



*Building Your Quality of Life*  
**Greater Florida Chapter**



**AGC of Greater Florida...A WINNING TEAM**  
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**Fastest Growing AGC Chapter in the Nation**  
**Fastest Growing Small Association in America**

Photo Courtesy: Clancy & Theys Construction Company  
NASA Support Building II  
2007 Horizon Awards, Project of the Year

# Welcome to the Fastest Growing AGC Chapter in the Nation!



**BILL SPANN**



*When you join AGCGF, you join a winning team who makes data-driven decisions with the single goal of helping members grow their businesses.*

*- Bill Spann*

“Our Association exists because we can accomplish many things collectively that are beyond our reach individually. Our successes result from the combined efforts of all who participate.” - Barry Allred, President, Elkins Construction (Jacksonville General Contractor and long-time AGCGF member).

Truer words have rarely been spoken. We can, as a team, accomplish that which none of us can do on our own. We firmly believe that, as we work each day to help members grow their commercial construction businesses, a collective effort is critical. We will only succeed in the long term if we pull **together** as a total industry force.

This is particularly critical when it comes to legislative representation at the state Capitol and in Washington, D.C. The failure of one good bill or the passage of one bad bill into law can cost each of us tens-of-thousands of dollars, if not more.


Consequently, commercial general contractors, specialty contractors and suppliers and service providers have been **drawn to AGCGF's value and product like never before**. 2006 was a watershed year for “Team AGCGF.” For example: Our general contractor membership increased by 27 percent with 16 new GC members statewide.

- Our total membership increased a nation-leading 50.23 percent with 73 new firms saying, “sign me up” for the AGCGF product.

- Our financial picture improved by more than 82 percent from to Dec. 31, 2005 to Dec. 31, 2006.
- In the first 12 weeks of 2007, 18 more new firms joined AGCGF. The momentum is clearly continuing. Don't be left out, join today!

When you join AGCGF, you join a winning team who makes data-driven decisions with the **single goal of helping members grow their businesses**. We operate under the assumption that “you treasure what you measure” and we make decisions based on member input, verifiable statistics and then evaluate performance with hard and incontrovertible data.

We will rely on our members to tell us what they want, so after you join, you should expect a short survey asking for your goals for membership. Why? Because AGCGF has a very simple definition of customer service: We ask you what you want, then we provide it.

How refreshing is that? 

Best regards,

**BILL SPANN**

Executive Vice President/CEO  
Commander, United States Navy  
(retired)

# Why My Firm Renewed With AGCGF For 2007



DAVID V. HAYES




It is an honor and privilege to serve as your board president for 2007. In 2006, we greatly increased the value of membership – not to mention the size and quality — to this association...and we are just getting started. With our members' support and continued backing, we will continue to grow this chapter and become an even stronger voice for the commercial construction industry in Florida.

As we head into 2007, I wanted to outline why my firm — Wharton-Smith — has a commitment to AGCGF that is stronger than ever, and why your firm should too.

- The successes from the 2006 Legislative session in Tallahassee saved every AGCGF member a phenomenal amount of time, money and effort. It takes a mature business perspective to fully appreciate legislative minutiae, but suffice it to say that our lobbying efforts in Tallahassee and AGCA's efforts in Washington are critical to our businesses' success.
- Our chapter is operating more efficiently and effectively than at any time in our past. Under Bill's leadership, our AGCGF staff is now making data based decisions and carefully stewarding chapter resources with pride and professionalism.
- Thanks to this careful stewardship, we have been able to hire two new staff to serve our members in the field.
- **AGC of America is 100 percent behind our Chapter's success.** They have made significant, real contributions (both pecuniary and non-pecuniary) to AGCGF to help ensure our success here in Florida.
- The services members receive have never been better. The plan for 2007 and 2008 continues this trend.

**The lion's share of our dues goes toward lobbying**, and it is worth every penny and more. Poor legislation at the state or national level can have a devastating effect on all our businesses and if our well-crafted bills fail to pass, we all stand to lose thousands of dollars, if not more.

