

ASSOCIATED INDUSTRIES OF FLORIDA  
**LEGISLATIVE  
DAILY BRIEF**



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**APRIL 11, 2005**

**LEGAL REFORM**

The House Committee on Transportation & Economic Development Appropriations unanimously passed HB 1681 by Representative Ray Sansom (R-Ft. Walton Beach). The bill provides that the Florida Department of Transportation is not liable to a claimant for personal injury, property damage or death arising from the performance of the contract work if at the time of the accident, the contractor was in compliance with FDOT contract documents material to the condition and/or defect that was the cause of the accident.

Kevin Thibault, Assistant Secretary for Engineering and Operations, Florida Department of Transportation appeared on behalf of the agency in support of the bill. Representative Dick Kravitz (R-Orange Park) asked Assistant Secretary Thibault to explain why contractors needed immunity for liability; specifically Representative Kravitz wanted to know what factors prompted FDOT to support this legislation. Assistant Secretary Thibault noted that the contractor industry supported the bill and similar legislation has been passed in several states.

Representative Kravitz asked whether the proposed legislation placed a greater burden on the state with regard to potential lawsuits. Assistant Secretary Thibault stated that he felt that the bill did not place any extra burdens on the state, because the state is always named as defendant in such lawsuits.

Representative Susan Bucher (D-West Palm Beach) asked the Assistant Secretary if there were any statistics regarding the number of accidents and/or deaths which have occurred in construction zones where the contractor has followed all FDOT standards. Assistant Secretary Thibault stated that the Department did not have an exact figure, but he would provide Representative Bucher with whatever information the Department had regarding this issue.

House Bill 1681 is scheduled to be heard, April 13, 2005, in the House State Infrastructure Council.

**AIF supports the concept of protecting our state's road builders from onerous lawsuits and this issue is part of the overall debate on legal reform. As such, AIF is supporting changes to the current tort system that will bring about reasonableness, fairness, and predictability.**

## ENVIRONMENT

The House Committee on Agriculture and Environment Appropriations unanimously approved HB 1735 relating to Underground Petroleum Storage Tanks by Representative Mitch Needleman (R-Palm Bay). This bill implements the recommendations of the Senate Environmental Preservation Committee's interim report no. 2005-153, relating to the state's underground petroleum storage tank cleanup program. Specifically, the bill is intended to encourage owners of underground petroleum storage systems to upgrade their tanks before 2009. SB 1318 would also allow owners or operators to be paid \$50,000 for a single facility to remove and treat soil contamination associated with the tanks upgrades and up to \$100,000 for certain circumstances.

HB 1735 will now be heard by the House State Resource Council.

**AIF supports legislation that would encourage private owners and operators of underground petroleum storage facilities to clean up and upgrade their tanks. Providing these incentives will presumably encourage owners of underground tanks to wait until the last minute therefore, preventing a backlog in the system.**

Please send your comments or suggestions to us at [aif@aif.com](mailto:aif@aif.com) or call the Governmental Affairs department at (850)224-7173.

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