Florida Senate - 2003

SB 718

By Senators Wise, Bennett and Campbell

5-569-03 A bill to be entitled 1 2 An act relating to participation in insurance 3 plans; amending ss. 255.05 and 287.057, F.S.; 4 prohibiting the requirement that contractors or 5 subcontractors under certain contracts 6 participate in, or be penalized for 7 nonparticipation in, certain insurance plans; 8 providing an effective date. 9 10 Be It Enacted by the Legislature of the State of Florida: 11 12 Section 1. Subsection (10) is added to section 255.05, Florida Statutes, to read: 13 255.05 Bond of contractor constructing public 14 buildings; form; action by materialmen.--15 (10) A party to a contract to which this section 16 17 applies may not require a contractor or a subcontractor to 18 participate in, and a party may not 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 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 2. Subsection (25) is added to section 26 27 287.057, Florida Statutes, to read: 28 287.057 Procurement of commodities or contractual services.--29 30 (25) A party to a contract to which this section 31 applies may not require a contractor or a subcontractor to 1

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participate in, and a party may not be penalized for not participating in, an insurance plan controlled by an owner or contractor under which plan an owner or contractor, or an agent of the owner or contractor, obtains insurance coverage for contractors and subcontractors relating to a project or б group of related projects, including, but not limited to, workers' compensation, employer's liability, general liability, or builder's risk insurance. Section 3. This act shall take effect upon becoming a law. SENATE SUMMARY Prohibits parties to contracts for public building construction or procurement of commodities or contractual construction or producement of commodities or contractual services from requiring a contractor or a subcontractor to participate in, 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.

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