

By the Committee on Regulated Industries; and Senators Richter, Latvala, Detert, Garcia, Bradley, Flores, and Smith

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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.; specifying the powers
5 and duties of the council; providing restrictions;
6 providing for appointment and terms of the governing
7 board of the council; authorizing the council to
8 accept grants, donations, contributions, and gifts
9 under certain circumstances; authorizing the council
10 to make payments to other organizations under certain
11 circumstances; providing for collection of a voluntary
12 assessment on concrete masonry units; requiring
13 manufacturers who elect to pay the assessment to
14 commit to paying the assessment for a specified
15 period; requiring the council to adopt bylaws by a
16 specified date; providing an effective date.
17

18 Be It Enacted by the Legislature of the State of Florida:
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20 Section 1. Concrete masonry education.—

21 (1) This section may be cited as the "Concrete Masonry
22 Education Act."

23 (2) (a) There is created the Florida Concrete Masonry
24 Education Council, Inc., a nonprofit corporation organized under
25 the laws of this state and operating as a direct-support
26 organization of the Department of Economic Opportunity.

27 (b) The council shall:

28 1. Plan, implement, and conduct programs of education for
29 the purpose of training individuals in the field of concrete

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30 masonry.

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

33 3. Develop and implement outreach programs to ensure
34 diversity among individuals trained in the programs conducted
35 pursuant to this section.

36 4. Coordinate educational programs with national programs
37 or programs of other states.

38 5. Inform and educate the public about the sustainability
39 and economic benefits of concrete masonry products in order to
40 increase employment opportunities for individuals trained in the
41 programs conducted pursuant to this section.

42 6. Develop, implement, and monitor a system for the
43 collection of a self-imposed voluntary assessment on each
44 concrete masonry unit produced and sold by concrete masonry
45 manufacturers in this state.

46 7. Do all other things necessary or expedient for the
47 administration of the affairs and achievement of the purposes of
48 the council.

49 8. By January 15 of each year, provide a report to the
50 Governor, the President of the Senate, and the Speaker of the
51 House of Representatives outlining the revenues received by the
52 council, the percentage of the industry participating in the
53 program, the use of the funds received, the number of
54 individuals who have received training or assistance in the
55 reporting year from the programs supported by the council, the
56 goals and objectives for the year and methods of achieving those
57 goals, and information relating to job placement and industry
58 workforce needs.

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59 (c) The council may:

60 1. Provide to governmental bodies, upon request,
61 information relating to subjects of concern to the concrete
62 masonry industry and act jointly or in cooperation with the
63 state or Federal Government and their agencies in the
64 development or administration of programs that the council
65 considers to be consistent with the objectives of this section.

66 2. Sue and be sued as a council without incurring
67 individual liability of the members for actions of the council
68 when acting within the scope of the powers conferred by this
69 section and in the manner prescribed by the laws of this state.

70 3. Maintain a financial reserve for emergency use, which
71 may not exceed 10 percent of the council's income.

72 4. Employ subordinate officers and employees of the
73 council, prescribe their duties, and fix their compensation and
74 terms of employment.

75 5. Cooperate with any local, state, regional, or nationwide
76 organization or agency engaged in work or activities consistent
77 with the objectives of this section.

78 6. Meet with concrete masonry manufacturers in this state
79 to coordinate the collection of self-imposed voluntary
80 assessments on concrete masonry units.

81 7. Do all other things necessary to further the intent of
82 this section which are not prohibited by law.

83 (d)1. The council may not participate or intervene in any
84 political campaign on behalf of or in opposition to any
85 candidate for public office or any state or local ballot
86 initiative, including, but not limited to, the publication or
87 distribution of any statement.

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88 2. The net receipts of the council may not inure to the
89 benefit of or be distributable to its directors, its officers,
90 or other private persons; however, the council may pay
91 reasonable compensation for services rendered by council
92 officers and employees and may make payments and distributions
93 in furtherance of the purposes of this section.

