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FLORIDA EAST COAST CONSTRUCTOR



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PRESIDENT'S MESSAGE



I want to take this opportunity to advise the membership of our operating status. It is your right to know how this chapter is doing. We have a talented board of directors, executive director and staff who are committed to serving you. It's our obligation to keep you informed about the chapter's activities and how you can benefit. Communicating to the general membership

on a regular basis about the local and national issues will hopefully give each of you the feeling that this is your trade association.

Having a qualified, trained and safe workforce is probably the issue of highest significance to our members. It is fundamental to the success of this organization to continue to grow and improve our apprenticeship program. At PBCC, we just applied to start a roofing apprenticeship program, this in addition to currently offering carpentry, electrical, and sheet metal. The apprenticeship program represents about 50 percent of the overall revenues of our chapter and is obviously an important component to the financial success of our chapter. General contractors and specialty contractors can support this program by enrolling employees or

potential employees. Our chapter has a full safety program offering on-line training, job-site, and in-house training. Our training center is located right in our building.


As members, you need to know that you have a financially strong chapter with a fiscally responsible board and staff. The chapter has operated within budget for the past several years. We are financially strong, but we still are challenged with a negative operating budget deficit this year. Increasing membership and growing the apprenticeship programs will assist in eliminating our deficit. About 90 percent of our operating budget is derived from apprenticeship and membership revenues and we are always searching for non-dues revenue making opportunities.

Our goal this year is to establish an emphasis on recruiting new members in all categories including general contractors, specialty contractors and service providers. All categories of membership are important to our success and each has its benefits. We ask that you assist and ask your respective business associates and peers to join. Our staff and the membership committee have prepared professional membership packages that can be provided to prospective members. Please call the office if you would like to obtain some or forward them to a prospective member.


I look forward to serving the membership this year! 🙏

Robert W. Rawe II, President


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EXECUTIVE DIRECTOR'S MESSAGE

Thank you to all who attended the 58th Annual Dinner and Installation of Officers. It was a great success! 240 people attended and all had a wonderful time eating, dancing and honoring several great members for their leadership efforts. I was pleased that Steve Sandherr, CEO & President of AGC of America, Inc., was able to join us and update us on some key issues at the national level. FEC strives to work

closely with AGC of America, Inc., so members may realize the best return possible on their membership dues by all that they can take advantage of at both levels.

Andrea Serraes did some wonderful things as our past year's president, and I'd like to thank her for all of her hard work and dedication. She was a pleasure to work with. As Sandherr informed

our membership, our chapter made AGC national history by having a female executive director and a female president at the same time, something we are both proud of.

Bob Rawe, our new president, is excited about his presidency as am I, and I know he will forge ahead to make a positive impact on our chapter.

We have a lot in store for our membership this year with a full array of training and events (please go to www.agcfla.com to view). We started off our year with membership growing and implementing STP on-line training, an additional service for our members and requested by our members.

I am so proud to be your executive director. It's wonderful to work with such a team oriented membership. As Bob stated in his message, our main focus will be on increasing our membership, and our members are the best people to help with that. Tell your subs and your subs' subs about us. You can help spread the word on the value AGC adds to your company. 📢

Thank you,
Michelle Anaya, Executive Director

If you have any company announcements, job profiles or any articles you'd like to contribute, please don't hesitate to E-mail me at michelle@agcfla.com.

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A VISIT TO EAGLE NEST

By George Pienkowski, Director of Apprenticeship
and Training



EAGLE NEST

I had the pleasure of visiting Eagle Nest, a project of the Atlantic Construction Academy of Atlantic Community High School in Delray Beach with Skip Gladwin and Andrea Serraes of the Florida East Coast Chapter AGC Board of Directors and our Apprenticeship Committee. Jerry Crocilla, coordinator of the project, is very passionate about teaching his students the construction industry and safety while on the job.

Their current project is a new home being built by students of Atlantic Community High School under the supervision of Jerry and an onsite contractor. Students are exposed to different areas of the construction industry. Students entering the Construction Academy as a freshman receive four years of instruction in drafting, architecture, woodworking, surveying, plumbing, masonry, carpentry, electrical, painting and landscape. After learning and mastering their skills in the classroom the students then job site and put their new skills to work. Even the design of the home came from a design competition from the Drafting Students at Atlantic Community High School. The project called for a 3 bedroom - 2-bath home with 1,500 sq. ft. under air and a 1-car garage. The home was to have design elements to make it blend in with the existing neighborhood. Eagle Nest is truly a project being completed by the students in every way.

EAGLE NEST, TROJAN HOUSE AND THE AGC

Eagle Nest is looking to AGC for help and guidance with their projects. Lake Worth High School's construction program (Trojan House), run by Gary Swigert, was also present this visit, and all discussed possibilities of coordinating our curriculum so graduating students can step right into the AGC Apprenticeship Program. Both programs asked us to provide a list of requirements for students going into the workplace. This list would include tools and safety equipment such as hardhats, safety glasses, and boots. We will meet again soon to discuss how we can all work together to help these students on their way to careers in the construction industry. 🏠

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2007

Although property tax reform has dominated the headlines for weeks, there is still no sign of consensus. At the same time, legislators are beginning to prepare a leaner state budget, since revenue forecasters project that the state will collect about \$1 billion less in tax revenue over the next two years. The latest on property tax reform appears below, along with a list of important bills and issues the AGC is pursuing in the interests of Florida's general contractors.

PROPERTY TAX REFORM AGC POSITION: **SUPPORT**

While everyone seems to agree that property taxes are too high, legislators in the House and Senate made no measurable progress on a comprehensive tax reform plan. The only significant development lately was the unveiling of a property tax reform plan by Senate Democrats, which is discussed below. Senate Republicans have already declared one element of that plan a "non-starter" – in exchange for allowing some portability in the tax savings generated by Save Our Homes, Senate Democrats propose to move the Save Our Homes cap on annual property assessment increases up from 3 percent to 6 percent.

With no simple solutions presenting themselves, bi-partisan consensus on property tax reform does not appear on the immediate horizon, increasing discussion of the possible need for a summer special session on the issue. To propose the constitutional amendment necessary to make meaningful structural reforms in Florida's property tax system, the amendment must receive the affirmative vote of 60 percent of the full House and Senate – 72 Representatives and 24 Senators. As a result, every vote on property tax reform is critical, particularly in the Senate and particularly with regard to a possible special election on the issue.

