



2012 Key Legislative Issues

ABC of Florida has dedicated its 2012 Legislative Goals to issues that assist the commercial construction industry in two areas - Job Creation and Improving Government Regulation of our Industry. With an unemployment rate in construction of 18% in Florida, contractors have been particularly hard hit by the recession. The industry is currently employing 47% fewer individuals than it did during the boom times. To climb out from this recession the industry must focus their attention on legislative initiatives that make Florida more attractive to new and vibrant businesses.

“Public Private Partnerships”

Bill Number HB 337

Public Private Partnerships (also known as PPP or P3 agreements) exist when a private business venture is funded and operated through a partnership of government and one or more private sector companies. Historically in these agreements, the private entity provides a public service or project and assumes financial, technical and operational risk of the project. As a result of the ongoing recession, many shovel ready projects that could put people in our industry back to work have been shelved due to economic uncertainty and a fear of taking on new and additional liabilities by governments and banks. The PPP or P3 option is a different way to approach the procurement process that makes these projects more attractive to funding partners. ABC is supportive of extending current PPP statutes to include government, education and special districts as parties who can take advantage of this process. *Result – Job Creation.*

“Support Florida’s Ports System”

Bill Number

The Legislature must continue to support our state’s ports financially. In order for Florida to maintain a competitive edge not only in the shipping industries but in the travel and tourism markets as well, we must ensure that we continue to improve, modernize, and secure our multiple ports. Florida continues to be a top vacation destination and by continuing to support our Ports we are taking steps to ensure that people continue to visit them. ABC is supportive of dredging and other port related projects that make certain that one of the world’s oldest industries continues to thrive in Florida. *Result – Job Creation.*

“Support Florida’s Educational Institutions”

Bill Number

In recent years the Public Education Capital Outlay (PECO) fund has been cut back due to the reduction in use of land line phones as well as Florida’s continuing budgetary problems. Additionally, Florida’s reputation for providing strong educational opportunities for students of all ages continues to lag behind other areas of the country. If Florida is going to be competitive on a national scale with our education we must make the quality of our schools a top priority. Increasing enrollment in colleges and universities and an aging infrastructure justify the PECO expenditures. All the projects have matching funds which are leveraged to complete the construction projects. *Result – Job Creation.*

“Open Competition Act”

Bill Number

98% of the contractors in Florida are non-union. At ABC we believe in the Merit Shop Philosophy which means that with public construction projects, contracts should be awarded based on safety, quality and value, regardless of the labor affiliation or lack thereof by the bidding party. 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 public projects when state taxpayer dollars are used to fund any portion of the project. Since many public projects often involve a mix of federal, state or local taxpayer funds, this bill would enhance Florida’s business environment by allowing for increased competition by 98% of the industry in Florida. *Result – Competitive and Attractive Job Market.*

“Fair Competition Act”

Bill Number

In periods of economic downturn, local governments often pass such ordinances to offer assistance to the “local” company. These efforts decrease competition, drive up costs, and increase the burden on the local taxpayers who fund the projects. Additionally, these trade barriers end up hurting the local companies they intend to assist by placing them at a competitive disadvantage when they bid on work outside of their protected area.

The majority of Florida voters in a poll by McLaughlin & Associates, indicate that they oppose special consideration for local contractors (50%-38%). Opposition increases among Republican (57%-34%) and African American (67-26%) of the voters.

The Fair Competition Act would add “construction services” to the existing state law granting a preference to 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”. These Florida companies would receive a bid preference equal to the out-of-state contractor. Additionally, 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. *Result – Competitive and Attractive Job Market.*

“Workplace Security Act”

Bill Number

ABC supports the use of Class II Security checks to prevent sexual offenders on school sites, but local school boards have a myriad of standards without reciprocity among the districts. Local school districts continue to “interpret” existing statutes as the “floor” and expand the intent of the Legislature by delineating additional statutory “convictions” which disqualify a person for clearance. Employers are often put through the incredible expense of getting each employee multiple clearances if they work in several counties and recertifying employees when they change jobs. If we are serious about making Florida a more business friendly state where jobs can be created, the Legislature needs to clarify this clearance process so that any inconsistencies, which needlessly add to the expense of Florida businesses, are eliminated. *Result – Competitive and Attractive Job Market.*



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THE Voice of
Commercial Construction

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.

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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.

Get into politics or get out of business!



ABC Members from across the state on the steps of Florida's Capitol Building at the 2011 Legislative Conference.

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