

A bill to be entitled

An act relating to concrete masonry education; providing a short title; creating the Florida Concrete Masonry Education Council, Inc.; 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 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) 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 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
 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, on request, information
 51 relating to subjects of concern to the concrete masonry industry
 52 and act jointly or in cooperation with the state or Federal

53 Government, and agencies thereof, in the development or
54 administration of programs that the council considers to be
55 consistent with the objectives of this section.

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

60 3. Maintain a financial reserve for emergency use, the
61 total of which must not exceed 50 percent of the council's
62 anticipated annual 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
67 nationwide organization or agency engaged in work or activities
68 consistent 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 that 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 in any part
 80 inure to the benefit of or be distributable to its directors,
 81 its officers, or other private persons; however, the council may
 82 pay 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:

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

95 1. Nine members representing concrete masonry
 96 manufacturers of various sizes. Of these board members, at least
 97 five must be representatives of manufacturers that are members
 98 of the Masonry Association of Florida. A manufacturer may not be
 99 represented by more than one member of the board.

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
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 intents and purposes of this section in
129 accordance with s. 112.061, Florida Statutes.

130 (3) 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 (4) (a) The council may make payments to other
136 organizations for work or services performed that are consistent
137 with the objectives of this section.

138 (b) Before making payments described in this subsection,
139 the council must secure a written agreement that the
140 organization receiving payment will furnish at least annually,
141 or more frequently on request of the council, written or printed
142 reports of program activities and reports of financial data that
143 are relative to the 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
146 organization.

147 (5) (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
156 records a separate accounting of all moneys received under this

HB 147

2014

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

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

By Senator Richter

23-00309-14

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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
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23 (2) (a) There is created the Florida Concrete Masonry
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27 (b) The council shall:

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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
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69 6. Meet with concrete masonry manufacturers in this state
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84 in furtherance of the purposes of this section.

85 3. Notwithstanding any other provision of law, the council
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88 a. That is exempt from federal income taxation under s.
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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
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101 association in the state.

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112 (b) The initial board of directors shall be appointed by
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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
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134 section.

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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
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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.

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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
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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
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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.



Support HOUSE BILL 147(Caldwell)/SENATE BILL 286 (Richter)

Keep Florida's Economic Recovery on Track!!!

- FLORIDA'S POLITICAL AND BUSINESS LEADER'S HAVE MADE OUR STATE A BEACON FOR HOW TO ENGINEER AN ECONOMIC RECOVERY:
 - Florida has experienced positive annual job growth for 36 consecutive months.
 - Florida has created 369,100 new private sector jobs since December 2010.
 - Florida is expected to create almost 1.1 million new jobs by 2018, according to the Florida Economic Estimating Conference.

- EVERY AREA OF FLORIDA IS RAMPING BACK UP:
 - Florida housing starts were up 34.9 percent.
 - In raw numbers, among more than 360 metropolitan areas nationwide, Orlando in the second quarter surpassed all but four in terms of building-permit activity.
 - Miami has 1.15 million square feet of shopping center space under construction.
 - Hillsborough County leads the Southeast in construction spending in the 2nd Quarter of 2013 at over \$618 million.

- BUT IT IS IMPERATIVE WE PROVIDE THE WORKFORCE TO KEEP THE WHEELS IN MOTION:

"Lack of Skilled Builders Feared as Economy Lifts"

"....The implications are huge; a full economic rebound won't be possible without a robust comeback in the construction industry." – USA TODAY, March 12, 2013

"US Home Construction is Rebounding, But Builders Say They Can't Find Enough Qualified Workers"

(If not for the labor shortage,) "I would be able to build more homes this year and meet more demand than I can handle today." Vishaal Gupta, president of Park Square Homes in Orlando – ASSOCIATED PRESS May 9, 2013



The Concrete Masonry Education Council will keep our State Leading the Nation in this Recovery

- A SELF-FUNDED PROGRAM DEDICATED TO EDUCATING THE NEXT GENERATION OF FLORIDA'S CONCRETE MASONS -
 - Current Pre-apprentice Programs are based in High Schools, Adult and Juvenile Technical Training programs.
 - These highly successful programs have a proven track record for preparing individuals to enter a masonry apprenticeship program.
 - Florida needs to expand its Masonry Apprenticeship Program and can do so through this industry funded effort.
 - The greater the number of available slots in the masonry apprenticeship programs will result in more Floridians entering the workforce at higher skill level, as well as a higher income bracket.
 - Further, the construction industry, along with Florida's overall economy will benefit through the availability of trained masons who installed a product that is mined and manufactured in Florida, by Floridians.

- THE LEGISLATION -
 - Creates the Florida Concrete Masonry Education Council.
 - The Council would be a Direct Support Organization under the Florida Department of Education.
 - Programs conducted by the Council would be funded by a voluntary assessment on concrete masonry block units.
 - Manufacturers of concrete masonry block are overwhelmingly supportive of this education initiative as it is critical to the vitality of this Florida industry, along with our state's continued economic recovery.

EVERY MASONRY APPRENTICE REPRESENTS A FUTURE FLORIDA BUSINESS; BY LETTING OUR INDUSTRY SUPPORT THEM, YOU SUPPORT FLORIDA'S ROAD TO RECOVERY



HOUSE BILL 147(Caldwell)/Senate Bill 286 (Richter)

Why has the bill not passed up to this point?

- As most every experienced legislator knows, even the most important bills take time to garner the understanding and comfort level needed to get through the process within the 60 day window. Concrete Masonry Education is not the most glamorous of issues, but it is important to our industries. We did not make any pretense that this would ever raise to the mantle of being a “must-pass” bill for House and Senate leadership. We have, however, met with legislators, stakeholders and the Executive branch and have been encouraged at every turn. The time is clearly right for the passage of the Concrete Masonry Education Council Act.

