

1 A bill to be entitled
 2 An act relating to owner-controlled insurance programs for
 3 public construction projects; amending s. 255.0517, F.S.;
 4 revising definitions; extending the time for which an
 5 owner-controlled insurance program must maintain completed
 6 operations insurance coverage as a condition precedent to
 7 the purchase by specified state agencies or entities of an
 8 owner-controlled insurance program in connection with a
 9 public construction project; exempting certain contractors
 10 and subcontractors from eligibility requirements for
 11 certain workers' compensation rating plans; authorizing
 12 certain contractors and subcontractors to combine payrolls
 13 for workers' compensation coverage under certain
 14 circumstances; specifying additional projects exempt from
 15 application of program requirements; providing an
 16 effective date.

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

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 20 Section 1. Subsection (1) and paragraphs (b) and (f) of
 21 subsection (2) of section 255.0517, Florida Statutes, are
 22 amended, and paragraph (d) is added to subsection (3) of that
 23 section, to read:

24 255.0517 Owner-controlled insurance programs for public
 25 construction projects.--

26 (1) DEFINITIONS.--As used in this section, the term:

27 (a) "Capital infrastructure improvement program" means a
 28 construction program with respect to a single public agency

29 provided service, system, or facility, including, but not
30 limited to, potable water, wastewater, reclaimed water,
31 stormwater, drainage, streets or roads, intermodal
32 transportation, electric service, gas service, airport services,
33 or seaport services, and services, systems, or facilities
34 incidental to such services, systems, and facilities. A single
35 public agency service, system, or facility shall not be combined
36 with another public agency service, system, or facility to
37 satisfy the amount specified in subparagraph (2)(a)1. unless the
38 construction of such services, systems, or facilities are
39 performed under a single prime contract.

40 (b)(e) "Multiple contracted work site" means construction
41 being performed at multiple sites during one or more fiscal
42 years that is part of an ongoing capital infrastructure
43 improvement program or involves the construction of one or more
44 public schools.

45 (c)(a) "Owner-controlled insurance program" means a
46 consolidated insurance program or series of insurance policies
47 issued to a public agency that may provide one or more of the
48 following types of insurance coverage for any contractor or
49 subcontractor working at specified or multiple contracted work
50 sites of a public construction project: general liability,
51 property damage excluding coverage for damage to real property,
52 workers' compensation, employer's liability, or pollution
53 liability coverage.

54 (d)(b) "Specified contracted work site" means construction
55 being performed during one or more fiscal years at one site or a
56 series of contiguous sites separated only by a street, roadway,

57 waterway, or railroad right-of-way or along a single continuous
58 system ~~for the provision for water and power.~~

59 (2) PURCHASE REQUIREMENTS.--A state agency, political
60 subdivision, state university, community college, airport
61 authority, or other public agency in this state, or any
62 instrumentality thereof, may only purchase an owner-controlled
63 insurance program in connection with a public construction
64 project if it is determined necessary and in the best interest
65 of the public agency and if all of the following conditions are
66 met:

67 (b) The program maintains completed operations insurance
68 coverage for a term during which the coverage is reasonably
69 commercially available, as determined by the public agency, but
70 for no less than 10 5 years.

71 (f) The public agency may only purchase an owner-
72 controlled insurance policy that has a deductible or self-
73 insured retention if the deductible or self-insured retention
74 does not exceed \$1 million per occurrence. Contractors,
75 including any owner or principal acting as a general contractor,
76 and subcontractors performing work under a construction project
77 insured by an owner-controlled insurance program are not
78 required to individually satisfy eligibility requirements for
79 large deductible workers' compensation rating plans. Such
80 contractors and subcontractors may combine their payrolls under
81 the owner-controlled insurance program for workers' compensation
82 coverage so long as the minimum deductible for the construction
83 project is \$100,000 or more and the standard estimated premium
84 for the construction project is \$500,000 or more.

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85 (3) EXEMPTIONS.--This section does not apply to the
86 following projects:

87 (d) Any project of a public agency which is committed to
88 an ongoing, owner-controlled insurance program issued before
89 October 1, 2007.

90 Section 2. This act shall take effect October 1, 2007.