LEGISLATIVE REPORT
2021 Regular Session of the Florida Legislature
April 30, 2021

It's over!! The Florida House and Senate concluded their business today and adjourned the 2021 Session at 2:40 p.m.

In total, 3,096 bills were filed for the 2021 Session, as well as thousands of amendments to those bills as they worked their way through the legislative process. As of this morning, 258 bills had passed both chambers.

During the 2021 Session, we tracked 54 high-priority bills that would impact general contractors, as well as 154 other bills of broader interest to the construction industry. Beyond the bills AGC actively supported, we also had determine the impact of dozens of other bills, as well as the many amendments filed to those bills throughout the Session, and decide whether to support, oppose, or amend the bills further.

Outlined below is a summary of the major bills and issues on which AGC pursued the interests of Florida's general contractors during the 2021 Session here in Tallahassee.

COVID-19 Liability Protections — **STATUS: SIGNED INTO LAW**
SB 72 (Brandes)/HB 7 (McClure) — AGC POSITION: **SUPPORT**

AGC was heavily involved in pushing for the passage of HB 7 and SB 72, which provides contractors and other businesses with critical COVID-19 liability protections. Under the bill:

- A business making a good faith effort to substantially comply with government safety guidelines would be immune from civil liability.
- Requires the plaintiff to submit an affidavit from a doctor at the outset of the case.
- A business would only be liable if the plaintiff proves, by clear and convincing evidence, that the business was grossly negligent.
- If there were multiple sources of government safety guidelines at the time, the good faith compliance of the business with any one of them would be sufficient.

STATUS – The House passed its own liability protection bill covering the broader business community (HB 7) on March 5, but the House was advancing its liability protection bill for health care providers in separate legislation. The Senate, however, ultimately put all of its liability protection measures into a single bill (SB 72) and passed it

on March 18 (24-15). The House then took up SB 72 and passed it on March 26 (83-31). Governor DeSantis signed the bill into law on March 29.

Tax Breaks – Unempl./Comm'l Rents **STATUS: SIGNED INTO LAW**
SB 50 (Gruters)/HB 15 (Clemons) AGC POSITION: **SUPPORT**

Retailers with a "physical presence" in Florida are already required to collect and remit sales tax from Florida consumers, but out-of-state online retailers are not required to do so. Instead, Florida consumers who make purchases online are supposed to remit the tax on their purchases to the state, but few actually do so.

This situation is the result of decisions by the U.S. Supreme Court that have interpreted the Commerce Clause of the U.S. Constitution to require that a retailer must have a "substantial nexus" with the taxing state before the taxing state may require the retailer to collect its sales taxes. For decades, the U.S. Supreme Court has interpreted this substantial nexus requirement to mean that the retailer must have a physical presence (people or property) within the taxing state.

On June 21, 2018, however, the U.S. Supreme Court decided *South Dakota v. Wayfair*. In that case, the Court overturned the "physical presence test," thereby expanding a state's ability to collect sales taxes. A substantial nexus between the retailer and the taxing state is still required. The minimum contacts constitutionally required to establish this substantial nexus remain unclear.

Florida business groups have lobbied for years to require out-of-state retailers to collect and remit sales taxes, but they have not been successful because of Republican concerns that such a move could be perceived as a tax increase.

The bill requires out-of-state retailers and marketplace providers with no physical presence in Florida to collect tax on the sale of items delivered to purchasers in Florida if the out-of-state retailer or marketplace provider makes a substantial number of sales into Florida. Consistent with the South Dakota law tested in the *Wayfair* case, a substantial number of remote sales means conducting taxable remote sales in an amount exceeding $100,000 during the previous calendar year. It is estimated that this change would produce $1 billion a year in revenue for the state.

In order to avoid the label of a "tax increase," the Legislature decided to use this $1 billion generated annually to buy down other taxes, namely the unemployment tax and commercial rents tax.

Before the pandemic, businesses paid $7 per employee in unemployment taxes. The rate shot up to $49 this year and could jump to $87.