- On a related note, there are more than 30 lobbying groups representing various aspects of the construction industry in Tallahassee. **But only one, AGCGF** works exclusively in your interest. Retired Navy Commander Bill Spann and our team of governmental affairs experts attend meetings, conferences and legislative events to ensure your interests are protected, and they get results. One of our top priorities for 2007 is to amend the Jessica Lunsford Act to ensure it protects our children and allows for common sense and efficient business practices on school construction sites.

Wharton-Smith is firmly onboard with the direction this chapter is headed and is excited to see the improvements we will make in 2007 and 2008. I trust that you will join me along with the rest of our record-setting 232 member firms as we continue our amazing successes of 2006. 

Best regards,

DAVID V. HAYES  
Board President, 2007

# AGC of America: A National Organization Working for You

**T**he evidence clearly demonstrates that this industry is a major force in keeping our robust economy humming. That is why we are proud of the fact that AGC looks for opportunities to make the point that policies that benefit the construction industry benefit our national and local economies.


In early March of 2006, the Secretary of Commerce and his Mexican counterpart signed an agreement that would allow for a substantial increase in Mexican cement to enter the U.S. market. This was a result of intense lobbying and effective public relations generated by AGC. We made the case that cement shortages jeopardized construction projects, caused significant increases in building prices, and had the effect of encouraging the construction of factories and facilities offshore. This was a clear case where AGC's long standing policy in favor of free and fair trade was more than an academic exercise. It was an issue of direct consequence to many of our members and to the national economy.

No organization is a better advocate for public investment in infrastructure than AGC. We make the case that surface transportation, clean water projects, airport enhancements; all contribute to

our economy in multiples that greatly exceed their costs.

AGC works for sound tax policy to create positive economic conditions. We recognize that the favorable treatment of capital gains and dividends has increased the amount of capital invested in U.S. businesses and has allowed for plan expansion and 17 consecutive quarters of economic growth.

The ability to contribute to a growing economy requires a workforce big enough to meet the needs of expanding construction markets. The U.S. Department of Labor reports that we need to add more than one quarter of a million craft workers per year to our industry. As we all know, today's construction workforce includes immigrants who have left their homelands in search of America's dream. They are willing workers attracted to job opportunities in our industry and they are contributors to our industry and our economy. That is why we seek immigration reform legislation that acknowledges their contributions and expands legal means for additional works to join our workforce.

All that AGC does is directed at building a stronger economy: one work, one project, and one contractor at a time. 

## AGC of Greater Florida: Benefits of Membership



Building Your Quality of Life  
Greater Florida Chapter

**A**s a member of AGC of Greater Florida, you receive numerous benefits that help you grow your business. Some of these are:

- Up-to-the-minute updates on breaking news and other events affecting Florida's construction industry.
- The power of our collective voice in the state Capitol as a member of our government and regulatory affairs programs.
- Expert public relations, crisis communications and marketing consulting. Our executive vice president has more than 23 years of front line experience in public relations and will assist members with issues as an exclusive benefit of membership.
- Affinity programs with vendors around the state that save your firm money.

- Year-round professional development events at little or no cost to your firm.
- First-rate educational programs.
- Regular networking events that bring together general contractors, suppliers and subcontractors in a myriad of enjoyable settings.
- Safety, health and continuing education programs.
- Top quality publications such as Constructor Magazine and more.
- Access to our job and resume bank and other features on a newly redesigned Web site.
- The commitment and leadership that you have come to expect from AGC.
- Automatic membership into AGC's national organization, AGC of America ([www.agc.org](http://www.agc.org)).
- Entry into the prestigious, annual


Horizon Awards competition.

- Opportunity to participate in our local advisory committees.

### **AGC of Greater Florida is committed to "I3"**

- Improving the construction workforce in Florida
- Increasing the value of membership to AGC
- Informing our members and the public about AGC


As such, we're sponsors of the Palmetto High School Construction Academy, the Associated Schools of Construction Annual Competition, and we are affiliated with Orlando's Academy of Construction Technologies. We also are actively endorsing AGC of America's immigration reform efforts.

