

Key Issues...

Decrease the "Statute of Repose"

The "Statute of Repose" is the time frame in which an action may be brought against a contractor for "latent" or hidden defects in a project. The current statute allowing fifteen (15) years to discover latent defects places too great a cost on business and consumers, and in nearly every case an unrealistic burden. When projects are completed and the statutory limits for filing claims on surety bonds has passed (normally 5 years) it's unfair to expose contractors to this liability.

Nationally Florida has the longest "Statute of Repose" at fifteen (15) years. The nation-wide average is seven (7) years with the neighboring states of Georgia and Alabama having a "Statute of Repose" of eight (8) and seven (7) years respectively.

Statutory warranties for condominium construction expire after three (3) years, liability insurance is not commercially available for more than ten (10) years and the statute of limitations for an action against a performance bond is five (5) years. It makes little sense to hold contractors to a standard that is not only considerably longer than the national average but also which is difficult or impossible to meet given the existing statutory or market driven barriers.

Expand the "Notice and Right to Cure" Statute HB 1139 & SB 2036

Enactment of this law would afford commercial contractors the same opportunity currently afforded residential contractors to correct any alleged harm before litigation could commence against the company. Such reform was enacted two (2) years ago for "residential" construction but omitted commercial contractors. The "Notice and Right to Cure" provisions in no way limits any party's legal rights or remedies but only provides opportunities to avoid costly litigation and ease the burden on the judicial system.

Workers' Compensation

Oppose substantive changes to chapter 440

ABC supports the comprehensive reform passed in 2003 and is opposed to any substantive changes in workers compensation. We have realized three (3) consecutive years of reductions in workers compensation rates in construction as a result of the reforms the Legislature passed in 2003.

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2006 Legislative Goals



The Florida Senate Chamber



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ABC is a professional management association of commercial, industrial and institutional contractors, associates & 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 membership services.

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2006 Legislative Goals



The Jessica Lunsford Act

In our ongoing battle to reform the Jessica Lunsford Act ABC members have generated thousands of e-mails to and spoken with nearly every legislator. This issue remains one of the top legislative priorities of ABC members. Through the hard work of many contractor, subcontractor and attorney members of ABC, we have developed proposed language and testified before Legislative Committees to reform the JLA. We have even obtained the endorsement of our language by the Construction Coalition in Tallahassee.

Nevertheless the political obstacles to trying to change a law related to the protection of school children is very challenging. Despite our efforts and the effort of countless other individuals legislators have heard from on this subject (school volunteers, the school districts, referees, umpires and judges of school athletics, etc.) our members often times feel the process is intent on maintaining the fingerprinting requirements.

We believe the Jessica Lunsford Act can be reformed to be BOTH stronger and more manageable. ABC believes this can be accomplished through two small changes to the law.

- Allow contractual personnel to file affidavits with the school districts, where they will perform work, stating that all their site and/or field employees/personnel who have access to school grounds when student are present have been checked against the state (FDLE) and federal (USDOJ and FBI) sexual predators and sexual offenders registries.

- Make filing a false affidavit a felony (current law provides no penalties for failure to comply by either contractual personnel or school districts).

We're grateful that attempts have been made to clarify problems brought about by varying interpretation of "moral turpitude" as well as the sharing of information between school districts and/or providing a state "clearinghouse" for this information but feel the law is still in need of reform.

Support Meaningful Legal Reform HB 145 & SB 2006

ABC supports the business community's call for the elimination of "joint and several" liability. Doing so is not only fair but much needed common sense reform to keep Florida competitive and to help control escalating tort expenses and associated insurance costs to Floridians. The existing practice of holding someone financially responsible for up to 100% of damages when they may have only been responsible for a much smaller fraction of the accident ("Joint and Several Liability") must end. Please support the elimination of "Joint and Several Liability" and enact a more fair system which holds a person/business accountable only for those damages they are judged to be responsible for causing.

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