JESSICA LUNSFORD ACT FIX AGC POSITION: **SUPPORT**

The Jessica Lunsford Act was passed in 2005. Among other things, the Act required fingerprinting and background screening of any contractor personnel "who are permitted access on school grounds when students are present." The law had

IMPORTANT BILLS AND LEGISLATIVE UPDATE

previously required this level of screening only with respect to contractor personnel who had “direct contact” with students.

Businesses that engage in work on school property (construction, utilities, materials suppliers, delivery services, etc.) soon discovered a number of practical issues created by this background screening requirement, including: varying interpretations from school board to school board, widely varying costs for background checks and the need for duplicative checks as workers move from one school district to another.

The Senate Criminal Justice Committee considered SB 988 March 8. At that meeting, the Committee adopted a number of AGC-backed amendments to clarify the operation and effect of the bill, to include:

- Requiring rescreenings every 5 years instead of every 3 years
- Specifying fence requirements
- Clarifying that the screening requirements are not intended to create a new source of civil liability

The Senate Education PreK-12 Committee and the Senate Governmental Operations Committee have now also approved SB 988. The bill has one committee left before it is available to be heard on the Senate floor.

RESTRICTIONS ON OCIP'S

AGC POSITION: **SUPPORT**

In 2004, the Legislature passed an AGC-supported bill that codified requirements for a public entity's use of an owner-controlled insurance program in connection with a public construction project.

- The estimated total cost of the public construction project must be at least \$75 million, at least \$30 million if the project is for construction or renovation of two or more public schools during a fiscal year, or at least \$10 million if the project is for construction or renovation of one public school.
- The OCIP must maintain insurance coverage with respect to completed operations for a term that is reasonably commercially available, but for at least 5 years.

- The bid specifications for the public construction project must specify the insurance coverage provided under the OCIP and the minimum safety requirements.
- The OCIP must not prohibit a contractor or subcontractor from purchasing additional insurance, and the cost of the additional coverage must be disclosed to the public agency.
- A deductible or self-insured retention on an OCIP may not exceed \$1 million, and the public agency must be responsible for payment of the deductibles.

This new bill would prohibit the use of an OCIP for projects covering multiple work sites, and instead tie the use of an OCIP to the dollar value of a single prime contract. The bill would also require that an OCIP maintain completed operations coverage for the maximum period of time provided for actions founded on construction defects – up to ten years.

REVERSAL OF FABRE DOCTRINE

AGC POSITION: **OPPOSE**

Florida's tort system has long operated under the doctrine of comparative negligence, in which “fault” for a plaintiff's injury is attributed proportionally to the plaintiff and all defendants.

For an even longer time, Florida subscribed to the doctrine of “joint and several liability,” in which each party at fault could be held individually liable for the full amount of damages awarded to a plaintiff, regardless of that party's percentage of fault. For example, if a particular injury gave rise to an award of \$1 million in damages to a plaintiff, but the party found 70 percent at fault for the injury was unable to pay his or her 70% share, the party only 30 percent at fault could be liable for the entire \$1 million in damages awarded to the plaintiff (instead of just \$300,000).

In 2006, AGC supported a successful bill repealing the last vestiges of joint and several liabilities. In effect, the new law ensures that a person or entity will only pay damages proportional to their individual percentage of fault.

Under statutory amendments adopted in 1999, a defendant is also authorized to plead that a nonparty to the lawsuit was at fault for an accident, which would ultimately reduce the defendant's own percentage of liability. In such cases, a jury has the opportunity to allocate fault to a non-party on the verdict

form. This authorization to attribute fault to a nonparty followed on the heels of the Florida Supreme Court's holding in a case called **Fabre v. Marin**, giving rise to the popular name of this doctrine.

LIEN LAW AMENDMENTS

AGC POSITION: **SUPPORT**

This bill makes a number of non-controversial changes to the construction lien law, all of which were approved by the Florida Bar's Construction Law Committee. The Committee is comprised of attorneys representing owners, contractors and subcontractors.

HB 1285 has been heard in one committee. AGC will be monitoring this bill closely to guard against any amendments that are damaging to the interests of general contractors.

CRANE OPERATOR CERTIFICATION

AGC POSITION: **SUPPORT**

In response to a proposed Miami-Dade County ordinance that would require the local inspection of all cranes and the certification of crane operators, this bill would require the certification of crane operators by a nationally recognized certification body. The bill would prohibit contractors from hiring uncertified crane operators, and subject contractors who did so to criminal sanctions and professional discipline. As originally filed, the bill did not contain a provision that would expressly pre-empt the regulation of crane operators by local governments.



TRESPASS ON CONSTRUCTION SITES

AGC POSITION: **SUPPORT**

This bill responds to the rising incidence of construction site theft, which accounts for more than 30 percent of reported property crimes. Trespassing on a construction site is currently a third degree felony. In order for a person to be guilty of trespassing on a construction site, the property owner must follow the posting requirements provided in current law, regardless of the size of the construction site. Most construction, however, occurs on smaller parcels for which the current posting requirements are cumbersome and impractical.

This bill amends the definition of "posted land" to provide that if the property is a construction site less than one acre in

area, only one "no trespassing" sign is required, and the sign must be placed where the construction permits are posted. The bill also defines "construction site," as it relates to trespass law, to mean any property where there is construction that is subject to building permit posting requirements.

DUTY OF CARE TO TRESPASSERS

AGC POSITION: **SUPPORT**

Florida law currently provides that a landowner and its agent are liable to an "undiscovered trespasser" only for "intentional misconduct" that injures the trespasser. By contrast, a landowner is liable to a "discovered trespasser" for intentional misconduct, gross negligence, and the failure to "warn...of dangerous conditions that are known to the [landowner] but that are not readily observable by others." This liability does not apply where the trespasser was intoxicated or under the influence of illegal drugs.

SB 1522 would amend s. 768.075, Florida Statutes, to provide that a landowner and its agent are not liable to a discovered trespasser for gross negligence or for failure to warn of dangerous conditions. The bill thus removes the distinction between types of trespassers and provides that a landowner and its agent are only liable to a trespasser for intentional misconduct that proximately causes injury to the trespasser. The bill also increases the criminal penalty for intentionally damaging or removing posted no trespassing signs and for breaking or damaging fences.

