



HB 1087

2003  
CS

CHAMBER ACTION

The Committee on Insurance recommends the following:

**Committee Substitute**

Remove the entire bill and insert:

A bill to be entitled

An act relating to participation in insurance plans; amending ss. 255.05 and 287.057, F.S.; prohibiting the requirement that contractors or subcontractors under certain contracts participate in, or be penalized for nonparticipation in, certain insurance plans; specifying nonprohibition of municipality or county use of plan participation as a factor in the public bidding process; providing application; providing an effective date.

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

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

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

(10) A party to a contract to which this section applies may not require a contractor or a subcontractor to participate in, and a party may not be penalized for not participating in,



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29 an insurance plan controlled by an owner or contractor under  
30 which plan an owner or contractor, or an agent of the owner or  
31 contractor, obtains insurance coverage for contractors and  
32 subcontractors relating to a project or group of related  
33 projects, including, but not limited to, workers' compensation,  
34 employer's liability, general liability, or builder's risk  
35 insurance. Nothing in this section shall prohibit a municipality  
36 or county from using the participation in an owner-controlled  
37 insurance plan as a factor in the public bidding process.

38 Section 2. Subsection (25) is added to section 287.057,  
39 Florida Statutes, to read:

40 287.057 Procurement of commodities or contractual  
41 services.--

42 (25) A party to a contract to which this section applies  
43 may not require a contractor or a subcontractor to participate  
44 in, and a party may not be penalized for not participating in,  
45 an insurance plan controlled by an owner or contractor under  
46 which plan an owner or contractor, or an agent of the owner or  
47 contractor, obtains insurance coverage for contractors and  
48 subcontractors relating to a project or group of related  
49 projects, including, but not limited to, workers' compensation,  
50 employer's liability, general liability, or builder's risk  
51 insurance. Nothing in this section shall prohibit a municipality  
52 or county from using the participation in an owner-controlled  
53 insurance plan as a factor in the public bidding process.

54 Section 3. This act shall take effect upon becoming a law  
55 and shall apply to contracts entered into on or after that date.