



ABC is Florida's largest professional management association of commercial, industrial and institutional general contractors, specialty contractors, associates and suppliers.

Ranked by the U.S. Congress among the most influential organizations in the country, ABC was founded on and remains committed to our three-fold mission of safety and skills training, government and political affairs, and business development. ■

*Please call ABC if you have any questions about any commercial construction issue.*

*Other issues may arise during the Session. ABC will be monitoring them and contact you with ABC's position.*

For more information, please contact:

#### Tallahassee

Rick Watson, ABC Legal Counsel  
Associated Builders & Contractors Florida  
Post Office Box 10038,  
Tallahassee, Florida 32302  
(850) 222-0000 Phone • (850) 222-9059 Fax  
rick@rwatsonandassociates.com

#### District

Peter M. Dyga, Vice President Government Affairs  
Associated Builders & Contractors, Inc.  
Florida East Coast Chapter  
3730 Coconut Creek Parkway, Suite 200  
Coconut Creek, Florida 33066  
(954) 984-0075 Phone • (954) 984-4905 Fax  
pdyga@abceastflorida.com

## Associated Builders and Contractors Florida Chapters

**ABC Central Florida Chapter, Orlando**  
Mark Wylie, President & CEO  
Phone (407) 628-2070 Fax (407) 629-0144  
email: mwylie@abccentralflorida.org

**ABC First Coast Chapter, Jacksonville**  
Karin Tucker, President & CEO  
Phone (904) 731-1506 Fax (904) 731-1507  
email: ktucker@abcfirstcoast.com

**ABC Florida East Coast Chapter,  
Corporate Office, Coconut Creek**  
Dan Shaw, President & CEO  
Phone (954) 984-0075 Fax (954) 984-4905  
email: dshaw@abceastflorida.com

**ABC Florida East Coast Chapter  
Miami-Dade Regional Office, Miami**  
Kara Marante, Regional Vice President  
Phone (305) 455-0956 Fax (305) 455-0958  
email: kmarante@abceastflorida.com

**ABC Florida East Coast Chapter  
Space Coast Regional Office, Cocoa**  
Jan Miorelli, Regional Vice President  
Phone (321) 632-3332 Fax (321) 632-3382  
email: jmiorelli@abceastflorida.com

**ABC Florida Gulf Coast Chapter, Tampa**  
Steve Cona, Jr., President & CEO  
Phone (813) 879-8064 Fax (813) 876-1970  
email: stevecona@abcfllgulf.org

**ABC North Florida Chapter, Tallahassee**  
Martha Pelham, President & CEO  
Phone (850) 385-0060 Fax (850) 386-8322  
email: mpelham@abcnorthflorida.org

**ABC North Florida Chapter  
Western Region Office**  
Jessica White, Director  
Phone (850) 258-1087 Fax (850) 386-8322  
email: jwhite@abcnorthflorida.org



**Associated Builders  
and Contractors, Inc.**

**Florida**



# Legislative Goals 2011

[www.abcfllorida.com](http://www.abcfllorida.com)

# 2011 Key Legislative Issues

THE Voice of Commercial Construction



## “Open Competition Act”

98% of the contractors in Florida are “Merit Shop” contractors, “...companies which reward employees based on performance and encourage them to reach their highest level of achievement, and in which contracts are awarded based on safety, quality and value, regardless of labor affiliation”. Only 2% of Florida contractors are “union” contractors. Therefore, when bidding opportunities are limited to only those contractors who agree to hire union employees, as is done in union only “Project Labor Agreements”, 98% of Florida’s construction businesses are discriminated against.

Unfortunately, “PLA” provisions are beginning to appear more frequently in Florida, especially on projects involving federal funds. The “Open Competition Act” would prohibit discriminatory, union only “Project Labor Agreements” when state taxpayer dollars are used to fund any portion of a project. Since many public projects often involve a mix of federal, state or local taxpayer funds, this bill would enhance Florida’s business environment and will help achieve the goal of creating more jobs for Florida’s Merit Shop contractors, rather than out-of-state union contractors. ■

## “Save Our Secret Ballot”

### Constitutional Amendment

The right to conduct union certification elections by secret ballot is under assault by Washington. Last November the voters of four (4) states adopted identical constitutional amendments by over 60% in each state (Arizona, Colorado, South Carolina and South Dakota). Floridians deserve no less than to enshrine the right to vote by secret ballot in their constitution. ■

## Immigration and “Safe Harbor”

Florida businesses acting within the provisions of existing immigration law should not be subject to employment discrimination lawsuits. Any new state immigration laws must include a “safe harbor” provision. ■

## “Fair Competition Act”

Bidding preferences to “local” contractors restricts competition and consequently increases the burden on local taxpayers. The majority of Florida voters in a recent poll by McLaughlin & Associates, indicate they oppose special consideration for local contractors (50%-38%). Opposition increases among Republican (57%-34%) and African American (67% to 26%) voters. The “Fair Competition Act” would add “construction services” to the existing state law granting a preference to Florida businesses (F.S. 287.084). Under the Act Florida businesses, when competing with a “lowest responsible and responsive” bidder whose principle place of business is in a state which grants a “local preference”, would receive a bid preference equal to the out-of-state contractor.

Local preference ordinances would be preempted by the Act, providing equal treatment to all Florida contractors, many of which are granted state-wide contractor licenses by the State. ■

## Jessica Lunsford Act

Two Legislative attempts at providing clarification and uniformity to school safety and security have failed. Local school districts continue to “interpret” the law as a “floor” and expand the intent of the Legislature by delineating additional statutory “convictions” which disqualify a person under the Act. Provisions in the law that intended to provide an exemption for workers quarantined by a fence and to minimize the cost of criminal history screening, are being ignored. If we are serious about making Florida a

more business friendly state where jobs can be created, the Legislature needs to strengthen the Jessica Lunsford Act so that inconsistencies, which are needlessly adding to the expenses of Florida business, are eliminated. ■

## Construction Site/Crane Safety

The apparent lack of high profile crane/construction site accidents, nor the Appellate court victory by industry, has abated the urgent need for a uniform, state-wide safety standard. In fact, recent comments in the “preamble” of the new OSHA “Cranes and Derricks Standards”, which have no binding authority in law, may have encouraged local government to once again begin enacting their own local “standards” and/or to ignore the ruling of the 11th Circuit Court of Appeals.

Now more than ever, if we are to be a business friendly state where regulation is understandable, measurable and reasonable, we need a uniform, state-wide crane safety standard, not sixty-seven (67) individual standards. ■

## Apprenticeship

There are many apprenticeable trades but only one is required by state law for the student to be “employed” to continue to receive training. Ironically, while “lab” work for auto mechanics or beauticians may qualify under state law to receive the necessary “on-the-job” component of apprenticeship training, construction apprenticeship **alone** does not provide for this. At a time when more than 27% of the construction workforce is unemployed, it is heart-breaking to have to tell a third or fourth year apprentice, that the State of Florida is requiring us to drop him or her from the program. Please make a simple change in Florida law which would provide for the option of meeting necessary OJT components of apprenticeship training through lab hours. ■

visit us on the web at  
[www.abcflorida.com](http://www.abcflorida.com)