**Ask a member what else we're involved in; you will be surprised at the answer.** 

*AGC of Greater Florida... Because if you haven't seen us lately, then you haven't seen us.*

# AGC of Greater Florida: Legislative Reasons Why You Should Belong

The Associated General Contractors of Greater Florida represents Florida's general contractors 100 percent of the time on all legislative issues. You can help the AGC continue fighting the legislative battles on your behalf by supporting the AGC of Greater Florida through your continued membership and sponsorship.


- The 2005 legislative session was a banner year for AGC and the construction industry. Several AGC sponsored bills that passed included the Private Plan Review Provide, GC friendly Compromise on Prompt Pay/Retainage, Public Construction Bond Forms and Prohibition against Surety Bad Faith Claims, and the Florida Building Code. These bills had been filed at least two or three years in a row in different forms but never passed for various reasons. In 2005, AGC successfully prevented the insertion of any unacceptable amendments. In some cases, the AGC fended off the unacceptable amendments for three straight years before our opponents finally accepted that they would never be able to either run over or sneak past AGC.
- At the same time, we continued to defeat many bills that would negatively affect general contractors. Among those was a bill advanced by independent insurance agents, many of whom inexplicably also serve general contractors. The bill would have prevented a general contractor from withholding payment to a sub if a certificate of insurance was submitted by a sub and deficiencies were not noted within 10 to 30 days. The alleged problem was that a large homebuilder regularly used that to refuse to pay subs. That is hardly a reason to make such sweeping changes, and proof of the event was never provided, despite AGCs repeated requests.
- It is a great understatement to say then that AGC supported these bills. Unquestionably, AGC was the primary and in many instances, the sole voice supporting these initiatives on behalf of general contractors.
- Over the past decade, AGC has stopped repeated attempts to make Pay-When-Paid contractual provisions unenforceable, most recently in 2004.
- AGC negotiated the language in a new law passed in 2004, which significantly restricts a public owner's ability to require an owner-controlled insurance program.
- In 2003 and 2004, AGC stopped legislation requiring payment to subcontractors who begin work after providing a certificate of insurance, even if those certificates were subsequently found to be deficient or fraudulent.
- AGC stopped legislation in 2003 and 2004 allowing owners to contractually require indemnification for damages resulting from the owner's negligence, but making the same contractual provisions in subcontracts unenforceable.
- AGC passed legislation in 2003 that reversed a court ruling that any subcontractor at any tier found to be improperly licensed was cause to render the prime contract unenforceable.
- AGC passed legislation in 2002 that allowed a project owner the right to contract with private providers of plan review and inspection services.
- AGC was instrumental in eliminating workers compensation exemption for independent contractors and sole proprietors, limiting these exemptions to three officers per corporation.
- AGC established full-time legislative representation for Florida's general contractors in 1965.
- AGC employs a full-time legislative executive director to manage general contractor issues before the Florida Senate and House and public agencies of the state
- AGC retains a full-time contract lobbyist with access and support form multiple members of the firm, all with specialized and specific talents and responsibilities.
- The lobby firm has no additional clients with conflicting legislative interest with Florida's general contractors.
- AGC filed Amicus Brief (Friend of the Court Brief) where the court decided the prime contractors commercial GL policy did not cover the defective work of a subcontractor.
- AGC filed lawsuits against the Department of Revenue and the Department of Insurance to protect the rights of Florida's general contractors. 

# Quick Facts about the Construction Industry

**T**he construction industry has played a powerful role in sustaining economic growth, in addition to producing structures that add to productivity and quality of life.

- Construction is a significant source of jobs. The industry provides employment to nearly 7.5 million employees — more than 5 percent of the total nonfarm workforce. Even as homebuilding has declined recently, nonresidential construction employment rose by 140,000 jobs in 2006.
- That 3 percent increase was more than double the rate of job creation in the total nonfarm workforce.
- Construction jobs are good-paying jobs. In December 2006, seasonally adjusted hourly earnings in construction averaged \$20.48 per hour, 20 percent higher than the average for all private industry non-supervisory workers.
- Construction makes a disproportionately large contribution to GDP. The value of construction put in place in 2006 totaled \$1.2 trillion or 9 percent of gross domestic product, which was considerably higher than the construction industry's share of employment.
- Construction is a substantial purchaser of U.S. manufactured products. In 2006, shipments of construction materials and supplies topped \$500 billion — nearly 11 percent of total U.S. manufacturers' shipments. Shipments of construction machinery totaled \$36 billion — 11 percent of all U.S. machinery.
- Materials costs are a major problem.
- In the past three years, the producer price index for construction materials and components jumped 22 percent, more than double

the 9 percent rise in the consumer price index.