In response to opposition from plaintiffs' lawyers, however, HB 553 has now been amended to focus the bill more narrowly on agricultural property. The amended bill, however, would still immunize property owners and their agents against negligence claims from persons who are committing (or attempting to commit) any crime on the property, including misdemeanors. The amended bill also provides an alternative to the posting of "No Trespass" signs – painting vertical purple lines on trees or posts along the borders of a property. The amended bill would continue to increase the criminal penalty for intentionally damaging or removing posted no-trespassing signs and for breaking or damaging fences.

AGGREGATE MINING

AGC POSITION: **SUPPORT**

Aggregates are the basic materials used to produce concrete, asphalt, and road base, and include crushed stone, limestone, dolomite, limerock, shell rock, and high quality sand. Last week, the House Environment & Natural Resources Council adopted a proposed committee bill to start dealing with the state's growing difficulties in producing and importing enough aggregate materials to satisfy Florida's construction and road building needs.

The bill creates a 15-member Strategic Aggregates Review Task Force to evaluate the present situation surrounding aggregate materials and mining practices in Florida. The Task Force must identify locations in Florida with significant concentrations of aggregate materials and recommend actions intended to

ensure the continued extraction and availability of aggregate materials to Florida's construction industry. The Task Force is required to make its report by February 1.



NOTICE OF COMMENCEMENT/BUILDING PERMITS

AGC POSITION: **OPPOSE**

Currently, a notice of commencement must be recorded and filed with the building official prior to the first inspection. Without such a filing, no subsequent inspections may take place.

SB 498 would require the notice of commencement to be recorded much earlier – prior to submitting the building permit application. AGC opposes this change because it would

needlessly complicate the priority of liens and raise practical problems arising when construction is not begun with 90 days of the notice of commencement or it otherwise expires.

BONDING THRESHOLD FOR PUBLIC PROJECTS

AGC POSITION: **OPPOSE**

Contractors are currently required to post performance and payment bonds on all public construction projects. Public entities, however, are permitted to waive this requirement on contracts valued at \$200,000 or less.

SB 2090 would expand this authority, giving public entities the power to waive bonding requirements for all contracts valued at up to **\$500,000**. In a related move, HB 773 would apply state rules on retention and releases to all public contracts valued at up to \$500,000, instead of the current \$200,000.

AGC opposes these bills because AGC believes that the bonding requirement provides practical advantages to all those involved in public construction and eases the burdens of what are already very difficult projects to administer.

BONDS ON PUBLIC PROJECTS

AGC POSITION: **OPPOSE**

These bills would allow a reduction in the amount of the performance and payment bonds provided by the contractor on any public construction project in an amount equal to the amount

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of any bonds provided by subcontractors on that project that name both the contractor and the public entity as obligees. The bills also would reduce the amount of the contractor's payment and performance bonds on a construction manager at-risk or design-build contract to the price of construction only, so that the bond would not include the cost of any design services, pre-construction services, finance services, maintenance services, operations services, or any other related services included in the contract.

AGC opposes these bills because they will needlessly complicate the construction administration process and will produce no meaningful reduction in cost to the contractor or to the public entity.

IMMIGRATION ISSUES

AGC POSITION: OPPOSE


The federal Immigration Reform and Control Act of 1986 made it illegal for any U.S. employer to knowingly:

- Hire, recruit or refer for a fee an alien knowing he or she is unauthorized to work;
- Continue to employ an alien knowing he or she has become unauthorized; or

- Hire, recruit or refer for a fee, any person (citizen or alien) without following the record keeping requirements of the Act.

Employees are required to present paper documents to their employers that establish both the worker's identity and eligibility to work, and employers are required to complete an I-9 form for each new employee hired. Because such paper documents are easily falsified, enforcement has been a problem.

In 1996, Congress enacted legislation creating three pilot programs to test electronic employment eligibility verification systems. Of these three programs, the Basic Pilot program, an Internet-based system operated by the US Citizenship and Immigration Service in partnership with the Social Security Administration, was chosen to be implemented nationwide. Now known as the Employment Eligibility Verification Program, the Basic Pilot program provides an automated link to federal databases to help employers determine employment eligibility of new hires and the validity of their Social Security numbers. The EEV is free to employers and is available in all 50 states.

These bills would prohibit all public entities from entering into contracts for the performance of services within this state unless the contractor registers and participates in a federal work authorization program. 

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“AGC has given us tools and equipment and materials,” said academy teacher Rick Terkovich. “Basically, AGC’s helped us out with anything we need – we can always ask them.”

AGC gave each student in the academy their own hardhat. The program is for students who want to go into a construction career either immediately after their high school graduation or for those who are seeking a degree in the construction field. The students spend four years in the academy and learn the skills necessary to pass certification exams and receive job-site training and work experience. Seniors pick a construction career to specialize in, either carpentry, electric, plumbing or HVAC.

The students are building the two-story building on school property near the football field. It will be used for selling tickets, storage and a place for football players to change their clothes.

“We were thinking a small place, but they kept making it a little bigger and a little bigger,” Terkovich said. “We’ve been working on it for a year and a half making it through zoning, and now we’re finally starting to build.”

The 54 students broke ground in March and hope to have the project completed in one year. They are doing all of the work with help from the community and a few AGC members from different trades, who teach them how to do certain things, like pull permits or pour concrete. Steve Bishop and Craig Perkins, of Maschmeyer Concrete Company taught a class on what concrete is and how to pour it. Then, they



watched the students pour a slab to make sure they were doing it correctly.

“AGC has helped us so much,” Terkovich said. “They’ve given us materials and supplies, but the real important thing is that several of the members have been coming out, teaching the students classes and helping us out.”

Terkovich was surprised at the support the academy has been getting from the community and the AGC, he said.

“I’ve never done anything this big as a teacher for the school board,” he said. “We’ve had our headaches and glitches, but it’s gone pretty good so far. We’re all really excited about this.”

Michelle Anaya has made a commitment to help by serving on the Construction Advisory Board.



