

CHAPTER 2014-175

Committee Substitute for Committee Substitute for Senate Bill No. 286

An act relating to concrete masonry education; providing a short title; creating the Florida Concrete Masonry Education Council, Inc.; requiring the council to operate under a written contract with the Department of Economic Opportunity; providing powers and duties of the council; providing restrictions; providing for appointment and terms of the governing board of the council; authorizing the council to accept grants, donations, contributions, and gifts under certain circumstances; authorizing the council to make payments to other organizations under certain circumstances; providing for collection of a voluntary assessment on concrete masonry units; requiring manufacturers who elect to pay the assessment to commit to paying the assessment for a specified period; requiring the council to adopt bylaws; providing for the adoption of bylaws and amendments to bylaws; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. This section may be cited as the “Concrete Masonry Education Act.”

Section 2. Concrete masonry education.—

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

(b) The council shall operate under a written contract with the department which provides, at a minimum, for:

1. Approval of the articles of incorporation and bylaws of the council by the department.

2. Submission of an annual budget for approval by the department.

3. Reversion of moneys and property held in trust by the council for concrete masonry education to the department if the council ceases to exist or to the state if the department ceases to exist.

(c) The council shall:

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

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

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

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

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

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

7. Submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 15 of each year outlining the revenues received by the council, the percentage of the industry participating in the programs, the use of the funds received, the goals and objectives for the year and the methods of achieving such goals and objectives, the number of individuals who have received training or assistance from the programs supported by the council, and information relating to job placements and industry workforce needs.

(d) The council may:

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

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

3. Maintain a financial reserve for emergency use, the total of which must not exceed 10 percent of the council's anticipated annual income.

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

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

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

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

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

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

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

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

(2)(a) The Florida Concrete Masonry Education Council, Inc., shall be governed by a board of directors composed of 13 voting members appointed by the Governor as follows:

1. Upon receipt of recommendations from the Masonry Association of Florida, eight members who represent concrete masonry manufacturers of various sizes, at least five of whom must be representatives of manufacturers that are members of the Masonry Association of Florida. A manufacturer may not be represented by more than one board member.

2. One member who represents a major building industry association in the state.

3. One member who has expertise in apprenticeship or workforce education training.

4. One member who is not a masonry contractor or manufacturer or an employee of a masonry contractor or manufacturer but who is otherwise a stakeholder in the masonry industry.

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

(b)1. Five of the initial board members shall be appointed to serve 1-year terms, four of the initial board members shall be appointed to serve 2-year terms, and four of the initial board members shall be appointed to serve 3-year terms.

2. Each subsequent vacancy on the board of directors shall be filled in accordance with the initial appointment. Thereafter, each board member shall be appointed to serve a 3-year term and may be reappointed to serve an

additional consecutive term. However, a member may not serve more than two consecutive terms.

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved by the Governor June 20, 2014.

Filed in Office Secretary of State June 20, 2014.