- The typical construction firm size is very small. According to the Census Bureau, there were 760,000 construction establishments with 6.6 million paid employees in 2004, plus more than 2 million firms without paid employees — mainly self-employed individuals but also partnerships and holding companies. Thus, average employment was only nine per establishment. (An establishment is a permanent business location. Most construction firms have only one establishment.)
- Small business is big in construction. In 2004, 91 percent of construction establishments had fewer than 20 employees. Only 1 percent had 100 or more employees.
- Construction is a low-margin industry. Internal Revenue Service data for 2003 shows that the 676,000 corporations in construction had a net income of \$32 billion, or 2.8 percent of total receipts of \$1.1 trillion. That was barely half of the all-industry average margin of 5.5 percent.
- Construction is a high-turnover industry in terms of entering and exiting firms. Census data prepared for the Office of Advocacy of the U.S. Small Business Administration shows that 87,000 of 600,000 construction firms with employees in 2003 (14 percent) had no employment in 2002, while 78,000 firms closed.
- The 2005 Construction Industry Annual Financial Survey, conducted by the Construction Financial Management Assn., included responses from 532 companies. Net earnings before income taxes in 2005 averaged 1.8 percent. The return on assets averaged 5.2 percent. 

## Florida Construction Industry Fast Facts


### Construction's Key Role in the Florida Economy

**T**he construction industry has played a powerful role in sustaining economic growth nationally and in Florida.

- The industry employed 621,000 workers in November 2006 (seasonally adjusted), up 30,000 (5 percent) from November 2005, and equal to 8 percent of the state's total non-farm employment. Construction employment grew nearly twice as fast as overall employment in the state.
- Construction workers and owners earned \$39 billion (seasonally adjusted annual rate) July to September 2006, 9 percent of total earnings in Florida of \$439 billion.
- The average weekly wage for construction workers was \$765 in the

first quarter of 2006 in Florida, 5 percent above the average for all private employees. The national average for construction workers was \$823.

- Construction contributed \$48 billion (7 percent) to Florida's gross domestic product (GDP) of \$673 billion in 2005. Nationally, construction accounted for less than 5 percent of GDP.
- Small business is big in construction. Florida had 52,000 construction establishments (locations) in 2004, of which 47,000 (91 percent) employed fewer than 20 workers. In addition, Florida had 134,000 construction firms without employees (mostly self-employed individuals).

- AGC members are a significant part of Florida's robust economy, which has led every other state in the nation in job growth and creation figures for more than three years. From November 2005 to November 2006, Florida added 211,000 new jobs, seasonally adjusted. Florida's January 2006 unemployment rate was 3.3 percent, which is 1.2 percentage points below the national rate of 4.5 percent. Florida continues to lead the nation in the number of new jobs created, has the fastest rate of annual job growth, and the lowest unemployment rate among the 10 most populous states. 

# 2007 - The Legislative Year Ahead in Tallahassee



BY WARREN HUSBAND AND BILL SPANN

Florida has a brand new governor, chief financial officer and attorney General, as well as many new faces in the Florida House and the Florida Senate. You should know that AGC's lobby team has been very busy over the last few months traveling the state and assisting the campaigns of a multitude of candidates. From making strategic political contributions to walking with candidates and knocking on doors, the groundwork was laid and relationships were built during this campaign season. That will be critical to our continued effectiveness for AGC in Tallahassee.

While the media buzz at the federal level can sometimes drown out events in state politics, the fact is that your state government has a much more direct impact — good or bad — on your business than the federal government ever will. As your local newspapers probably reflected, the political climate for 2007 was dominated by two thorny issues: property insurance and property taxes. Although Florida has thus far been spared any significant hurricane activity this year, the state's property insurance market is still a significant problem for all of us as individuals and for the state's overall economic climate. Proposed solutions cover a wide gamut, with no single one a silver bullet, including:

- **Increased state financial backing** for insurers facing catastrophic insurance claims
- **Eliminating the ability of property insurers to issue policies on the coast that exclude hurricane risk**, forcing owners to get this coverage from the state-created Citizens Property Insurance.
- **Increased mitigation** and possible changes to the Florida Building Code.