The extra $1 billion brought in through sales tax collections by out-of-state retailers would initially be used to replenish the state's Unemployment Compensation Trust Fund, thus

avoiding further dramatic increases in the unemployment taxes paid by Florida employers.

After this Fund is replenished, the extra state revenue would then be used to reduce the state's commercial rent tax from 5.5 percent to 2 percent.

STATUS: After some back-and-forth between the chambers, SB 50 ultimately passed the Senate (27-12) and the House (93-24). Governor DeSantis signed the bill into law on April 19.

Construction Liens and Bonds **STATUS: FAILED**
SB 622 (Perry)/HB 473 (Toledo) AGC POSITION: **OPPOSE**

This bill, initially filed at the request of material suppliers in the 2020 session, became a magnet for a wide variety of construction lien and bond issues, many of which have come from the Construction Law Committee of the Florida Bar's Real Property, Probate, and Trust Law Section. As outlined below, AGC worked closely with all of the interested parties to successfully fend off or modify provisions that would be harmful to general contractors and to add provisions that would be beneficial.

As discussed in the first bullet below, despite extraordinary efforts all session long, we reached an impasse with the material suppliers on the issue of lien/bond waiver forms. Since we could not come to agreement on a mutually acceptable amendment, AGC had no choice but to oppose the bill and seek its defeat in the closing weeks of the session.

- The original bill contained language that would have broadly invalidated any provision in a sub's or supplier's lien or bond waiver unrelated to the specific act of waiving such a claim, e.g., added representations or warranties, indemnity agreements, etc. In effect, all parties would be required to use the "bare bones" statutory waiver form.

  After much discussion among our general contractor members, AGC decided to oppose this component of the bill due to its many unintended consequences and its restriction on parties' freedom to contract. Instead, AGC advocated for language that would allow the waiving party to agree by contract to use a waiver that varies from the statutory form.

  The bill filed this year would require the owner to join in such a contract in order for it to be effective, which is both unnecessary and unreasonable. The material suppliers acknowledged that this requirement was inserted in order to make it virtually impossible to use anything other than the statutory waiver form. We repeatedly met with the bill sponsors and testified against this provision in every legislative committee.

- AGC pushed back hard on proposed changes to the statute that awards attorney fees to the "prevailing party" in lien and bond claims. Our opponents wanted to replace current law with a "net judgment rule," which would award attorney fees to a supplier or subcontractor if they recovered any amount at all on their lien or bond claim, even $1. There was also a concerted effort to reverse current case law and require a judge to designate a prevailing party and award attorney fees in every case, removing the judge's discretion to determine that neither party truly "prevailed" and each party should bear their own attorney fees. AGC opposed those changes, and they were not added to the bill.

- AGC strongly opposed efforts to include in the bill the complete repeal of the statute authorizing conditional payment bonds. No repeal or revisions to this statute were added to the bill.

- AGC also successfully backed the addition of provisions that would:

  (a) Make it clear that construction management and project management services provided by a general contractor or building contractor are lienable under chapter 713;

  (b) Provide that a person may file one claim of lien for multiple contracts with the same owner; and

  (c) Provide a clearer and more practical notice of termination process that requires the owner to pay each person who has properly served a notice to owner/contractor prior to the owner recording the notice of termination, and that requires the owner to provide a copy of the notice of termination to any person who properly serves a notice to owner after the recording of notice of termination.

For a while, the bill also included a provision that would have made a private leasehold interest on public property lienable under chapter 713. This language was later removed, however, because cities and counties raised a number of practical concerns about the operation of this proposed change in the law, which we will need to study and respond to in advance of the 2022 legislative session.

STATUS – Working with House leadership and the bill sponsor, we were finally able to amend HB 473 in its last committee stop in the House on April 6 to correct the "lien waiver" issue discussed above (first bullet), over the objections of the material suppliers. The bill as amended would allow the waiving party to agree by contract to use a waiver that varies from the statutory form, without the need for the owner to join in that agreement. SB 622, however, continued to retain this unreasonable "owner requirement" throughout the committee process.

