



228936

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/11/2013	.	
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The Committee on Regulated Industries (Galvano) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 870 and 871  
insert:

Section 22. Concrete Masonry Products Research, Education, and Promotion Act.—

(1) SHORT TITLE.—This section may be cited as the “Concrete Masonry Products Research, Education, and Promotion Act.”

(2) FLORIDA CONCRETE MASONRY COUNCIL, INC.; CREATION; PURPOSES.—

(a) There is created the Florida Concrete Masonry Council, Inc., a nonprofit corporation organized under the laws of this



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13 state and operating as a direct-support organization of the  
14 Florida Building Commission.

15 (b) The council shall:

16 1. Develop, implement, and monitor a system for the  
17 definition of masonry products and for the collection of self-  
18 imposed voluntary assessments.

19 2. Plan, implement, and conduct programs of education,  
20 promotion, research, and consumer information and industry  
21 information which are designed to strengthen the market position  
22 of the concrete masonry industry in this state and in the  
23 nation, to maintain and expand domestic and foreign markets, and  
24 to expand the uses for concrete masonry products.

25 3. Use the means authorized by this subsection for the  
26 purpose of funding research, education, promotion, and consumer  
27 and industry information of concrete masonry products in this  
28 state and in the nation.

29 4. Coordinate research, education, promotion, industry, and  
30 consumer information programs with national programs or programs  
31 of other states.

32 5. Develop new uses and markets for concrete masonry  
33 products.

34 6. Develop and improve educational access to individuals  
35 seeking employment in the field of concrete masonry.

36 7. Develop methods of improving the quality of concrete  
37 masonry products for the purpose of windstorm protection.

38 8. Develop methods of improving the energy efficiency  
39 attributes of concrete masonry products.

40 9. Inform and educate the public concerning the  
41 sustainability and economic benefits of concrete masonry



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42 products.

43 10. Do all other acts necessary or expedient for the  
44 administration of the affairs and attainment of the purposes of  
45 the council.

46 (c) The council may:

47 1. Conduct or contract for scientific research with any  
48 accredited university, college, or similar institution and enter  
49 into other contracts or agreements that will aid in carrying out  
50 the purposes of this section, including contracts for the  
51 purchase or acquisition of facilities or equipment necessary to  
52 carry out the purposes of this section.

53 2. Disseminate reliable information benefiting the consumer  
54 and the concrete masonry industry.

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

61 4. Sue and be sued as a council without individual  
62 liability of the members for acts of the council when acting  
63 within the scope of the powers of this section and in the manner  
64 prescribed by the laws of this state.

65 5. Maintain a financial reserve for emergency use, the  
66 total of which must not exceed 50 percent of the council's  
67 anticipated annual income.

68 6. Employ subordinate officers and employees of the  
69 council, prescribe their duties, and fix their compensation and  
70 terms of employment.



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71 7. Cooperate with any local, state, regional, or nationwide  
72 organization or agency engaged in work or activities consistent  
73 with the objectives of the program.

74 8. Do all other things necessary to further the intent of  
75 this section which are not prohibited by law.

76 (d) The council and concrete masonry manufacturers may meet  
77 and coordinate the collection of self-imposed voluntary  
78 assessments for each concrete masonry unit that is produced and  
79 sold by manufacturers in the state.

80 (e)1. The council may not participate or intervene in any  
81 political campaign on behalf of or in opposition to any  
82 candidate for public office or any state or local ballot  
83 initiative. This restriction includes, but is not limited to, a  
84 prohibition against publishing or distributing any statement.

85 2. The net receipts of the council may not in any part  
86 inure to the benefit of or be distributable to its directors,  
87 its officers, or other private persons, except that the council  
88 may pay reasonable compensation for services rendered by staff  
89 employees and may make payments and distributions in furtherance  
90 of the purposes of this section.

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

94 a. That is exempt from federal income tax under s.  
95 501(c)(3) of the Internal Revenue Code; or

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

98 (3) GOVERNING BOARD.—

99 (a) The Florida Concrete Masonry Council, Inc., shall be



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100 governed by a board of directors composed of 15 members as  
101 follows:

102 1. Nine members representing concrete masonry  
103 manufacturers. Of these board members, at least five must be a  
104 representative of a manufacturer that is a member of the Masonry  
105 Association of Florida. These members must be representatives of  
106 concrete masonry manufacturers of various sizes. A manufacturer  
107 may not be represented by more than one member of the board.