Having scored some major successes in 2006, AGC is still formalizing its agenda for the 2007 Session of the Florida Legislature. One item of unfinished business from 2006

will almost certainly be near the top of that agenda — some common-sense reforms to the Jessica Lunsford Act that will make compliance with the Act both more workable for contractors and more effective in protecting Florida's school children from sexual offenders.

The Jessica Lunsford Act was passed in 2005 following the tragic assault and murder of the young girl in Homosassa Springs. In addition to increased monitoring of sexual offenders, the Act also requires fingerprints and a full background screening of any contractor personnel who are permitted access on school grounds when students are present. The law, prior to passage of the Act had previously required this level of screening only with respect to contractor personnel who had direct contact with students.

Beyond the practical problems and costs associated with fingerprinting and screening each and every construction worker with access to school property when children are present, school boards and contractors soon discovered other implementation problems created by the Act, including:

- **Varying interpretations** from school board to school board about what constitutes a disqualifying offense that will exclude a worker from school premises
- **Widely varying costs** for background checks among school districts
- **The potential need for duplicative checks** as workers move from one school district to another

Unable to reach a compromise solution to these problems during the Legislature's Special Session in December of 2005, bills were introduced in 2006 to try and find some common ground on this issue. The Senate and the House each passed a bill in the 2006 Session, but the chambers were unable to agree on a single piece of compromised legislation before the Legislature adjourned.

In 2007, AGC will continue to advocate for a system that replaces mandatory fingerprinting and full background screening with

one that will be more effective and more responsive to the realities of the contracting process and the construction workforce. This new system would be premised upon a special annotation on the driver's license or ID card of any person convicted of specified sex offenses. Before a worker is allowed on the job site, their employer would be required to check the worker's license or ID card and check the worker against the National Sex Offender Public Registry made available Online through the U.S. Department of Justice.

Beyond this and other proactive measures that AGC will be advocating in 2007, there will also likely be many bad bills and amendments targeting general contractors that AGC will have to fight against just as in past years. From a ban on pay-when-paid clauses in all construction contracts (this amendment made it onto two bills in 2006) to statutory caps on retainage, there seems to be no limit to the desire of some to have the state legislature write your construction agreements and take away your freedom to contract.

Despite AGC's recent success in fighting off these assaults on general contractors, many more such fights are on the horizon. But AGC cannot continue to win these fights against the multitude of groups arrayed against it without the participation of each and every general contractor in the state of Florida.

## How can you help?

- Join or renew with your local AGC chapter today and get involved in the pressing issues facing the state's construction industry.
- Get active politically through your local AGC political action committee, both by contributing funds and getting to know your local state legislators.
- Make yourself available to communicate with your local state legislators by phone, mail or in person as issues of importance are considered in Tallahassee.

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When faced with the everyday demands of your business, it is all too tempting to respond to calls for your participation in trade or civic groups by saying "let the other guy do it." While AGC has been blessed to have the active participation of many fine general contractors over the years, your absence and the absence of your experience and insight are keenly felt. We have an entire state to cover. That's 40 state senators, 120 state representatives, a governor and a cabinet. Your industry needs you — today.

## **TALLAHASSEE 2006: AGCGF Government Affairs Team Protecting Your Business Interests**

### **Statute of Repose/Condo Warranties**

Prior to the passage of legislation this year, contractors, subcontractors, architects and engineers could be sued for up to 15 years after a Florida construction project was completed. Liability insurance for those involved in the construction process is increasingly difficult and more expensive to obtain to cover a period of more than 10 years after a project is complete. In fact, liability insurance for contractors and subcontractors on residential construction projects, such as houses and condominiums, is generally not available at any price to cover a period of more than 10 years.