As each bill advanced to the floor of its respective chamber, the material suppliers supported SB 622 and opposed HB 473, as the material suppliers remained committed to a statutorily-mandated lien waiver form with no real possibility for variation by contract.

In fact, despite public pronouncements that he would not advance the bill without brokering a compromise among the parties, the Senate sponsor actually amended SB 622 on the Senate floor on April 21 to make it worse. His amendment removed all of the bill language surrounding the "owner requirement," which held out the possibility, however impractical, that the parties could agree to a non-statutory waiver form in any contract joined in by the owner. In its place, the amendment inserted language expressly mandating use of the statutory waiver form and repealing a current law providing that a non-statutory waiver form is enforceable in accordance with its terms.

For its part, ABC opposed the amended version of HB 473 over concerns that its express allowance for the adoption of additional waiver terms by contract would spur owners and lenders to require many new burdensome provisions in waivers. ABC took the position that SB 622 was less objectionable from this perspective, but that no change to the current statute was a preferable result.

Ultimately, while SB 622 passed the Senate on April 21, the House held firm and refused to take it up, so the bill failed and did not pass during the 2021 Session.

Preempting Local Licensing **STATUS: PASSED**
SB 268 (Perry)/**HB 735 (Harding)** AGC POSITION: **SUPPORT**

This bill, which did not make it across the finish line in 2019 or 2020, expressly preempts the licensing of occupations to the state and supersedes any local government licensing of occupations. However, any licensing of occupations adopted prior to July 1, 2021, would remain in effect until July 1, 2023.

The bill specifically prohibits local governments from requiring a license for a person whose job scope does not substantially correspond to one of the types of contractors licensed by the Construction Industry Licensing Board, and specifically precludes local governments from requiring a license for: painting, flooring, cabinetry, interior remodeling, driveway or tennis court installation, handyman services, decorative stone, tile, marble, granite, or terrazzo installation, plastering, stuccoing, caulking, and canvas awning and ornamental iron installation.

The bill expressly authorizes counties and municipalities to continue issuing journeyman licenses in the plumbing, pipe fitting, mechanical and HVAC trades, as well as the electrical and alarm system trades.

STATUS – HB 735 passed the House on April 1 and the Senate on April 26. The bill will be forwarded to Governor DeSantis for his consideration in the coming weeks.

Building Inspections **STATUS: PASSED**
SB 1382 (Perry)/**HB 667 (Mooney)** AGC POSITION: **SUPPORT**

This bill requires local building code enforcement agencies to allow requests for inspections to be submitted electronically.

The bill provides that any government entity with the authority to enforce the Florida Building Code may perform "virtual inspections" at their own discretion, except for certain structural inspections on threshold buildings. The bill defines a "virtual inspection" as one that uses visual or electronic aids to allow a building official or inspector to perform an inspection without having to be physically present at the site.

The bill requires a local enforcement agency to refund 10 percent of the permit and inspection fees to a permit holder who fails an inspection if the inspector or building official fails to provide a valid reason for the failure based on Code or ordinance within five business days of the inspection.

STATUS: HB 667 passed the House on April 21 and the Senate on April 26. The bill will be forwarded to Governor DeSantis for his consideration in the coming weeks.

Building Permits **STATUS: PASSED**
SB 1788 (Boyd)/**HB 1059 (Robinson)** AGC POSITION: **SUPPORT**

The bill requires a local government to review within specified time-periods any additional information the local government requests with respect to an application for a development permit or development order.

The bill requires local enforcement agencies to:

- Post each building permit application, including a list of any required attachments, such as drawings or plans, on their websites.
- Allow applicants to submit completed building permit applications electronically including any required payments and attachments, such as plans;
- Post the current status of every received building permit application on their website; and
- Post their procedures for reviewing, processing, and approving building permit applications on their websites.

The bill prohibits government entities from requiring a copy of a contractor's contract with owners, subcontractors, or suppliers in order to obtain a building permit for projects on commercial property.

Finally, the bill requires a 10% reduction in building permit fees for every business day that a building department misses a deadline established by statute or local ordinance for

reviewing certain types of building permit applications, unless the applicant agrees to a longer period.

