

## 2003 LEGISLATIVE SESSION – WEEK 1



### Keep the TRUST in Trust Fund

**T**ransportation  
**R**evenues  
**U**sed  
**S**trictly for  
**T**ransportation

### FTBA MAJOR ISSUES:

**BUDGET** – For the first time in many years, we are in a position of possibly having a lot of money diverted from the State Transportation Trust Fund (STTF). The Governor has recommended, and the House and Senate Appropriations Committees are looking at, diverting \$200 million from the STTF. This money would go into the General Revenue Fund.

We need all of our members to get involved in contacting your state legislators about this. It is especially important as we are preparing for the reauthorization of TEA-21 in at the federal level.

Additionally, there will be other legislation introduced to take additional money away from the STTF. We have learned the boating industry will have bills filed that propose to divert at least \$5 million annually from STTF. Other issues may also surface. We'll let you know what these bills are as soon as we receive bill numbers.

You can contact members of the Florida Legislature by using the [blue](#) links below.

#### [TO CONTACT MEMBERS OF THE FLORIDA HOUSE OF REPRESENTATIVES:](#)

<http://www.myfloridahouse.com/Legislators.aspx>

#### [TO CONTACT MEMBERS OF THE FLORIDA SENATE:](#)

<http://www.flsenate.gov/Legislators/index.cfm?Chamber=Senate&Submenu=1&Tab=Legislators>

**PREQUALIFICATION** – Last year we were able to pass legislation that said if you were prequalified and eligible to bid work with FDOT that you were deemed prequalified with counties and expressway authorities. Some how city work slipped through the cracks.

Rep. Ron Reagan (R-Sarasota) and Sen. Jim Sebesta (R-St. Petersburg) are sponsoring legislation to include the cities.

HB 1373 by Rep. Reagan has been filed. Our language will be included in a Senate Transportation bill that has not yet been filed.

**HIGH SPEED RAIL** – While discussions continue on the proposals, the Governor is considering putting this, along with the class size amendment, back on the ballot with financial information available for the voters. We will keep you updated.

#### **OTHER ISSUES OF INTEREST:**

**TRUCKING** -- The [House Subcommittee on Transportation Systems](#) met Wednesday to consider HB 503 sponsored by Representative [Ed Jennings \(D-Gainesville\)](#), which would increase the current penalty of five cents per pound for vehicles that exceed weight restrictions. The fine would increase to 7.5 cents per pound for those vehicles that are 6,001 to 10,000 pounds over weight; it would then jump to 10 cents per pound for any amount over 10,000 pounds. After many questions by committee members and testimony from the industry, Representative Ron Reagan (R-Sarasota) moved that the bill be "temporarily passed." It should be back on the Committee Agenda for their meeting the morning of Wednesday, March 12<sup>th</sup>.

The Florida Department of Transportation assured committee members that the five-cent fine in current law is enough to repair road damaged by overweight trucks.

To contact a member of the subcommittee on this issue, just click on their name below to send an email.

- Representative [Andy Gardiner \(R-Orlando\), Chair](#)
- Representative [Ron Reagan \(R-Sarasota\), Vice Chair](#)
- Representative [Dorothy Bendross-Mindingall \(D-Miami\)](#)
- Representative [Ed Bullard \(D-Miami\)](#)
- Representative [Donna Clarke \(R-Sarasota\)](#)
- Representative [Faye Culp \(R-Tampa\)](#)
- Representative [Anne Gannon \( D-Delray Beach \)](#)
- Representative [Dick Kravitz \( R-Orange Park \)](#)

- Representative [Pat Patterson \(R-Deland\)](#).

**WORKERS' COMPENSATION** – Numerous legislators are proposing major reform on this issue. On Tuesday, the [House Select Committee on Workers' Compensation](#), heard two presentations.

Dan Sumner, assistant director of the Division of Workers' Compensation outlined the following proposals to boost his agency's compliance and enforcement authority:

- provide authority to impose sanctions for material misclassification of payroll
- require carriers to perform employer audits immediately upon the division's discovery of improper payroll reporting, with penalties for non-compliance
- provide statutory authority to issue stop-work orders to or assess unpaid penalties on new corporations that are formed by principals seeking to avoid those penalties levied on a similar enterprise
- require out-of-state employers to obtain coverage in this state for their Florida workers
- create statutory authority to assess penalties against employers who fail to abide by stop-work orders
- enact statutory authority to assess penalties against employers who fail to maintain required business records relating to workers' compensation coverage.

Several committee members questioned Mr. Sumner about potential constitutional concerns, additional division staffing needs, costs involved, carrier regulations, and estimated effect of the recommendations.

Judge S. Scott Stephens, deputy chief judge, Office of Judges of Compensation Claims, described the movement through the system of a litigated workers' compensation claim. He outlined five provisions intended to improve the functioning of judges of compensation claims (JCCs) and to speed the resolution of disputes over benefits.

When questioned about his opinion on attorney involvement, Judge Stephens cited statistics showing that Florida's claim costs were significantly higher than comparable states, particularly when attorneys are involved. When questioned whether this was an indicator that attorneys purposely try to avoid mediation in order to increase the number of hours they spend working on a case, Judge Stephens agreed without hesitation or additional comment.

Mary Ann Stiles, general counsel for Associated Industries of Florida (AIF), expressed to committee members the support of the employer community for any compliance

measures that will create a level playing field by requiring all eligible employers to secure coverage and comply with the law.

We are working with the various business groups on this issue. Thanks to AIF for providing the information above.

## **GENERAL CONSTRUCTION BILLS:**

### **Tax on State Construction Contracts**

HB 313 by Rep. Irv Slosberg (D-Boca Raton)

SB 1452 by Sen. Skip Campbell (D-Tamarac)

**Position: OPPOSE**

Requires contractors on state construction projects to remit 1 percent of the contract value to the state to fund salaries to hire new teachers pursuant to the class size amendment.

### **Owner/Contractor Controlled Insurance Programs**

HB 1087 by Rep. Don Brown (R-DeFuniak Springs)

SB 718 by Sen. Steve Wise (R-Jacksonville)

**Position: SUPPORT**

Prohibits all OCIP programs. Interested groups are continuing to work with representatives from insurance companies and local governments on a compromise that might include limiting OCIP's to single project over \$75 million and requiring either 15 years of completed operations coverage or a provision that the contractor's liability ends when the coverage ends. This bill DOES NOT affect FDOT – OCIP's cannot be done on FDOT projects.

## **LEGISLATIVE CONTACT SHEET**

Included in this email is another Legislative Contact Sheet. I have received only 7 back. We really need to know who you can contact on industry issues. Things happen quickly in Tallahassee during session. A personal call or email from you can make all the difference in a vote. We just need to know your contacts. PLEASE fax it in!

*For further information regarding the Florida Legislature, please click on the links below:*

Florida Senate: [www.flsenate.gov](http://www.flsenate.gov)

Florida House of Representatives: [www.myfloridahouse.com](http://www.myfloridahouse.com)