



NUCA OF FLORIDA
LEGISLATIVE DAYS 2019
March 25-26 ★ Tallahassee, FL

LEGISLATIVE DAYS BROCHURE

LOCAL GOVERNMENT BIDDING PROCESS

HB 167 by Rep. Andrade (R-Pensacola)
SB 806 by Sen. Perry (R-Gainesville)

A top priority for NUCA of Florida, this legislation creates transparency in the local government bidding process and levels the playing field for private sector contractors by:

- Clarifying that local governments that self-perform work must include all labor, equipment and maintenance costs in their bid estimates;
- Prohibiting local governments from self-performing the projects if an increase in government employees or capital expenditures would be required;
- Requiring local governments to report to the Auditor General the actual costs of a completed project when government employees and equipment are used. This information will be used during the audit of local governments.



NUCA of Florida strongly SUPPORTS HB 167 & SB 806.

IMPACT FEES

HB 207 by Rep. Donalds (R-Naples)
SB 144 by Sen. Gruters (R-Sarasota)

When local governments collect impact fees early in the development process, the carrying costs directly affect the cost of affordable housing. This legislation specifies that local governments may not collect impact fees prior to building permit issuance (some were collecting at the platting stage.) Additionally, they codify case law with respect to the dual rational nexus test, the utilization of impact fees to offset the impacts generated by new users and new development, and application to existing debt service.



NUCA of Florida SUPPORTS HB 207 & SB 144.

CONSTRUCTION INDUSTRY WORKFORCE FUNDING

HB 775 by Rep. Leek (R-Daytona Beach)
SB 1118 by Sen. Hutson (R-Palm Coast)

This legislation takes the next step in a three-year effort to develop a consolidated voice and mechanism for recruiting, training, and retaining our construction workforce. This will be accomplished by dedicating .25 percent of a portion of building permit surcharge fees to be sent to the university of Florida M.E. Rinker, Sr. School of Construction Management to accomplish the following:

- Coordinate with state agency/institutional partners, including Florida Department of Education, Florida Department of Economic Opportunity, Florida Department of Corrections & CareerSource Florida
- Coordinate with the Construction Work Force Consortium (CWFC)
- Research construction education issues
- Advocate for construction career path at the K-12 school levels
- Maintain the Florida" Build Your Future" website
- Underwrite construction careers job fairs
- Sponsor K-12 after school activities that focus on construction careers



***NUCA of Florida SUPPORTS HB 775 & SB 1118
to sustain construction industry workforce
initiatives.***

CONSTRUCTION WORKFORCE GRADUATION REQUIREMENTS

HB 661 by Rep. Duggan (R-Jacksonville)

SB 770 by Sen. Hutson (Palm Coast) & Sen. Perry (Gainesville)

For many years, the focus in the education community has been on college-bound students and STEM programs and school districts have not been offering the construction trades as part of their educational curriculum. Fortunately, legislation has been filed which requires each school district to develop a Career and Technical Education (CTE) Graduation Pathway by allowing students to substitute certain academic requirements for CTE courses with the goal of making them "job-ready."



NUCA of Florida SUPPORTS HB 661 & SB 770.

UNDERGROUND FACILITY DAMAGE PREVENTION AND SAFETY

HB 263 by Rep. Payne (R-Palatka)
SB 848 by Sen. Broxson (R-Pensacola)

This legislation creates a 9-member review panel, of which 3 would be excavators/underground utility contractors, to determine penalties for "bad actors" who violate the damage prevention statutes. Penalties imposed by the panel could mandate training, education or fines ranging from \$1000 up to \$50,000 depending on severity of violation and repeat-offender status. The bill as filed is expected to be amended to shift the review panel under the purview of the Attorney General, who selects its members from those nominated by the Sunshine 811 Board; however, it is unclear how the panel would be funded. NUCA of Florida has concerns with the current proposal and would like to see a panel member who is nominated by NUCA of Florida as well as add a two-year sunset provision to the proposed 3-day locate process so that we revisit the issue in the future. The bill is a work in progress and is unlikely to pass this year.



NUCA of Florida SUPPORTS damage prevention enforcement and is actively monitoring HB 263 & SB 848.

PUBLIC UTILITY STORM PROTECTION PLANS

SB 796 by Sen. Gruters (R-Sarasota)
HB 797 by Rep. Fine (R-Palm Bay)

This legislation requires public utilities to individually submit to the Public Service Commission, for review and approval, a transmission and distribution storm protection plan as part of a storm-hardening plan required by the Commission. The goal is to increase reliability, reduce restoration costs and diminish outage times during a storm event.



NUCA of Florida SUPPORTS SB 796 & HB 797.

PERMIT FEE TRANSPARENCY

HB 127 by Williamson (R-Pace)
SB 142 by Perry (R-Gainesville)

These bills require governing bodies of counties and municipalities to post their permit inspection fee schedules and building permit inspection utilization reports on their websites. Both bills are positioned for final passage.