STATUS: HB 1059 passed the House on April 1 and the Senate on April 26. The bill will be forwarded to Governor DeSantis for his consideration in the coming weeks.

Building Code **STATUS: PASSED**
SB 1146 (Brodeur)/**HB 401 (Fetterhoff)** AGC POSITION: **SUPPORT**

The Florida Building Commission (Commission) implements and adopts the Florida Building Code, which applies to construction across the state. The Commission adopts a new edition of the Code every three years.

The Commission and local governments may adopt amendments to the Code provided they follow the requirements in current law. Local amendments to the Code expire when the newest edition of the Code takes effect. Current law also requires the Commission to develop and implement an approval of products for statewide use.

HB 401 contains the following components:

- Allows a substantially affected person to petition the Commission for a non-binding advisory opinion on whether a local government regulation constitutes an improperly adopted amendment to the Code.
- Allows the Commission to adopt by rule an "errata" list identifying demonstrated errors in current and previous editions of the Code.
- Allows the Commission to adopt rules for approving product evaluation entities in addition to the ones already listed and approved in current law.
- Prohibits a local government from requiring a contract between a builder and an owner as a condition to apply for or obtain a building permit.
- Provides that a municipality, county, or special district may not use preliminary maps issued by the FEMA for any law, ordinance, rule, or other measure that has the effect of imposing land use changes.

With regard to private building inspectors, known as "private providers," the bill:

- Authorize private providers to conduct virtual building inspections.
- Allow private provides to submit various inspection forms, records, and reports electronically to local building departments and utilize electronic signatures.
- Allow private providers to conduct "single-trade inspections," as defined in the bill.
- Authorize a private provider to conduct emergency inspection services without first notifying the local building official.
- Authorize local governments and school districts to use private providers for public works projects and improvements.

Status: HB 401 passed the House on April 29 and the Senate on April 30. The bill will be forwarded to Governor DeSantis for his consideration in the coming weeks.

Impact Fees **STATUS: PASSED**
SB 750 (Gruters)/**HB 337 (DiCeglie)** AGC POSITION: **SUPPORT**

This bill makes a number of changes regarding limitations on, and requirements for, the imposition of impact fees by local governments to fund local infrastructure.

The bill defines the terms "infrastructure" and "public facilities" to specify that impact fees may be utilized only for fixed capital expenditures or fixed capital outlays for major capital improvements.

The bill provides that local governments, school districts, and special districts may only increase impact fees as follows:

- For an increase of not more than 25 percent, the increase must be implemented in two equal annual increments;
- For an increase of between 25 and 50 percent, the increase must be implemented in four equal installments;
- Impact fees may not be increased by more than 50 percent; and
- Impact fees may not be increased more than once every four years.

The bill provides that local governments, school districts, and special districts may bypass the prescribed impact fee increase limitations based on a report establishing extraordinary circumstances showing the need for the increase that is completed no earlier than 12 months before the fee adoption or increase, conducts at least two publicly-noticed workshops on the extraordinary circumstances prior to the increase, and adopts the increase by at least a two-thirds vote of the governing body.

Additionally, impact fees may not be increased retroactively for a previous or current fiscal or calendar year.

The bill's impact fee increase provisions operate retroactively to January 1, 2021.

Finally, in addition to local governments, the bill requires special districts to credit against the collection of an impact fee any contribution for the general category or class of public facilities or infrastructure for which the impact fee was collected. The existing requirement on local governments to credit contributions is expanded to apply to contributions related to all public facilities or infrastructure, and not just public education facilities as under current law.

STATUS: HB 337 passed the House on April 21 and the Senate on April 26. The bill will be forwarded to Governor DeSantis for his consideration in the coming weeks.