108 2. One member representing the Florida Building Commission.

109 3. One member representing the Florida Home Builders  
110 Association.

111 4. One member having expertise in apprenticeship or  
112 vocational training.

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

115 6. One member who is not a masonry contractor or  
116 manufacturer or an employee of a masonry contractor or  
117 manufacturer, but who is otherwise a stakeholder in the masonry  
118 industry.

119 (b) The initial board of directors shall be appointed by  
120 the chair of the commission based on recommendations from the  
121 Masonry Association of Florida. Five of the initial board  
122 members shall be appointed to a 1-year term. Five shall be  
123 appointed for a 2-year term. The remaining board members shall  
124 be appointed for a 3-year term. Thereafter, each member shall be  
125 appointed to serve a 3-year term and may be reappointed to serve  
126 an additional consecutive term. After the initial appointments  
127 are made, each subsequent vacancy shall be filled in accordance  
128 with the bylaws of the council. A member may not serve more than



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129 two consecutive terms. A member representing a manufacturer or a  
130 contractor must be employed by a manufacturer or contractor  
131 engaging in the trade of manufacture of concrete masonry  
132 products for at least 5 years immediately preceding the first  
133 day of his or her service on the board. All members of the board  
134 shall serve without compensation. However, the board members are  
135 entitled to reimbursement for per diem and travel expenses  
136 incurred in carrying out the intents and purposes of this  
137 section in accordance with s. 112.061, Florida Statutes.

138 (c) The council shall elect from its members a chair, vice  
139 chair, and a secretary-treasurer to a 2-year term each. The  
140 chair of the board must be a concrete masonry manufacturer.

141 (d) The initial board of directors shall adopt bylaws to  
142 govern initial terms of directors, governance of board members  
143 and meetings, term limits, and procedures for filling vacancies.

144 (4) ACCEPTANCE OF GRANTS AND GIFTS.—The council may accept  
145 grants, donations, contributions, or gifts from any source if  
146 the use of such resources is not restricted in any manner that  
147 the council considers to be inconsistent with the objectives of  
148 this section.

149 (5) PAYMENTS TO ORGANIZATIONS.—

150 (a) The council may make payments to other organizations  
151 for work or services performed which are consistent with the  
152 objectives of the program.

153 (b) Before making payments described in this subsection,  
154 the council must secure a written agreement that the  
155 organization receiving payment will furnish at least annually,  
156 or more frequently on request of the council, written or printed  
157 reports of program activities and reports of financial data that



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158 are relative to the council's funding of such activities.

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

162 (6) COLLECTION OF MONEYS AT TIME OF SALE.-

163 (a) If a self-imposed voluntary assessment is paid by a  
164 manufacturer, each manufacturer shall list on its invoice to the  
165 purchaser, at the time of sale by the manufacturer, such  
166 assessment. The amount of the assessment must be separately  
167 stated on all receipts, invoices, or other evidence of sale as  
168 the "Florida Building Sustainability Assessment."

169 (b) Each manufacturer that elects to self-impose a  
170 voluntary assessment shall commit to the assessment for a period  
171 of not less than 1 year and shall annually be authorized to  
172 renew or end the self-imposed voluntary assessment.

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

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

181 (7) BYLAWS.-The council shall, by September 30, 2013, adopt  
182 bylaws to carry out the intents and purposes of this section.  
183 These bylaws may be amended upon 30 days' notice to board  
184 members at any regular or special meeting called for this  
185 purpose. The bylaws must conform to the requirements of this  
186 section but may also address any matter not in conflict with the



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187 general laws of this state.

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

190 And the title is amended as follows:

191 Delete line 67

192 and insert:

193 and certification program to certify raters; providing  
194 a short title; creating the Florida Concrete Masonry  
195 Council, Inc.; authorizing the council to levy an  
196 assessment on the sale of concrete masonry units under  
197 certain circumstances; providing the powers and duties  
198 of the council and restrictions upon actions of the  
199 council; providing for appointment of the governing  
200 board of the council; authorizing the council to  
201 submit a referendum to manufacturers of concrete  
202 masonry units for authorization to levy an assessment  
203 on the sale of concrete masonry units; providing  
204 procedure for holding the referendum; authorizing the  
205 council to accept grants, donations, contributions,  
206 and gifts under certain circumstances; authorizing the  
207 council to make payments to other organizations under  
208 certain circumstances; providing requirements for the  
209 manufacturer's collection of assessments; requiring  
210 the council to adopt bylaws; providing