SPECIAL THANKS TO THE FOLLOWING AGC MEMBERS WHO HELPED THE ACADEMY:

- **Bill Hall** of Hardrives, who helped the students excavate the soil
- **Steve Bishop** and **Craig Perkins**, of Maschmeyer Concrete Company, for teaching the students how to pour concrete slab
- **Ray Murdoch**
- **Malone Electrical Solutions**
- **Dale Hedrick**, of Hedrick Brothers Construction, for sending out their estimator and helping pull permits



BENEFITS OF MEMBERSHIP IN THE FLORIDA EAST COAST CHAPTER

National and local benefits are designed to increase the value of your membership. Use your membership to its full potential by participating in AGC events, programs, and taking advantage of the various vendor discount programs!

GOVERNMENT RELATIONS AT THE NATIONAL, STATE, AND LOCAL LEVELS

- Offices on Capitol Hill and Tallahassee with full time lobbyists
- National and Local PACs
- Candidate Interviews
- Legislative Alerts
- Local and State Board Appointments
- Ordinance and Bill Watch Lists

SAFETY PROGRAM - OSHA C.H.A.S.E. PARTNER

- Safety Training
- Local Safety Committee
- Representation on AGC National's Safety & Health Committee
- Full Range of Safety Services Available

ACCREDITED APPRENTICESHIP PROGRAM

- Offered at Palm Beach Community College and Indian River Community College
- Electrical
- Carpentry
- Sheet Metal

CONTINUING EDUCATION CLASSES

- CEU Courses
- Informative Member Seminars

BUSINESS DEVELOPMENT

- After Hour Mixers
- Networking Breakfasts
- Dinner Meetings
- Golf Tournament
- Fishing Tournament & More!

BUILD FLORIDA AWARDS

- A local competitive recognition program

QUARTERLY MAGAZINE

- Latest Industry News
- Member Updates
- Chapter Events

PRIVATE PROVIDER SERVICE (THROUGH CAPRI ENGINEERING)

- Plans Review
- Code Compliance Inspections
- Discount to FEC AGC Members

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- Airborne Express
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www.allfloridatowing.com
- Avis
(800) 698-5685
www.avis.com
code: A587100
ConstructionJobs.com

- Dell
(888) 647-3355.
www.dell.com/smb/AGC
Access Code: US53C7G -
Access Key: NC4U2
- DHL
DHL Express
(800) MEMBERS
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2006 DUES INFORMATION GENERAL CONTRACTOR MEMBER (GC) DUES

Volume of Construction Work Performed in 2006	2007 Chapter Dues Per Member Company	2007 National Dues Per Member Company	2007 State Council Dues Per Member Company	Total 2007 Dues Per Member Company
Under \$2M	\$900	\$450	\$550	\$1,900
\$2M to \$4.999	\$1,600	\$595	\$650	\$2,845
\$5M to \$9.999	\$2,500	\$995	\$1,000	\$4,495
\$10M to \$19.999	\$3,500	\$1,495	\$1,150	\$6,145
\$20M to \$44.999	\$3,875	\$2,775	\$1,500	\$8,150
\$45M+	\$4,000	\$3,950	\$1,850	\$9,800

There is a three-year provisional membership program intended to attract new general contractor members to the association through a national dues reduction incentive. Please contact the AGC office to inquire about this.

NON-HOME/SUBSIDIARY MEMBER NATIONAL DUES
The annual dues payment for Non-Home/Subsidiary members is a flat \$250 per member Company.

MEMBERSHIP APPLICATION

COMPANY INFORMATION

Type of Membership: General Contractor Specialty Contractor Supplier Service Provider

First Name: _____ Company Name _____

Main Office Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ E-mail: _____

Web Address: _____

Names of Owners, Partners, or Officers of Company: _____

Names of Persons Authorized to Represent Company: _____

Please answer the questions in this section if you are applying for a General Contractors Membership

Type of General Contracting Performed: Building Primary Field Highway Heavy Utilities Industrial

Does company do general contracting exclusively? Yes No

If not, what other types of work are performed? _____

Percent of company business is general contracting: _____

Does company operate open shop? On all work On part of work No

Business Description: _____

Was the company ever a member of the AGC? Yes No

If Yes; Provide name(s) of chapter(s), branch(es) and date(s): _____

Names and addresses of two AGC Member Companies as references: _____

MEMBERSHIP COST – PLEASE SELECT ONE OF THE FOLLOWING

General Contractor Member (GC) Dues - Please Select Volume of Business

- Under \$2 M - Dues Amount- \$1900.00
- \$2M to \$4.999 - Dues Amount - \$2845.00
- \$5M to \$9.999 - Dues Amount - \$4495.00
- \$10M to \$19.999 - Dues Amount - \$6145.00
- \$20M to \$44.999 - Dues Amount - \$8150.00
- \$45 M+ - Dues Amount - \$11300.00

Specialty Contractor Member (SC) Dues - Please Select Volume of Business

- Under \$2 M - Dues Amount - \$875.00
- \$2M to \$4.999 - Dues Amount - \$1000.00
- \$5M to \$9.999 - Dues Amount - \$1125.00
- \$10M+ - Dues Amount - \$1250.00

Supplier/Service Provider Member (SP) Dues - Total Dues - \$750.00 / Non-Home/Subsidiary Member National Dues - Total Dues - \$250.00

This Company hereby makes application for membership in the Florida East Coast Chapter of the Associated General Contractors of America, Inc. on the basis of the foregoing statements and refers to the persons named above who are personally familiar with the Company and its work. This Company certifies that the foregoing statements are correct, and agrees if elected to membership that in accepting the privileges it will also accept the obligations of membership; that it be governed by the Rules and Regulations of the Florida East Coast Chapter as long as it continues as a member, and furthermore agree to promote the objectives of the Association.

Non-Home: A regular General Contractor member whose principal affiliation is with another chapter, but who maintains a permanent presence in the subject chapter. This definition does not include a contractor who pursues work within the geographical territory of an adjoining chapter but has not established a permanent office in the second chapter.

Subsidiary: A regular General Contractor member who is either partially or wholly owned by another AGC regular General Contractor member Company.