Tolling Permits During States of Emergency **STATUS: PASSED**
SB 912 (Albritton)/HB 859 (Grant) AGC POSITION: **SUPPORT**

State law currently provides that a state of emergency issued by the Governor for a natural emergency tolls the period remaining for a party to exercise rights under certain permits and other authorizations. The period remaining to exercise such rights is suspended for the duration of the state of emergency, plus an additional six months. The emergency tolling and extension afforded by this statute currently applies to the expiration of a development order issued by a local government, a building permit, and an environmental resource permit issued pursuant to Part IV of ch. 373

This bill specifies additional permits and authorizations that may be tolled and extended during a state of emergency. These include consumptive use water permits issued under Part II of ch. 373 and development permits and development agreements.

The bill applies retroactively to any declaration of a state of emergency issued by the Governor for a natural emergency since March 1, 2020. Under this retroactive application, existing permits and authorizations added by the bill may receive the emergency tolling and extension for the state of emergency declared in response to the COVID-19 pandemic.

STATUS: SB 912 passed the Senate on April 28 and the House on April 29. The bill will be forwarded to Governor DeSantis for his consideration in the coming weeks.

Public Works and Bidding **STATUS: PASSED**
SB 1076 (Brodeur)/**HB 53 (DiCeglie)** AGC POSITION: **SUPPORT**

When procuring construction services for public works projects in which 50 percent or more of the cost will be paid from state-appropriated funds, current law prohibits the state and any county, municipality, school district, other political subdivision, university, or college from requiring contractors or subcontractors to:

- Pay employees a predetermined amount of wages or prescribe any wage rate.
- Provide employees a specified type, amount, or rate of employee benefits.
- Control, limit, or expand staffing.
- Recruit, train, or hire employees from a designated, restricted, or single source.

The bill, as amended, would remove the 50-percent threshold and apply this prohibition to all projects for which any state-appropriated funding is used, if the project exceeds $1 million in value.

Further, the bill would prohibit public entities on such projects from preventing a contractor or subcontractor from participating in the bidding process based on the geographic location of its company headquarters or offices or the residences of their employees.

In addition, when procuring construction services in which 50 percent or more of the cost will be paid from state-appropriated funds, current law prohibits a county, municipality, school district, other political subdivision, or college from providing a preference based upon:

- Maintaining an office or place of business within a particular local jurisdiction;
- Hiring employees or subcontractors from within a particular local jurisdiction; or
- Prior payment of local taxes, assessments, or duties within a particular local jurisdiction.

Similar to the change described above, the bill would remove the 50-percent threshold and apply this prohibition to all projects for which any state-appropriated funding is used. The scope of the prohibition would be altered, however, so that it only prohibits the public entity from preventing a contractor from bidding based on one or more of the listed grounds. The law would not prohibit the public entity from establishing preferences based on those grounds.

The bill also contains new language requiring more extensive analysis of water and wastewater infrastructure needs.

STATUS: HB 53 passed both the House and Senate during the closing days of the 2021 Session. The bill will be forwarded to Governor DeSantis for his consideration in the coming weeks.

Workforce Development **STATUS: PASSED**
SB 366 (Hutson) AGC POSITION: **SUPPORT**

Among other things, SB 366 would modify Florida laws to provide greater support for students participating in work-based learning programs.

Notably, the bill provides that a school district or state college is considered the employer of a student 18 years of age or younger who is providing unpaid services in a work-based learning opportunity provided by the school district or Florida College System institution. By contrast, a student 18 years of age or younger who is in a paid work-based learning opportunity must be covered by the employer's workers' compensation insurance. Subject to appropriation, the Department of Education may reimburse employers, including school districts and state colleges, for the proportionate cost of workers' compensation premiums for those students in accordance with department rules.

STATUS: SB 366 ultimately passed the House on April 27 and the Senate on April 28. The bill will be forwarded to Governor DeSantis for his consideration in the coming weeks. This bill add to other legislation that was passed this session to overhaul and transform Florida's workforce and career development systems for job seekers and students – HB 1507.

Stiffer Penalties for Unlicensed Contracting **STATUS: FAILED**
SB 332 (Perry)/HB 1169 (Stevenson) AGC POSITION: **SUPPORT**

SB 332 would have increased the criminal penalties when an unlicensed person engages in the business or acts in the capacity of a contractor without being duly registered or certified.