Florida's 15-year time period for bringing such actions was considerably longer than the period permitted in other states, most of which have adopted a 10-year limit. New legislation backed by AGC that passed in 2006 reduces Florida's current 15-year period, commonly referred to as a "statute of repose," down to 10 years.

Florida's 15-year time period for bringing such actions was considerably longer

than the period permitted in adopted a 10-year limit. New legislation backed by AGC that passed in 2006 reduces Florida's current 15-year period, commonly referred to as a "statute of repose," down to 10 years.

"Moving the statute of repose on construction defects down from 15 years to 10 years was critical for this state's general contractors, many of whom could not obtain insurance coverage on their projects for a period beyond 10 years.

"This essential change in the law would not have happened without the extraordinary efforts of Florida's Associated General Contractors," said Sen. Charlie Clary (R – Destin).

Florida has two statutes creating warranties in favor of condominium owners. Section 718.203 was intended to apply to projects that are commenced as condominiums and create a warranty from the developer, contractor and subcontractors. Section 718.618 was intended to apply to structures that are converted to condominiums and create a warranty from the developer. These statutes, however, did not squarely deal with the situation where a project, like an apartment building or a hotel, is converted to condominiums mid-way through construction. As such conversions became more common in Florida, the parties involved were left to guess about which warranties apply.

The same piece of legislation contains a provision that will help remedy this confusion and make clear that contractors and subcontractors have no warranty obligations in these mid-construction conversion situations.

### **Rep. Bill Galvano (R – Bradenton)**

"Florida's Associated General Contractors fought long and hard to get this bill passed in 2006. Some members of the construction industry wanted to hold out for a reduction down to 7 or 8 years. In my view...such a

reduction...would not have passed the Legislature either in 2006 or in the foreseeable future. In the meantime, Florida's general contractors would have been left exposed to significant liability with no insurance to cover that risk."


This legislation was signed by the Governor on June 9, 2006, and took effect on July 1, 2006.


### **Repeal of Joint & Several Liability**

In its pure form, liability that is "joint" and "several" renders each party at fault 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 gives rise to an award of \$1,000,000 in damages to a plaintiff, but the party found 70 percent at fault for the injury is unable to pay his or her 70% share, the party only 30 percent at fault could be liable for the entire \$1,000,000 in damages awarded to the plaintiff (instead of just \$300,000). Thus, the doctrine of "joint and several liability" effectively renders each defendant a guarantor of the obligations of all persons found to be at fault for a particular injury. The doctrine has evolved over time with states varying in the way in which they assign liability. Several states have abolished joint and several liability; some have retained or abolished it except as to certain torts; some have linked it to the degree of plaintiff's fault; and others have abolished it as to particular types of damages.

Prior to the passage of legislation this year, Florida law eliminated joint and several liability in negligence cases for noneconomic damages (like damages for pain and suffering), while retaining joint and several liability in a modified form for economic damages (like the cost of medical treatment, lost wages, etc.).

New legislation supported by AGC and passed in 2006 repeals the last vestiges of joint and several liability in apportioning economic damages in negligence cases. As a result, a party's liability would be limited to that party's degree of fault, e.g., a defendant 10% at fault would be liable for only 10% of the plaintiff's damages. Passage of this new law completes a process begun by the Legislature in 1986 and continued in further reforms in 1999.

Having passed the House and the Senate, this legislation was signed into law by Governor Bush on April 26, 2006, and applies to all negligence actions arising on or after that date. 

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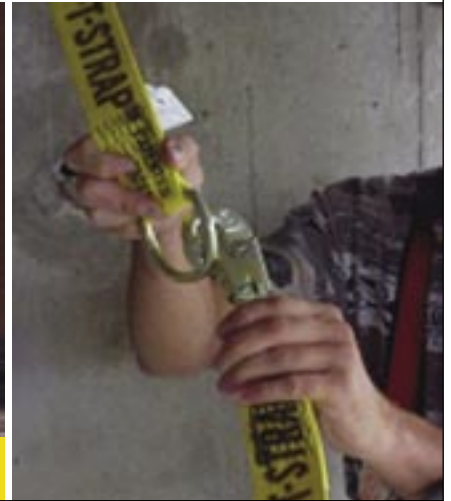
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