SPECIALTY CONTRACTOR MEMBER (SC) DUES

Volume of Construction Work Performed in 2006	2007 Chapter Dues Per Member Firm	2007 National Dues Per Member Firm	Total 2007 Dues Per Member Firm
Under \$2 M	\$725	\$150	\$875
\$2M to \$4.999	\$850	\$150	\$1,000
\$5M to \$9.999	\$975	\$150	\$1,125
\$10M +	\$1100	\$150	\$1,250

Supplier/Service Provider Member (SP) Dues

Supplier/Service Provider Member dues are based on a flat rate as follows:
 2006 Dues per Member Firm (National): \$125 • 2006 Dues per Member Firm (Chapter): \$625
 Total Dues: \$750

58TH ANNUAL DINNER



FLORIDA EAST COAST CHAPTER AGC INSTALLS NEW PRESIDENT, BOARD OF DIRECTORS AND RECOGNIZES MEMBER CONTRIBUTIONS

On Saturday evening, February 24, 240 AGC members and guests embarked upon The Lady Windridge, a chartered yacht, for the 58th Annual Dinner and Installation of Officers, which was an increase of 100 from the previous year.

Among those in attendance were some special guests: AGC of America's CEO, Steve Sandherr and his wife, Cynthia, Palm Beach County Chief Building Official Rebecca Caldwell, and Rick Terkovich, Seminole Ridge High School Construction Career Academy and many instructors from AGC's Apprenticeship Programs, who usually are not able to participate in chapter events, because they take place during the week when they are teaching.

The evening's momentum could not have been greater, and it was a fabulous evening, complete with beautiful weather. Once members boarded the yacht, they had the option of having professional photos taken of them by photographer and AGC member Christopher Bridge as a memento of the evening.

As the sun began to set, the evening began with a social hour as members moved about the yacht's three levels and enjoyed cocktails and hors d'oeuvres, and music by IM Entertainment. Outgoing President, Andrea Serraes, called the meeting to order, and Skip Gladwin led

the group in invocation and the pledge. Guests enjoyed a remarkable buffet complete with a cake featuring the AGC logo.

After dinner, Steve Sandherr enlightened the group as to AGC national's efforts to help members. Sandherr touched upon several current key issues, such as the 3 percent withholding requirement, which allows any state or government agency to withhold 3 percent of the contractor's price to pay federal income taxes, even though the average paid to the government is 1.8 percent. He spoke about immigration reform, in that AGC of America, Inc., is trying to help pass certain immigration reforms, such as giving safe harbor to contractors when their subs have hired illegal immigrants.

"We don't want you to have to be a detective. That shouldn't be your job," Sandherr said. Recognizing there were many heavy highway contractors in the room, he addressed heavy highway issues as well. Detailed efforts and background information on all of these issues can be found on AGC of America's Web site, www.agc.org.

Sandherr also informed members of a historical AGC fact he uncovered.

"The Florida East Coast Chapter is the first chapter in AGC history to be led by a female president and female executive director," he said and guests applauded. Sandherr commended the leadership of the chapter and took notice of the efforts of all the leaders and members within the room and applauded Michelle Anaya for a job well done and for her and the chapter's efforts in maintaining a close working relationship with AGC of America, Inc., so that all members receive the most they can from their membership.

Serraes then gave her outgoing president's remarks, thanked her board and all the members for their help in making her presidency a success.

"We're really going to have a great year next year," Serraes said. "I'm really proud of our organization and how far it has come."

Incoming President, Robert Rawe II, AutoBuilders General Contracting Services, Inc., presented Serraes with a gavel plaque for her dedicated service as



Mr. & Mrs. Vince & Sharon Burkhardt of Burkhardt Construction, Inc.



Mr. Dale Hedrick of CEO of Hedrick Brothers Construction Co., Inc. & Mr. Marty Murphy, Sr. of The Murphy Construction Co.

The following outgoing board members were presented with plaques:

- **Don Grill 2002-2006**
- **Gary Hennings 1993-2006**
- **Marty Dytrych**
- **Kent Leighton 1996-2006**
- **Paul Arcella 1996-2006**

president on behalf of the board and the members. Serraes then presented Rawe with an inscribed gavel to use for his presidency.

Rawe stated that his priorities during his presidency will be to focus on membership. Rawe informed the members that membership dues constitute about half of the budget, and he'd like to push for new members and enlisted the help of all current members.

"This is your local association, and you are going to be the best people to sell membership – you, the existing members," Rawe said.

Rawe reminded the group of the efforts of the Florida chapters working together through the AGC Council on legislative efforts and that the group is beginning to prioritize issues for the upcoming legislative session and encouraged all members to stay involved and informed.

The 2007 incoming officers and board members were then announced and came up and shook hands with Rawe and then were reminded to head downstairs for the official board photo. Rawe thanked all guests for attending the evening's events, members then headed to the upper deck for some more dancing under the stars while the yacht headed back to the dock. Everyone left the yacht in good spirits with many stopping to tell staff how much they enjoyed the evening. Anaya would like to personally thank to staff members Yvonne Wamsley and Cynthia Holden for all their hard work and efforts to ensure the evening's success. 🍷



Mr. Joey Mendia, Ms. Gail Meeks of The Murphy Construction Co. & Mr. Michael Massey of Massey, Clark, Fischer, Inc.



Steve & Maria Martonick of Martonick Publications, Ms. Michelle R. Anaya, Executive Director of AGC & Mr. Jay DePotter of Malone Electrical Solutions, LLC



Mrs. Cathy Hedrick of Hedrick Brothers Construction Co., Inc., Mr. Vince Sutherland, Ms. Debra Zambrana & Mr. Carl Grunwald of Gateway Insurance Agency



Mr. & Mrs. Justin & Cynthia Holden Apprenticeship Assistance of the AGC.



Ms. Andrea Serraes & Mr. Andrew Morog of Ferreira Construction Company Southern Division, new member



Mr. & Mrs. Mike & Connie Anderson of Anderson-Moore Construction Corp. (Board Director)



Ms. Andrea Serraes and Mr. Gary Hennings of The Weitz Company, recognized for dedication and service as Board Director



Mr. & Mrs. Dale & Cathy Hedrick of Hedrick Brothers Construction Co., Inc. & Mr. & Mrs. Paul Arcella of CSR Heavy Construction, Inc.