For such violations, the bill creates a tiered penalty structure, increasing in severity with the contract price. If the contract price is:

- Less than $1,000, the penalty is a first degree misdemeanor.
- $1,000 or more, but less than $20,000, the penalty is a third degree felony.
- $20,000 or more, but less than $200,000, the penalty is a second degree felony.
- $200,000 or more, the penalty is a first degree felony.

STATUS: SB 332 moved successfully through two of its three committees, while HB 1169 made it through only one, so the bill did not pass during the 2021 Session.

Construction Litigation Reform **STATUS: FAILED**
SB 270 (Perry)/HB 21 (Andrade) AGC POSITION: **SUPPORT**

This bill combined a number of construction litigation reform proposals that AGC worked on much of last year with other construction industry stakeholders, which consisted of the following:

- Limits lawsuits under s. 553.84, which creates a civil cause of action for any person damaged as the result of a building code violation. The bill would limit such lawsuits to "material" building code violations only -- ones that may reasonably result in physical harm to a person or in significant damage to the building or its systems.
- Makes a number of changes to the chapter 558 notice-and-cure process in an effort to make it more effective in resolving disputes over alleged construction defects.
- Requires an owner to exhaust warranties prior to serving a chapter 558 notice of claim or filing a lawsuit.

At the same time, AGC opposed efforts like those in last year's insurer-backed SB 1488 and HB 295, which would have:

- Required mandatory non-binding arbitration in all construction defect cases.
- Mandated the use of a special verdict form that would have required early litigation on insurance coverage issues.
- Limited the insurer's duty to defend to only the scope of work of its named insured.

STATUS: While the bills advanced through several committees in hard fought votes, neither reached the floor of its respective chamber. While we explored getting some litigation relief via an amendment on another bill, this proved impractical, so we will be back working on this issue as we look to the 2022 Session.

Addressing Sea Level Rise & Nutrient Pollution **STATUS: PASSED**
SB 2512/HB 5401 AGC POSITION: **MONITOR**
SB 1954/HB 7019

The state's documentary stamp tax imposes an excise tax on deeds or other documents relating to real property or interests in real property. Current law directs 24.17% of documentary stamp tax revenues to a variety of affordable housing programs. While this creates a pot of approximately $400 million annually, the Legislature historically diverts a large portion of those funds into other spending priorities.

Going forward, SB 2512/HB 5401 would revise this split as follows:

- 9.7% would remain in affordable housing programs ($200M annually);
- 5.4% would go to an existing grant program to assist local governments with wastewater projects that reduce excess nutrient pollution ($111M annually); and
- 5.4% would go to a new grant program to assist local governments in addressing threats from flooding and sea level rise ($111M annually).

SB 1954/HB 7019 would establish a new statewide "resiliency" program to assess and address inland and coastal flooding and sea level rise. The program would funding to local governments for the costs of resilience planning, such as vulnerability assessments and new plans or policies. The Florida Department of Environmental Protection would: (a) develop statewide data to determine the risks to inland and coastal communities, including statewide sea level rise projections; (b) develop a statewide assessment that identifies vulnerable areas and infrastructure, including "critical assets;" and (c) submit an annual plan proposing funding for local projects that address risks from flooding and sea level rise.

STATUS: As a priority of both House and Senate leadership, these bills moved swiftly through the legislative process. SB 2512 and SB 1954 ultimately passed in both the Senate and House during the first week of April. They will be sent to Governor DeSantis for his action in the near future.

Payment for Construction Services **STATUS: PASSED**
SB 378 (Bradley)/HB 585 (DiCeglie) AGC POSITION: **MONITOR**

The bill increases the remedial interest rate applied to payments wrongfully withheld for construction services for public and private construction projects. Under SB 378, public entities that wrongfully withhold payment to contractors and, likewise, contractors who

wrongfully withhold payment to subcontractors and sub-subcontractors on public projects, would be liable for interest at a rate of 2% per month instead of the current 1%. HB 585 sets the revised interest rate at 1.5% per month.

