market Development Act, the Council functions as the promotional and educational arm of the beef industry in the state of Florida.⁹

Council activities are funded by beef producers through a federally mandated check-off program, paying one dollar per head on all cattle sold in the state. Half of those funds collected in Florida are designated for national promotion, research, consumer information, and industry information programs. The other half is used in Florida to disseminate nutritional and product information to

⁴ Department of Education, *Senate Bill 286 Agency Legislative Bill Analysis* (Oct. 23, 2013).

⁵ In the 2012-2013 school year, the concrete masonry program was offered in three school districts with only 24 students statewide. Conversation with Florida Department of Education representative (Dec. 11, 2013).

⁶ *Id.*

⁷ Fourteen apprentice programs throughout the state have approximately 300 enrollees. Florida Masonry Apprentice & Educational Foundation, About Us, available at <http://www.masonryeducation.org/about.html> (last visited December 9, 2013).

⁸ Section 601.15, F.S.

⁹ Section 570.9135, F.S.

the media, food service and retail industries, school educators, health professionals, consumers, and producers.¹⁰

The Florida Beef Council's activities are governed by a board of directors comprised of representatives from all segments of the beef industry.¹¹

Florida Building Commission

The Florida Building Commission is established in ch. 553, F.S., within the Department of Business and Professional Regulation (DBPR) and consists of 25 members that are appointed by the Governor and confirmed by the Senate.¹² The Commission is responsible for adopting and enforcing the Florida Building Code as a single, unified state building code used to provide effective and reasonable protection for the public safety, health and welfare.¹³ The Florida Building Code is required to be updated every three years by the Florida Building Commission.¹⁴ Pursuant to s. 553.73, F.S., the Commission is authorized to adopt internal administrative rules, impose fees for binding code interpretations, and use the rule adoption procedures listed under ch. 120, F.S., to approve amendments to the building code.¹⁵

III. Effect of Proposed Changes:

Section 1 provides for an unspecified section of Florida Statutes as follows:

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

Florida Concrete Masonry Education Council, Inc.

The bill establishes the Florida Concrete Masonry Education Council, Inc., (council) as a nonprofit corporation organized under the laws of this state and operating as a direct-support organization of the Florida Department of Education.

The council shall:

- Plan, implement, and conduct programs of education for the purpose of training individuals in the field of concrete masonry.
- Develop and improve educational access to individuals seeking employment in the field of concrete masonry.
- Develop and implement outreach programs to ensure diversity among those trained in the field of concrete masonry.
- Coordinate educational programs with other state or national programs.
- Inform and educate the public concerning the sustainability and economic benefits of concrete masonry products in order to increase employment opportunities in the field of concrete masonry.

¹⁰ Florida Cattlemen's Association, Beef Council, available at <http://www.floridacattlemen.org/fbc.html> (last visited December 9, 2013).

¹¹ *Id.*

¹² See s. 553.74(1)(a)-(w), F.S.

¹³ Sections 553.73 and 553.74, F.S.

¹⁴ Section 553.73(7)(a), F.S. See also Florida Department of Business & Professional Regulation, Florida Building Commission, http://www.floridabuilding.org/fbc/information/building_commission.htm (last visited December 9, 2013).

¹⁵ See ss. 553.76, 553.775, and 553.73(7), F.S., respectively.

- Develop, implement, and monitor a system for collection of a self-imposed voluntary assessment on each concrete masonry unit produced and sold by concrete masonry manufacturers in this state.
- Do all other acts necessary or expedient for the administration of the affairs and achievement of the purposes of the council.

The council may:

- Upon request, provide governmental bodies with information relating to the concrete masonry industry.
- Sue and be sued as a council.
- Maintain a financial reserve for emergency use.
- Employ subordinate officers and employees.
- Cooperate with other organizations and agencies engaged in activities related to concrete masonry education.
- Meet with concrete masonry manufacturers in this state to coordinate collection of the self-imposed voluntary assessments on concrete masonry units.

The council may not:

- Participate in a political campaign, or state or local ballot initiatives.
- Use receipts to benefit directors, officers, or other private persons, not including reasonable compensation for services.
- Participate in activities prohibited for non-profit corporations under federal tax law.

Governing Board

The Florida Concrete Masonry Education Council, Inc., shall be governed by a board of directors consisting of 15 members. A member may not serve more than two consecutive terms. Members of the board serve without compensation, except for reimbursement for per diem and travel expenses incurred in carrying out the intent and purposes of this section.

Acceptance of Grants and Gifts

The bill authorizes the council to receive grants and donations provided that there are no restrictions that it considers to be inconsistent with the objectives of the program.

Payments to Organizations

The bill establishes procedures by which the council can fund other organizations for services rendered through a written agreement which is consistent with the objectives of the program.

Collection of Moneys

Manufacturers electing to pay the assessment shall collect money for each masonry unit produced and sold by the manufacturer, and forward these moneys to the council on a quarterly basis. Participating manufacturers must commit to pay the assessment for at least one year before electing to terminate payment or continue payment for the next year. The council must maintain a separate accounting of all moneys received and provide for an annual financial audit.

Bylaws

The council shall, by September 30, 2014, adopt bylaws to carry out the intent and purposes of the bill. The bill also provides procedures for amending the bylaws.

Section 2 provides an effective date of July 1, 2014.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

Refer to Section B.

B. Private Sector Impact:

Proposed payments by concrete masonry manufacturers to Florida Concrete Masonry Council, Inc., are self-imposed voluntary assessments on concrete masonry units produced and sold in the state. Additionally, the council may accept grants, donations, contributions, or gifts.

The fiscal impact cannot be determined because of the voluntary nature of the anticipated revenue.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates unspecified sections of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