What is in the current bill?

- It creates a Direct Support Organization, 501 C-3 under the Florida Department of Education known as the Concrete Masonry Education Council to educate individuals and coordinate construction education, including, but not limited to, Masonry education in Florida.
- Authorizes the Council to 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.
- Prohibits any participation of the Council in the furtherance of a candidate or political initiative.
- It gives standard direction and parameters of which all Direct Support organizations are subject.
- It has a 15 member council as follows:
 - o 9 manufacturers of concrete masonry Block of varying sizes.
 - At least 5 must be Masonry Association of Florida Members.
 - Each manufacturer must be in business for at least 5 years in the state.
 - No more than 1 seat per company.
 - o 1 member from a building association.
 - o 1 member who is an expert in apprenticeship or workforce education.
 - o 2 Masonry Contractors (must be MAF members)
 - o 1 non-contractor, non-manufacturer, yet who is a stakeholder in the industry.
 - o The Chancellor of Career and Adult Education.
- Appointed by the Governor, initially divided into thirds of 1, 2, and 3 year terms. No more than 2 consecutive terms.
- Provides for audits.
- Must have bylaws formulated by September 30, 2014 with provisions for succession.

What is the different between last year's bill and this year's bill?

- The vehicles in 2012 were sponsored by Representative Caldwell and Senator Bennett.
- The House vehicle did not move out of its first committee of referral.
- The Senate vehicle made it through committees and to the Finance and Tax Subcommittee.

- The vehicles in 2013 were sponsored by Representative Davis and Senator Grimsley.
- The House vehicle made it to the floor as an amendment to HB1245.
- The Senate vehicle made it to Full Appropriations as an amendment to SB1080.

- This year, they are sponsored by Representative Caldwell (HB147) and Senator Richter.

- The difference between the original filed bill and where we are today with the help, input and guidance of all the stakeholders.
 - o The original bill dictated that a mandatory predetermined assessment could be levied on all masonry units following an industry referendum.
 - o The original bill's assessment was mandatory and enforceable upon all block producers.
 - o The bill going forward allows for a voluntary assessment that is determined by the council and participation is at the discretion of each block producer.
 - o The bill going forward has the greatest possible emphasis on education.

What will be the rate of the voluntary assessment?

- The suggested rate of nonbinding assessment will be determined by the Council as outlined in the bylaws which will be formulated in accordance with statute.

How will the money be spent and what are the parameters of what it can be used for?

- As dictated by the legislation, the money is to be spent on education of masonry professionals; specifically, to train unskilled apprentices to be masonry contractors.
- Further, the Council may pool its efforts with other state and federal organizations in order to maximize the aim of creating more available masonry professionals in the workforce.
- In order to provide a viable industry whose employment is maximized, the Council may also educate the public in regards to use of concrete masonry products, as well as advance the industry through research.

Why do you need to set up a Direct Support Organization; further, why not collect the money yourselves?

- Federally ant-trust laws are a regulatory impediment that precludes any industry from discussing assessments on their products, no matter how noble is the cause.
- The Council needs the protection and regulatory relief this bill provides in order to accomplish the mission.
- A Direct Support Organization, working with the Department of Education's Division of Adult and Career Education, would allow the Council to utilize and benefit from the available resources, network and assets for which their tax dollars are currently paying.

How will this affect the price of Masonry Block?

- Any initial affect is imperceptible; however, over time, the efforts of the Concrete Masonry Education Council will help to lower costs with the availability of more masonry professionals.

What is the benefit to Floridians?

- The Concrete Masonry Education Council would be a benefit to all concerned, as well as to Florida's economy.
 - o The Concrete Masonry Block industry in Florida is one of the very few cradle-to-end-use industries our state has and the use of its products employs more Floridians, pays more taxes and keeps property insurance costs down like no other material, imported or domestic.
 - o A shortage in masonry professionals drives up costs and hurts this Florida made product's market position.
 - o Florida's masonry concrete block producers have created the production capacity to meet demand, but realize that nothing happens without a professionally trained Mason.
 - o Masons understand that a shrinking profession means consumers looking more often to build in materials other than Concrete Masonry Block.
 - o The end goal will be to provide highly sustainable and resilient residential and commercial buildings at the lowest possible cost built by Florida's workforce, using Florida manufactured products.

Who is supporting this bill?

- The Masonry Association of Florida, the Concrete Coalition of Florida and numerous construction industry associations throughout the state.
- They have seen the success that has benefited all of the construction industry through the efforts of the Masonry Education Foundation which is the sponsor for The National Center for Construction Education and Research pre-apprenticeship programs that are in 120 schools throughout 43 counties in Florida, preparing thousands of students for a host of apprenticeship programs.
- The Concrete Masonry Education Act would provide the continuing education necessary to take a pre-apprentice Mason through apprenticeship and onto certification.

Who would be opposed to this bill?

- Materials who are competitors in the marketplace, for no other reason than the belief that "anything that is of benefit for our competitors must be stopped, no matter how noble the cause."
 - o Many of these materials are imported and cannot match the positive economic impact that Florida Masonry has on our State.
- Individuals who mistakenly or purposely profess that this legislation will drive up the cost of a home. Their logic being, that no matter if they understand and know that this is a good bill, they might fear that left unchecked, the construction industry will see a landslide of similar and less worthy proposals in the future.
- Individuals who just like to mess with the efforts of others, just so they can say they were the reason for its failure and build a reputation as some sort of gatekeeper in the legislative process.

What will you do if the bill doesn't pass?

- It is too premature for contingencies; we have full faith in the Legislature, having been made comfortable and familiar with this important bill, will do what is right for our State and those young adults who are so in need of the opportunities this bill provides.