



413454

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/17/2014	.	
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The Committee on Regulated Industries (Detert) recommended the following:

**Senate Amendment**

Delete everything after the enacting clause  
and insert:

Section 1. Concrete masonry education.-

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

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



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11 organization of the Department of Economic Opportunity.  
12 (b) The council shall:  
13 1. Plan, implement, and conduct programs of education for  
14 the purpose of training individuals in the field of concrete  
15 masonry.  
16 2. Develop and improve access to education for individuals  
17 seeking employment in the field of concrete masonry.  
18 3. Develop and implement outreach programs to ensure  
19 diversity among individuals trained in the programs conducted  
20 pursuant to this section.  
21 4. Coordinate educational programs with national programs  
22 or programs of other states.  
23 5. Inform and educate the public about the sustainability  
24 and economic benefits of concrete masonry products in order to  
25 increase employment opportunities for individuals trained in the  
26 programs conducted pursuant to this section.  
27 6. Develop, implement, and monitor a system for the  
28 collection of a self-imposed voluntary assessment on each  
29 concrete masonry unit produced and sold by concrete masonry  
30 manufacturers in this state.  
31 7. Do all other things necessary or expedient for the  
32 administration of the affairs and achievement of the purposes of  
33 the council.  
34 8. By January 15 of each year, provide a report to the  
35 Governor, the President of the Senate, and the Speaker of the  
36 House of Representatives outlining the revenues received by the  
37 council, the percentage of the industry participating in the  
38 program, the use of the funds received, the number of  
39 individuals who have received training or assistance in the



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40 reporting year from the programs supported by the council, the  
41 goals and objectives for the year and methods of achieving those  
42 goals, and information relating to job placement and industry  
43 workforce needs.

44 (c) The council may:

45 1. Provide to governmental bodies, upon request,  
46 information relating to subjects of concern to the concrete  
47 masonry industry and act jointly or in cooperation with the  
48 state or Federal Government and their agencies in the  
49 development or administration of programs that the council  
50 considers to be consistent with the objectives of this section.

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

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

57 4. Employ subordinate officers and employees of the  
58 council, prescribe their duties, and fix their compensation and  
59 terms of employment.

60 5. Cooperate with any local, state, regional, or nationwide  
61 organization or agency engaged in work or activities consistent  
62 with the objectives of this section.

63 6. Meet with concrete masonry manufacturers in this state  
64 to coordinate the collection of self-imposed voluntary  
65 assessments on concrete masonry units.

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

68 (d)1. The council may not participate or intervene in any



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69 political campaign on behalf of or in opposition to any  
70 candidate for public office or any state or local ballot  
71 initiative, including, but not limited to, the publication or  
72 distribution of any statement.

73 2. The net receipts of the council may not inure to the  
74 benefit of or be distributable to its directors, its officers,  
75 or other private persons; however, the council may pay  
76 reasonable compensation for services rendered by council  
77 officers and employees and may make payments and distributions  
78 in furtherance of the purposes of this section.

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

82 a. That is exempt from federal income taxation under s.  
83 501(c)(3) of the Internal Revenue Code; or

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

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

89 1. Nine members representing concrete masonry manufacturers  
90 of various sizes, each of whom must represent a different  
91 manufacturer. Of these members, at least five must be  
92 representatives of manufacturers that are members of the Masonry  
93 Association of Florida.

94 2. One member representing a major building industry  
95 association in the state.

96 3. One member having expertise in apprenticeship or  
97 workforce education training.



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98           4. Two members who are masonry contractors and who are  
99 members of the Masonry Association of Florida.

100           5. One member who is not a masonry contractor or  
101 manufacturer or an employee of a masonry contractor or  
102 manufacturer but who is otherwise a stakeholder in the masonry  
103 industry.

104           6. The Chancellor of Career and Adult Education or his or  
105 her designee.

106           (b) The initial board of directors shall consist of 15  
107 voting members, with the Governor, the President of the Senate,  
108 and the Speaker of the House of Representatives each making five  
109 appointments after soliciting recommendations from the Masonry  
110 Association of Florida. Five of the initial board members shall  
111 be appointed to a 1-year term: two who are appointed by the  
112 Governor, two who are appointed by the President of the Senate,  
113 and one who is appointed by the Speaker of the House of  
114 Representatives. Five of the initial board members shall be  
115 appointed to 2-year terms: two who are appointed by the  
116 Governor, one who is appointed by the President of the Senate,  
117 and two who are appointed by the Speaker of the House of  
118 Representatives. Five of the initial board members shall be  
119 appointed to 3-year terms: one appointed by the Governor, two  
120 appointed by the President of the Senate, and two appointed by  
121 the Speaker of the House of Representatives. Each subsequent  
122 vacancy shall be filled in accordance with the initial  
123 appointment. Participation in the voluntary assessment on  
124 concrete masonry units is not a requirement of appointment.  
125 Thereafter, members shall be appointed to 3-year terms and may  
126 be reappointed to one additional consecutive term. In addition



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127 to the 15 voting members, the executive director of the  
128 Department of Economic Opportunity, or his or her designee,  
129 shall serve as an ex officio nonvoting member. A member  
130 representing a manufacturer must have been employed by a  
131 manufacturer engaging in the trade of manufacture of concrete  
132 masonry products for at least 5 years immediately preceding the  
133 first day of his or her service on the board. All members of the  
134 board shall serve without compensation but are entitled to  
135 reimbursement for per diem and travel expenses incurred in  
136 carrying out the intent and purposes of this section in  
137 accordance with s. 112.061, Florida Statutes.

138 (4) The council may accept grants, donations,  
139 contributions, or gifts from any source if the use of such  
140 resources is not restricted in a manner that the council  
141 considers to be inconsistent with the objectives of this  
142 section.

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

146 (b) Before making such payments, the council must secure a  
147 written agreement that the organization receiving payment will  
148 furnish at least annually, or more frequently on the request of  
149 the council, printed or written reports of program activities.  
150 The reports must include financial data relative to the  
151 council's funding of such activities.

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

155 (6) (a) The self-imposed voluntary assessment shall be paid



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156 for each masonry unit produced and sold by the manufacturer.

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

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

163 (d) The council shall maintain within its financial records  
164 a separate accounting of all moneys received under this  
165 subsection. The council shall provide for an annual financial  
166 audit of its accounts and records to be conducted by an  
167 independent certified public accountant licensed under chapter  
168 473, Florida Statutes.

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

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