Mr. Ormond Adams & Ms. Debbie Haden of Ferreira Construction Company Southern Division

Recognition and specialty awards were then presented to the following members on behalf of their leadership efforts:

- **Rinker Materials, Inc.**
Accepted by Dave Aiken
For: Continued Sponsorship of the Annual Build Florida Awards
- **Rick Logan, MPA Architects**
Chairman, Build Florida Awards Selection Committee
Not Present
- **Jim Anstis, Architecture 4**
2006 Apprenticeship Graduation Keynote Speaker
Not Present
- **Frank Knapfel**
Seitlin Safety Management & Worksite Safety Solutions
For: Appreciation of Dedicated Service to the AGC Safety Program
- **Rick Terkovich**
Seminole Ridge High School Career Construction Academy, Teacher
For: His dedication to construction education.
- **Jay DePotter, Malone Electrical Solutions**
Chairman, 21st Annual APAC Fishing Tournament Committee, whose committee raised \$43,000 for APAC.
- **Mark Coffin, Florida Waterproofing**
Co-Chair of the 21st Annual APAC Fishing Tournament Committee
Not Present
- **Dale Hedrick, Hedrick Brothers**
Chairman, APAC Committee
- **Bill Beck, Maschmeyer Concrete Company of FL**
- **Renee Williams, Maschmeyer Concrete Company of FL**
Chairman and Co-Chairman of the 40th Annual Golf Tournament whose committee raised \$15,000 for scholarships and construction education efforts
- **Duane Drawdy, Drawdy Construction**
Chairman, 1st Annual Sporting Clay Fun Shoot
- **Mark Tribble, Lotspeich Co. of FL, Inc.**
Co-Chairman, 1st Annual Sporting Clay Fun Shoot



Ms. Andrea Serraes & Mr. Jay DePotter of Malone Electrical Solutions LLC as Chairman of the 21st Annual APAC Fishing Tournament



Mr. & Mrs. Bob & Georgia Irish of Rinker Materials Corp.



Ms. Andrea Serraes and Mr. Mark Tribble of Lotspeich Co. of FL, Inc. for Co-Chairman of the 1st Annual Sporting Clay Fun Shoot

SORTING OUT THE OUTLOOK FOR CONSTRUCTION SEGMENTS AND MATERIALS

By Ken Simonson



Ken Simonson is the chief economist for the Associated General Contractors of America. He joined AGC of America in 2001 and writes The Data DIGest. He has 30 years of experience analyzing, advocating and communicating about economic and tax issues. Before joining AGC, he was the senior economic advisor in the U.S. Small Business Administration's Office of Advocacy. Earlier, he was the vice president and chief economist for the American Trucking Association. He also worked with the President's Commission on Industrial Competitiveness, the U.S. Chamber of Commerce, the Federal Home Loan Bank Board and an economic consulting firm.

Florida has started 2007 with nonresidential construction activity that is strong enough to offset, at least for now, the slide in homebuilding. Meanwhile, a lull in materials cost has interrupted the steady upward march in prices that the industry faced the last three years.

The good news on nonresidential construction should last through the year. The state may have less of a housing slump than the country as a whole, thanks to a surging population. But the pause in materials cost increases is likely to be short-lived.

The best available measure of construction activity at the state level is a monthly report from the federal Bureau of Labor Statistics on construction employment, seasonally adjusted to account for normal month-to-month variation. The latest figures cover December 2006.

Statewide construction employment increased four percent from December 2005 to December 2006. That was triple the growth in construction employment nationally or in total nonfarm payroll employment in the state.

The Sunshine State also outpaced the nation on population growth. From July 2005 to July 2006, Florida's population swelled by 1.8 percent, ninth fastest of any state and more than double the national pace of just under one percent. That growth will sustain demand for new housing—either owner-occupied or rental—as well as numerous types of nonresidential construction.

The types of projects that are generating the jobs are revealed by monthly spending figures from the Census Bureau. Nonresidential construction spending nationwide jumped 13 percent in 2006, more than enough to offset a 1.7 percent decline in residential spending, the agency reported on January 31. Many of the construction categories that did best nationally are particularly important in Florida, although dollar figures are not available at the state level.

The biggest increase in construction spending, 53 percent from 2005 to 2006, occurred in lodging construction. Throughout the country, hotel chains continue to enjoy high occupancy rates and rising room rates. That combination suggests more hotel and resort construction in 2007, with growth expected in both resort and business centers throughout the state.

Private hospitals boosted their construction spending 25 percent last year. As they race to catch up with new technology in diagnosis, treatment, and recovery rooms, and to locate near new population centers, hospitals appear poised to keep building for years to come. This activity will be concentrated around teaching hospitals and high-population growth areas of Florida.

There was a 15 percent upswing in highway and street construction nationally in 2006. However, only about half of that translated into more pavement or bridges. The rest went for higher materials costs, particularly for asphalt, diesel fuel, concrete and steel.

For 2007 and beyond, Florida will have a hard time keeping up with the need for more road capacity and for fixing the existing, aging highway system. The state cannot count on much help from the federal government. The budget that President Bush sent to Congress on February 5 calls for only a 1.7 percent rise in federal highway spending in fiscal 2008, less than the expected rate of inflation.

A wide variety of energy and power projects will fuel more construction. Depending on local resources, the projects include traditional coal- or natural gas-fired plants, wind farms, solar installations, and ethanol and biodiesel plants. In addition, existing refineries and power plants will be spending billions of dollars in the next few years on environmental retrofits and upgrades.

One big challenge for the industry, and for public agencies that budget for construction, will be materials costs. Ever since steel and lumber prices spiked in early 2004, the construction industry has struggled with much higher price increases than the overall rate of inflation would suggest. While the consumer price index has been rising at about three percent each year, the producer price index (PPI) for construction materials and components spurted up 10 percent in 2004, six percent in 2005, and 4.3 percent last year. Even that figure would have





been higher but for recent declines in lumber and diesel fuel prices.

Aside from wood products and diesel fuel, most construction inputs still had hefty year-over-year increases. For instance, from December 2005 to December 2006 there were double-digit increases in the PPIs for copper and brass mill shapes, up 44 percent; asphalt paving mixtures and blocks, 27 percent; aluminum mill shapes and steel mill products, 12 percent each; and cement, 10 percent. Although materials that are extensively used in homebuilding, notably gypsum and copper products, should fall sharply in price as new housing starts keep sinking, most other construction materials costs are not likely to drop.

