

By Senator Wise

6-428-02

See HB

1                                   A bill to be entitled  
2           An act relating to participation in insurance  
3           plans; amending ss. 255.05, 287.055, and  
4           287.057, F.S.; prohibiting requiring  
5           contractors or subcontractors under certain  
6           contracts to participate, or be penalized for  
7           nonparticipation, in certain insurance plans;  
8           providing an effective date.

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10 Be It Enacted by the Legislature of the State of Florida:

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12           Section 1. Subsection (10) is added to section 255.05,  
13 Florida Statutes, to read:

14           255.05 Bond of contractor constructing public  
15 buildings; form; action by materialmen.--

16           (10) No party to a contract to which this section  
17 applies shall require a contractor or a subcontractor to  
18 participate, and no party shall be penalized for not  
19 participating, in an insurance plan controlled by an owner or  
20 contractor under which plan an owner or contractor, or an  
21 agent of the owner or contractor, obtains insurance coverage  
22 for contractors and subcontractors relating to a project or  
23 group of related projects, including, but not limited to,  
24 workers' compensation, employer's liability, general  
25 liability, or builder's risk insurance.

26           Section 2. Subsection (12) is added to section  
27 287.055, Florida Statutes, to read:

28           287.055 Acquisition of professional architectural,  
29 engineering, landscape architectural, or surveying and mapping  
30 services; definitions; procedures; contingent fees prohibited;  
31 penalties.--

1           (12) No party to a contract to which this section  
2 applies shall require a contractor or a subcontractor to  
3 participate, and no party shall be penalized for not  
4 participating, in an insurance plan controlled by an owner or  
5 contractor under which plan an owner or contractor, or an  
6 agent of the owner or contractor, obtains insurance coverage  
7 for contractors and subcontractors relating to a project or  
8 group of related projects, including, but not limited to,  
9 workers' compensation, employer's liability, general  
10 liability, or builder's risk insurance.

11           Section 3. Subsection (25) is added to section  
12 287.057, Florida Statutes, to read:

13           287.057 Procurement of commodities or contractual  
14 services.--

15           (25) No party to a contract to which this section  
16 applies shall require a contractor or a subcontractor to  
17 participate, and no party shall be penalized for not  
18 participating, in an insurance plan controlled by an owner or  
19 contractor under which plan an owner or contractor, or an  
20 agent of the owner or contractor, obtains insurance coverage  
21 for contractors and subcontractors relating to a project or  
22 group of related projects, including, but not limited to,  
23 workers' compensation, employer's liability, general  
24 liability, or builder's risk insurance.

25           Section 4. This act shall take effect upon becoming a  
26 law.

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HOUSE SUMMARY

Prohibits parties to contracts for public building construction, professional architectural, engineering, landscape architectural, or surveying and mapping services, or procurement of commodities or contractual services from requiring a contractor or a subcontractor to participate, or be penalized for not participating, in an insurance plan controlled by an owner or contractor under which plan insurance, such as workers' compensation, employer's liability, general liability, or builder's risk insurance, is obtained for contractors and subcontractors.