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

97 a. That is exempt from federal income taxation under s.
98 501(c) (3) of the Internal Revenue Code; or

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

101 (3) (a) The Florida Concrete Masonry Education Council,
102 Inc., shall be governed by a board of directors consisting of 15
103 members, as follows:

104 1. Nine members representing concrete masonry manufacturers
105 of various sizes, each of whom must represent a different
106 manufacturer. Of these members, at least five must be
107 representatives of manufacturers that are members of the Masonry
108 Association of Florida.

109 2. One member representing a major building industry
110 association in the state.

111 3. One member having expertise in apprenticeship or
112 workforce education training.

113 4. Two members who are masonry contractors and who are
114 members of the Masonry Association of Florida.

115 5. One member who is not a masonry contractor or
116 manufacturer or an employee of a masonry contractor or

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117 manufacturer but who is otherwise a stakeholder in the masonry
118 industry.

119 6. The Chancellor of Career and Adult Education or his or
120 her designee.

121 (b) The initial board of directors shall consist of 15
122 voting members, with the Governor, the President of the Senate,
123 and the Speaker of the House of Representatives each making five
124 appointments after soliciting recommendations from the Masonry
125 Association of Florida. Five of the initial board members shall
126 be appointed to a 1-year term: two who are appointed by the
127 Governor, two who are appointed by the President of the Senate,
128 and one who is appointed by the Speaker of the House of
129 Representatives. Five of the initial board members shall be
130 appointed to 2-year terms: two who are appointed by the
131 Governor, one who is appointed by the President of the Senate,
132 and two who are appointed by the Speaker of the House of
133 Representatives. Five of the initial board members shall be
134 appointed to 3-year terms: one appointed by the Governor, two
135 appointed by the President of the Senate, and two appointed by
136 the Speaker of the House of Representatives. Each subsequent
137 vacancy shall be filled in accordance with the initial
138 appointment. Participation in the voluntary assessment on
139 concrete masonry units is not a requirement of appointment.
140 Thereafter, members shall be appointed to 3-year terms and may
141 be reappointed to one additional consecutive term. In addition
142 to the 15 voting members, the executive director of the
143 Department of Economic Opportunity, or his or her designee,
144 shall serve as an ex officio nonvoting member. A member
145 representing a manufacturer must have been employed by a

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146 manufacturer engaging in the trade of manufacture of concrete
147 masonry products for at least 5 years immediately preceding the
148 first day of his or her service on the board. All members of the
149 board shall serve without compensation but are entitled to
150 reimbursement for per diem and travel expenses incurred in
151 carrying out the intent and purposes of this section in
152 accordance with s. 112.061, Florida Statutes.

153 (4) The council may accept grants, donations,
154 contributions, or gifts from any source if the use of such
155 resources is not restricted in a manner that the council
156 considers to be inconsistent with the objectives of this
157 section.

158 (5) (a) The council may make payments to other organizations
159 for work or services performed which are consistent with the
160 objectives of this section.

161 (b) Before making such payments, the council must secure a
162 written agreement that the organization receiving payment will
163 furnish at least annually, or more frequently on the request of
164 the council, printed or written reports of program activities.
165 The reports must include financial data relative to the
166 council's funding of such activities.

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

170 (6) (a) The self-imposed voluntary assessment shall be paid
171 for each masonry unit produced and sold by the manufacturer.

172 (b) Each manufacturer that elects to pay the self-imposed
173 voluntary assessment must commit to paying the assessment for at
174 least 1 year. Thereafter, the manufacturer may elect to

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175 terminate payment or continue payment for the next year.

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

178 (d) The council shall maintain within its financial records
179 a separate accounting of all moneys received under this
180 subsection. The council shall provide for an annual financial
181 audit of its accounts and records to be conducted by an
182 independent certified public accountant licensed under chapter
183 473, Florida Statutes.

184 (7) The council shall, by September 30, 2014, adopt bylaws
185 to carry out the intent and purposes of this section. These
186 bylaws may be amended upon 30 days' written notice to board
187 members at any regular or special meeting called for such
188 purpose. The bylaws must conform to the requirements of this
189 section but may also address any matter not in conflict with the
190 general laws of this state.

191 Section 2. This act shall take effect July 1, 2014.