Two factors make construction materials costs susceptible to steeper increases than the overall rate of inflation. First, construction requires generally fixed quantities of materials, unlike industries that can substitute cheaper materials or can

design products to be smaller or lighter than their predecessors. Many materials used in construction are also in demand from other sectors, both in the U.S. and in fast-growing economies, like those of China, India and elsewhere in Asia. Yet supplies of some materials expand only slowly. An example is copper, where all of the major mines have been subject to labor unrest or political turmoil. As a result, prices jump.

Second, materials must be physically delivered, using a transportation network that is often stretched to its limits. Transport costs are high and bottlenecks frequent. In addition, fuel price spikes add to transport costs as well as the direct costs of operating equipment. As a result, construction materials costs may show a year-over-year increase of as little as 2 to 4 percent for the next few months, matching the overall inflation rate as measured by the consumer price index. But a year from now, construction materials are likely to resume their recent 6 to 8 percent cost increases, with higher spikes possible. 🚧




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**WHY**

CONDUCT ACCIDENT INVESTIGATIONS?

**WHY DO WE NEED TO CONDUCT ACCIDENT INVESTIGATIONS?
ACCIDENT INVESTIGATIONS DETERMINE HOW AND WHY FAILURES OCCUR.**

By Frank Knapfel

By using the information gained through an investigation, a similar or perhaps more disastrous accident may be prevented. Conduct accident investigations with accident prevention in mind. Investigations are not to place blame. By investigating, we learn most accidents are predictable, and thus they are preventable.

An accident is any unplanned event that results in personal injury or property damage. When the personal injury requires little or no treatment, it is minor. If it results in a fatality or in a permanent total, permanent partial, or temporary total (lost-time) disability, it is serious. Similarly, property damage may be minor or serious. Investigate all accidents, regardless of the extent of injury or damage.



ACCIDENT INVESTIGATIONS

Accidents are a part of a broad group of events that adversely affect the completion of a task. These events are incidents. For simplicity, the procedures discussed in later sections refer only to accidents. They are, however, also applicable to incidents.

This discussion introduces basic accident investigation procedures and describes accident analysis techniques. Formal accident investigation training may be required for someone that wants to increase their knowledge of conducting accident investigations.

ACCIDENT PREVENTION

Accidents are usually complex. An accident may have 10 or more events that can be causes. A detailed analysis of an accident will normally reveal three cause levels: basic, indirect and direct. At the lowest level, an accident results only when a person or object receives an amount of energy or hazardous material that cannot be safely absorbed. This energy or hazardous material is the **direct cause** of the accident. The direct cause is usually the result of one or more unsafe acts or unsafe conditions or both. Unsafe acts and conditions are the **indirect causes** or symptoms. In turn, indirect causes are usually traceable to poor management policies and decisions or to personal or environmental factors. These are the **basic causes**.

In spite of their complexity, most accidents are preventable by eliminating one or more causes. Accident investigations determine not only what happened, but also how and why. The information gained from these investigations may



prevent recurrence of similar or perhaps more disastrous accidents. Accident investigators are interested in each event as well as in the sequence of events that led to an accident. The accident type is also important to the investigator. The recurrence of accidents of a particular type or those with common causes shows areas needing special accident prevention emphasis.

INVESTIGATIVE PROCEDURES

The actual procedures used in a particular investigation depend on the nature and results of the accident. The agency having jurisdiction over the location determines the administrative procedures. In general, responsible officials will appoint an individual to be in charge of the investigation. The investigator uses most of the following steps:

1) Define the scope of the investigation.

- 2) Select the investigators. Assign specific tasks to each (preferably in writing).
- 3) Present a preliminary briefing to the investigating team, including:
 - Description of the accident, with damage estimates
 - Normal operating procedures
 - Maps (local and general)
 - Location of the accident site
 - List of witnesses
 - Events that preceded the accident
- 4) Visit the accident site to get updated information.
- 5) Inspect the accident site.
 - Secure the area. Do not disturb the scene unless a hazard exists.
 - Prepare the necessary sketches and photographs. Label each carefully and keep accurate records.
- 6) Interview each victim and witness. Also interview those who were present before the accident and those who arrived at the site shortly after the accident. Keep accurate records of each interview. Use a tape recorder if desired and if approved.
- 7) Determine:
 - What was not normal before the accident?
 - Where the abnormality occurred.
 - When it was first noted.
 - How it occurred.
- 8) Analyze the data obtained in the last step. Repeat any of the prior steps if necessary.

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9) Determine:

- Why the accident occurred
- A likely sequence of events and probable causes (direct, indirect, basic)
- Alternative sequences.

10) Check each sequence against the data from step 7.

11) Determine the most likely sequence of events and the most probable causes.

12) Conduct a post-investigation briefing.

13) Prepare a summary report, including the recommended actions to prevent a recurrence. Distribute the report according to applicable instructions.

An investigation is not complete until all data are analyzed and a final report is completed. In practice, the investigative work, data analysis and report preparation proceed simultaneously over much of the time spent on the investigation.

FACT-FINDING

Gather evidence from many sources during an investigation. Get information from witnesses and reports as well as by observation. Interview witnesses as soon as possible after an accident so it is still fresh in their minds. Inspect the accident site before any changes occur. Take photographs and make sketches of the accident scene. This cannot be stressed enough.

Record all pertinent data on maps. Get copies of all reports. Documents

containing normal operating procedures, flow diagrams, maintenance charts, or reports of difficulties or abnormalities are particularly useful. Keep complete and accurate notes in a bound notebook.

Record pre-accident conditions, the accident sequence and post-accident conditions. In addition, document the location of victims, witnesses, machinery, energy sources and hazardous materials.

In some investigations, a particular physical or chemical law, principle or property may explain a sequence of events. Include laws in the notes taken during the investigation or in the later analysis of data. Gather data during the investigation that may lend itself to analysis by these laws, principles, or properties. An appendix in the final report can include an extended discussion.

