

By Senator Richter

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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:

19
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 Education.

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 (c) The council may:

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

56 2. Sue and be sued as a council without incurring
57 individual liability of the members for actions of the council
58 when acting within the scope of the powers conferred by this

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59 section and in the manner prescribed by the laws of this state.

60 3. Maintain a financial reserve for emergency use, which
61 may not exceed 50 percent of the council's anticipated annual
62 income.

63 4. Employ subordinate officers and employees of the
64 council, prescribe their duties, and fix their compensation and
65 terms of employment.

66 5. Cooperate with any local, state, regional, or nationwide
67 organization or agency engaged in work or activities consistent
68 with the objectives of this section.

69 6. Meet with concrete masonry manufacturers in this state
70 to coordinate the collection of self-imposed voluntary
71 assessments on concrete masonry units.

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

74 (d)1. The council may not participate or intervene in any
75 political campaign on behalf of or in opposition to any
76 candidate for public office or any state or local ballot
77 initiative, including, but not limited to, the publication or
78 distribution of any statement.

79 2. The net receipts of the council may not inure to the
80 benefit of or be distributable to its directors, its officers,
81 or other private persons; however, the council may pay
82 reasonable compensation for services rendered by council
83 officers and employees and may make payments and distributions
84 in furtherance of the purposes of this section.

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

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88 a. That is exempt from federal income taxation under s.
89 501(c)(3) of the Internal Revenue Code; or

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

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

95 1. Nine members representing concrete masonry manufacturers
96 of various sizes, each of whom must represent a different
97 manufacturer. Of these members, at least five must be
98 representatives of manufacturers that are members of the Masonry
99 Association of Florida.

100 2. One member representing a major building industry
101 association in the state.

102 3. One member having expertise in apprenticeship or
103 workforce education training.

104 4. Two members who are masonry contractors and who are
105 members of the Masonry Association of Florida.

106 5. One member who is not a masonry contractor or
107 manufacturer or an employee of a masonry contractor or
108 manufacturer but who is otherwise a stakeholder in the masonry
109 industry.

110 6. The Chancellor of Career and Adult Education or his or
111 her designee.

112 (b) The initial board of directors shall be appointed by
113 the Governor after soliciting recommendations from the Masonry
114 Association of Florida. Five of the initial board members shall
115 be appointed to serve 1-year terms, five shall be appointed to
116 serve 2-year terms, and the remaining five shall be appointed to

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117 serve 3-year terms. Each subsequent vacancy shall be filled in
118 accordance with the bylaws of the council. Thereafter, each
119 board member shall be appointed to serve a 3-year term and may
120 be reappointed to serve an additional consecutive term. A member
121 may not serve more than two consecutive terms. A member
122 representing a manufacturer must have been employed by a
123 manufacturer engaging in the trade of manufacture of concrete
124 masonry products for at least 5 years immediately preceding the
125 first day of his or her service on the board. All members of the
126 board shall serve without compensation but are entitled to
127 reimbursement for per diem and travel expenses incurred in
128 carrying out the intent and purposes of this section in
129 accordance with s. 112.061, Florida Statutes.

130 (4) The council may accept grants, donations,
131 contributions, or gifts from any source if the use of such
132 resources is not restricted in a manner that the council
133 considers to be inconsistent with the objectives of this
134 section.

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

138 (b) Before making such payments, the council must secure a
139 written agreement that the organization receiving payment will
140 furnish at least annually, or more frequently on the request of
141 the council, printed or written reports of program activities.
142 The reports must include financial data relative to the
143 council's funding of such activities.

144 (c) The council may require adequate proof of security
145 bonding on the payments to any individual, business, or other

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146 organization.

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

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

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

155 (d) The council shall maintain within its financial records
156 a separate accounting of all moneys received under this
157 subsection. The council shall provide for an annual financial
158 audit of its accounts and records to be conducted by an
159 independent certified public accountant licensed under chapter
160 473, Florida Statutes.

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

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