For private projects, current law specifies that wrongfully withheld construction payments bear interest at the rate specified in s. 55.03, F.S., which provides the general interest rate on all judgments. The bill adds 12% per year to the s. 55.03 interest rate. HB 585 sets this additional interest at 1% per year.

Furthermore, the bill clarifies that parties who contract with a public or private entity for construction services and knowingly and intentionally fail to pay the undisputed contract obligations for construction labor, services, or materials, commit misapplication of construction funds, as provided in s. 713.345, F.S. The Construction Industry Licensing Board must take disciplinary against a construction industry licensee found guilty of committing misapplication of construction funds and suspend the licensee's license for a minimum of one year.

The provisions of the bill apply to contracts executed on or after July 1, 2021.

STATUS: SB 378 passed the Senate on April 1 and the House on April 26. The bill will be forwarded to Governor DeSantis for his consideration in the coming weeks.

Contractors and Insurance Claims **STATUS: PASSED**
SB 1598 (Gruters)/HB 717 (Clemons) AGC POSITION: **MONITOR**

Among a wide variety of "consumer protection" provisions, this bill makes clear that a construction contractor or its subcontractors may not advertise, solicit, offer to handle, handle, or perform the services of an insurance adjuster. This prohibition does not preclude a contractor from suggesting or otherwise recommending to a consumer that the consumer consider contacting his or her insurer to determine if the proposed repair is covered under the consumer's insurance policy.

STATUS: SB 1598 passed the Senate on April 22 and the House on April 28. The bill will be forwarded to Governor DeSantis for his consideration in the coming weeks.

Apprenticeship Req'ts for Public Construction **STATUS: FAILED**
SB 1600 (Cruz) AGC POSITION: **OPPOSE**

For the duration of any public contract for vertical construction, this bill would require at least 12 percent of the labor hours on the project to be performed by apprentices employed by the contractor or subcontractors. Failure to comply would subject the contractor to financial penalties, with the added possibility of contract termination and debarment or suspension from bidding on future public contracts.

Further, a contractor who bids on such a project would have to certify one of the following:

- The contractor or its subcontractors participate in an apprenticeship program that is registered with the Department of Education or the United States Department of Labor.
- The contractor or its subcontractors will participate in such an apprenticeship program or an on-the-job training program.
- There are no registered apprenticeship or on-the-job training programs for any type of work to be performed on the construction project.

Status: This bill was not heard in any committee, so it did not pass during the 2021 Session.

Minority Subcontractor Quotas on State Projects **STATUS: FAILED**
SB 1226 (Jones)/HB 1187 (Valdes) AGC POSITION: **OPPOSE**

This bill would require state contracts for all goods and services to be awarded only to contractors who agree to use certified minority, woman-owned, or veteran-owned businesses as subcontractors or subvendors for at least 30 percent of the contract value.

Status: This bill was not heard in any committee, so it did not pass during the 2021 Session.

Constr. Management on University Projects **STATUS: FAILED**
HB 1131 (Truenow) AGC POSITION: **OPPOSE**

School districts, state colleges, and state universities, just like state agencies, cities, and counties, must use the qualifications-based selection process delineated in s. 287.055 to procure design services, construction management services, and program management services. Under this process, the public entity solicits information regarding firms' qualifications, then short-lists several firms, at which point the public entity can then sequentially negotiate contract terms, including price, with the top firm. If that negotiation reaches an impasse, the public entity can them move on and negotiate with the second firm, and so on.

HB 1131 would allow state universities to move away from this qualifications-based selection process, and instead allow them to consider other factors, including price, in the initial process of short-listing firms for construction management and program management services.

STATUS – HB 1131 moved through only one of its three committees, nor did its provisions find their way into another bill as an amendment, so this legislation did not pass during the 2021 Session.

The AGC Florida East Coast Chapter and the South Florida AGC Chapter partner to comprise and equally fund the AGC Florida Council, AGC's state legislative lobbying arm, utilizing the lobbying team of Metz, Husband, and Daughton.

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