

By the Committees on Governmental Oversight and Accountability; and Regulated Industries; and Senators Richter, Latvala, Detert, Garcia, Bradley, Flores, Smith, and Bean

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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.; 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.

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30 (b) The council shall operate under a written contract with
31 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.

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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, the goals and
64 objectives for the year and the methods of achieving such goals
65 and objectives, the number of individuals who have received
66 training or assistance from the programs supported by the
67 council, and information relating to job placements and industry
68 workforce 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 nationwide
87 organization or agency engaged in work or activities consistent

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88 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 as follows:

113 1. Eight members representing concrete masonry
114 manufacturers of various sizes. After receiving recommendations
115 from the Masonry Association of Florida, the Governor shall
116 appoint two of these board members, and the President of the

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117 Senate and the Speaker of the House of Representatives shall
118 each appoint three of these board members. Of the eight board
119 members appointed under this subparagraph, at least five members
120 must be representatives of manufacturers that are members of the
121 Masonry Association of Florida. A manufacturer may not be
122 represented by more than one board member.

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

125 3. One member having expertise in apprenticeship or
126 workforce education training appointed by the Speaker of the
127 House of Representatives.

128 4. One member who is not a masonry contractor or
129 manufacturer or an employee of a masonry contractor or
130 manufacturer but who is otherwise a stakeholder in the masonry
131 industry. This member shall be appointed by the President of the
132 Senate.

133 5. Two members who are masonry contractors and who are
134 members of the Masonry Association of Florida, one of whom shall
135 be appointed by the President of the Senate and one of whom
136 shall be appointed by the Speaker of the House of
137 Representatives.

138 (b)1. Five of the initial board members shall be appointed
139 to serve 1-year terms. Of the five members, one shall be
140 appointed by the Governor, two shall be appointed by the
141 President of the Senate, and two shall be appointed by the
142 Speaker of the House of Representatives.

143 2. Four of the initial board members shall be appointed to
144 serve 2-year terms. Of the four members, one shall be appointed
145 by the Governor, one shall be appointed by the President of the

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146 Senate, and two shall be appointed by the Speaker of the House
147 of Representatives.

148 3. Four of the initial board members shall be appointed to
149 serve 3-year terms. Of the four members, one shall be appointed
150 by the Governor, two shall be appointed by the President of the
151 Senate, and one shall be appointed by the Speaker of the House
152 of Representatives.

153 4. Each subsequent vacancy on the board of directors shall
154 be filled in accordance with the initial appointment.
155 Thereafter, each board member shall be appointed to serve a 3-
156 year term and may be reappointed to serve an additional
157 consecutive term. However, a member may not serve more than two
158 consecutive terms.

159 (c) A board member may not be required to participate in a
160 voluntary assessment on concrete masonry units as a condition of
161 appointment. A member representing a manufacturer must have been
162 employed by a manufacturer engaging in the trade of manufacture
163 of concrete masonry products for at least 5 years immediately
164 preceding the first day of his or her service on the board. All
165 members of the board shall serve without compensation but are
166 entitled to reimbursement for per diem and travel expenses
167 incurred in carrying out the intents and purposes of this
168 section in accordance with s. 112.061, Florida Statutes.

169 (d) In addition to the 13 voting members described in
170 paragraph (a), the executive director of the Department of
171 Economic Opportunity, or his or her designee, shall serve ex
172 officio as a nonvoting member of the board of directors of the
173 council.

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

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175 contributions, or gifts from any source if the use of such
176 resources is not restricted in a manner that the council
177 considers to be inconsistent with the objectives of this
178 section.

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

182 (b) Before making payments described in this subsection,
183 the council must secure a written agreement that the
184 organization receiving payment will furnish at least annually,
185 or more frequently upon request of the council, written or
186 printed reports of program activities and reports of financial
187 data that are relative to the council's funding of such
188 activities.

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

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

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

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

200 (d) The council shall maintain within its financial records
201 a separate accounting of all moneys received under this
202 subsection. The council shall provide for an annual financial
203 audit of its accounts and records in accordance with s. 215.981,

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204 Florida Statutes.

205 (6)(a) The council shall, by September 30, 2014, adopt
206 bylaws to carry out the intents and purposes of this section.
207 Before adoption by the council, the bylaws must be approved by
208 the department. The bylaws must conform to the requirements of
209 this section but may also address any matter not in conflict
210 with the general laws of this state.

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

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