INTERVIEWS

Experienced personnel should conduct interviews. If possible, the team assigned to this task should include an individual with a legal background. In conducting interviews, the team should:

- Appoint a speaker for the group.
- Get preliminary statements as soon as possible from all witnesses.
- Locate the position of each witness on a master chart (including the direction of view).
- Arrange for a convenient time and place to talk to each witness.
- Explain the purpose of the investigation (accident prevention) and put each witness at ease.
- Listen, let each witness speak freely, be courteous and considerate.
- Take notes without distracting the witness. Use a tape recorder only with consent of the witness.
- Use sketches and diagrams to help the witness.
- Emphasize areas of direct observation.

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ACCIDENT INVESTIGATIONS

- Be sincere and don't argue with the witness.
- Record the exact words used by the witness to describe each observation.
- Word each question carefully and be sure the witness understands.
- Identify the qualifications of each witness (name, address, occupation, years of experience, etc.).
- Supply each witness with a copy of his or her statements. Signed statements are desirable.

After interviewing all witnesses, the team should analyze each witness' statement. They may wish to re-interview one or more witnesses to confirm or clarify key points. While there may be inconsistencies in witnesses' statements, investigators should assemble the available testimony into a logical order.

Not all people react in the same manner to a particular stimulus. A witness within close proximity may have an entirely different story from one who saw it at a distance. Some witnesses may also change their stories after they have discussed it with others.

A witness who has had a traumatic experience may not be able to recall the details of the accident. Eyesight, hearing, reaction time and the general condition of each witness may affect his or her powers of observation. A witness may omit entire sequences because of a failure to observe them or because their importance was not realized.

PROBLEM SOLVING TECHNIQUES

Accidents represent problems that must be solved through investigations.

■ CHANGE ANALYSIS

This technique emphasizes change. To solve a problem, an investigator must look for deviations from the norm. Consider all problems to result from some unanticipated change. Make an analysis of the change to determine its causes. Use the following steps:

- Define the problem.
- Establish the norm.
- Identify, locate and describe the change.
- Specify what was and what was not affected.
- Identify the distinctive features of the change.
- List the possible causes.
- Select the most likely causes.

■ JOB SAFETY ANALYSIS

Job safety analysis is part of many existing accident prevention programs. It's a chart that breaks a job into basic steps and identifies the hazards. JSA also prescribes controls for each hazard. Review the chart during the investigation if a JSA has already been conducted or make one if it is not available.

REPORT OF INVESTIGATION AND ACCIDENT REVIEW

An accident investigation is not complete until a report is prepared and submitted to proper authorities. Special report forms are available in many cases. Other instances may require a more extended report. Such reports are often very elaborate and may include a cover page, a title page, an abstract, a table of contents, a commentary or narrative portion, a discussion of probable causes and a section on conclusions and recommendations.

The following outline has been found useful.

1) Background Information

- Where and when the accident occurred
- Who and what were involved
- Operating personnel and other witnesses

2) Account of the Accident

- Sequence of events
- Extent of damage
- Accident type
- Agency or source (of energy or hazardous material)

3) Discussion

- Direct causes (energy sources; hazardous materials)
- Indirect causes (unsafe acts and conditions)
- Basic causes (management policies; personal or environmental factors)

4) Recommendations for immediate and long-range action to remedy:

- Basic causes
- Indirect causes
- Direct causes (such as reduced quantities or protective equipment)

5) Accident Review (should be conducted by the safety team, safety committee, needs to involve a mix of company employees including management, line and field personnel);

- After the review is complete training and/or other forms of communication to company employees should be completed.
- Implement a plan of remediation for prevention of reoccurrence. Then follow-up to make sure the plan has been implemented. 📍

If you need assistance for any safety or training issue, call Frank Knapfel at (954) 547-6863 or Michelle Anaya at (561) 833-3609.

MEMBERS IN THE NEWS

CONGRATULATIONS TO THE FOLLOWING AGC MEMBERS

THE FOLLOWING MEMBER COMPANIES WERE RECOGNIZED FOR THEIR SAFETY EXCELLENCE FROM THE SAFETY COUNCIL AT THE SAFETY EXCELLENCE AWARDS ON MARCH 8:

- **Johnson-Davis** received an award for special recognition for on-going Safety Initiative.
- **Hardrives, Inc.** received two awards:
 - **Worker Safety Award** from the Safety Council of the Palm Beach County, Inc. in recognition of their organization's dedication and commitment to worker safety.
 - **Vehicle Safety Award** from the Safety Council of the Palm Beach County, Inc.
- **Maschmeyer Concrete** received two awards from the Safety Council of the Palm Beach County, Inc.:
 - **Worker Safety Award** for excellence in worker safety
 - **Vehicle Safety Award** for excellence in vehicle safety

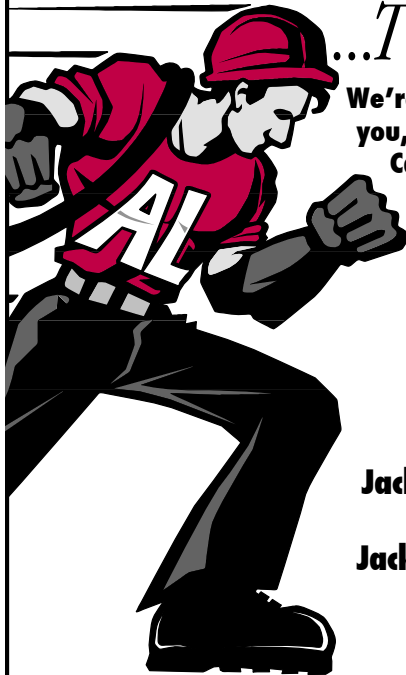
Excellence Safety Award for Vehicle Safety in recognition of their organization's dedication and commitment to vehicle safety.

- **The Weitz Company** received two awards from the Safety Council of the Palm Beach County, Inc.:
 - **Worker Safety Award** for excellence in worker safety
 - **Vehicle Safety Award** for excellence in vehicle safety



left to right:
 John Williams, Chairman of the Safety Council of Palm Beach County, Inc.
 Rick Pintado, Hardrives, Inc.,
 Kevin Mosley, Vice President of the Safety Council of Palm Beach County, Inc.

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FEC WELCOMES THE FOLLOWING NEW MEMBERS

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Steve Dewhurst, Sean Cotter
steve@dewhurstinc.com

Ferreira Construction Company
Southern Division
Andrew Morog
Ajmorog_fcc@bellsouth.net

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