NUCA of Florida SUPPORTS HB 127 & SB 142.

ROAD CONSTRUCTION MATERIALS

HB 905 by Rep. Andrade (R-Pensacola)
SB 1044 by Sen. Albritton (R-Bartow)

This legislation includes a provision supported by NUCA of Florida that would define "certified for use" for aggregates and materials utilized in road construction approved by the Florida Department of Transportation through its certification program and would prevent local governments from adopting standards or specifications that are contrary to the Florida Department of Transportation standards and specifications for permissible use of aggregates and material that have been certified for use.



NUCA of Florida SUPPORTS HB 905 & SB 1044.

CONSTRUCTION DEFECTS- ARBITRATION

HB 911 by Rep. Santiago (R-Deltona)
SB 1246 by Sen. Wright (R-Port Orange)

Currently, NUCA of Florida supports efforts to tweak Chapter 558., F.S., relating to Notice and Right to Repair for construction defects; however, these bills filed would essentially gut Chapter 558 and instead put in place a mandatory arbitration process. Arbitration would result in contractors, engineers, architects, suppliers and subcontractors having to “lawyer-up” to participate in the process outlined. We believe a better approach to ensure all parties, including insurance carriers, know their remedies under the law is to amend Chapter 558 to:

- Require mandatory notice to and acknowledgement from the owner of the risks and benefits of accepting or rejecting repair offers and for the owner to sign the notice to contractor and rejection of offer to repair;
- Require the claimant or his or her agent to attend the inspection to identify the location of the alleged construction defects;
- Mandate the contractor notify the subcontractors that a notice from the owner has been served;
- Add mandatory, non-binding pre-suit mediation to the process.



NUCA of Florida is OPPOSED to HB 911 & SB 1246 in their current form.

WORKERS COMPENSATION

HB 1399 by Rep. Byrd (R-Neptune Beach)
SB 1636 by Sen. Perry(R-Gainesville)

We support efforts to restore balance to the workers compensation system, provide benefits to injured workers so they may return to work more swiftly and reverse the substantial rate increases resulting from the Castellanos decision. To this end, an attorney's fee schedule should be reinstated with employer liability for employees' attorney's fees capped. Attorneys' fees in excess of the fee schedule should be borne by the employee, similar to other state workers compensation systems, an employee's freedom to contract in the wake of the Miles decision and common practice under which parties are generally responsible for their own attorney's fees.



***NUCA of Florida SUPPORTS HB 1399 & SB 1636
to reduce rates, minimize litigation and provide
adequate benefits to injured workers.***

WATER QUALITY IMPROVEMENTS

HB 1395 by Rep. Raschein (R-Key Largo)
SB 1758 by Sen. Mayfield (R-Vero Beach)

This omnibus bill transfers the onsite sewage program from the Dept. of Health to the Dept. of Environmental Protection (DEP) and establishes a wastewater grant program within DEP. The bill revises requirements for prioritizing onsite remediation, wastewater and stormwater projects and adopting model ordinances for fertilizer use within the Basin Management Plan Area and **prohibits local governments from approving any building permits within the Basin Management Action Plan Area** if the project timelines are not met and authorizes DEP to assess penalties against the local government until such time as the plans are compliant.



NUCA of Florida OPPOSES HB 1395 & SB 1758 which penalize the development community by stopping all building permits due to lack of local government action.

STATE BUDGET-INFRASTRUCTURE FUNDING



NUCA of Florida SUPPORTS adequate funding for the Clean Water and Drinking Water State Revolving Fund programs for water pollution control, small community sewer construction and safe drinking- water initiatives. NUCA of Florida also SUPPORTS efforts to enhance our local transportation and state highway infrastructure.



NOTES



NOTES

MEET THE NUCA OF FLORIDA TEAM

Chapter Executive Directors

NUCA of North Florida Executive Director, Kathy Blackman

NUCA of Northwest Florida Executive Director, Paula Leiser

NUCA of Central Florida Executive Director, Karen DeWitt

Suncoast Utility Contractors Association Executive Director, Theresa Mannix

UCA of South Florida Executive Director, Johnna Venuti-Piggee

NUCA of Southwest Florida Executive Director, Rhonda Cason

State Officers

Jordan Lee, President

Mike Kivlin, Vice-President

Clark Cryer, Treasurer

Penny Danielecki, Secretary

Tom Woodward, Immediate-Past President

George Spofford, General Counsel

Chris Stewart, Conference Committee

Scott Johnson, At-Large

Clay Sorey, At-Large

Brian Hunsicker, At-Large

Bill Lee, At-Large

Staff Contact Information

Kari Hebrank, NUCA of Florida Executive Vice President,

Partner, Wilson & Associates

Rob Wilson, President, Wilson & Associates

C. Scott Jenkins, Government Relations Consultant

Tina Ward, Director of Client Services

Alex Arena, Florida State University Intern

