



# FUBA

Florida United Businesses Association

# issues

## OUR BUSINESS IS SMALL BUSINESS

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### **LEGISLATURE MAKES WORKERS' COMP COVERAGE EASIER FOR SMALL BUSINESSES**

Small businesses will have an easier time getting workers' compensation insurance policies under legislation passed by the Florida Legislature.

In the final bill passed during the 2007 regular session, Senator Don Gaetz (R-Niceville) won approval for Senate Bill 1748 (HB 701 by Representative Ross, R-Lakeland), which allows self-insurance funds regulated by the State of Florida to offer coverage to contractors and subcontractors.

"This bill will help thousands of employers throughout our state," Gaetz said. "The availability and affordability of workers' comp coverage is essential to our housing and commercial construction industry."

Securing acceptable workers' comp coverage has been a growing problem for electrical, plumbing, roofing, masonry, and carpentry contractors in Florida. Increasingly, general contractors have rejected insurance coverage not issued by nationally-recognized rating services.

Gaetz's bill prohibits rejection of coverage solely on that basis and permits groups of employers to pool their resources to provide workers' comp coverage to their employees. These funds are overseen by the Office of Insurance Regulation and must carry reinsurance and meet solvency requirements just like traditional carriers.

In the same fashion as other workers' comp providers, self-insurance funds are members of the Florida Workers' Compensation Insurance Guaranty Association that pays all claims in the unlikely event of an insolvency.

"Good, reliable, hard-working subcontractors have literally been thrown off the job site or had their payments held up because they couldn't get coverage from a nationally-rated carrier," Gaetz said. "This legislation fixes that problem, lets employer groups establish their own self-insurance funds, and gives small businesses a break."

Florida United Businesses Association was a leading force behind the passage of SB 1748. FUBA thanks Senator Gaetz and Representative Ross for their leadership and for supporting small businesses. Please feel free to call the FUBA offices at 800-262-4483 and ask for Karen, Lance or Cameron if you feel your small business is being discriminated against or treated unfairly.

### **LEGISLATIVE UPDATE**

The 2007 Session of the Florida Legislature ended on Friday, May 4<sup>th</sup> and proved to be a huge success for FUBA members. FUBA's lobbying team worked during the 60-day legislative session to make sure lawmakers consider the small business owner when they were voting on important legislation. Below is a summary of bills that passed and are now waiting to be presented to Governor Charlie Crist. He will have 15 days from the date of presentation to either approve or veto the following legislation:

- Sales tax: Senate Bill 2482 by Senator Haridopolos (R-Indianapolis) was a comprehensive tax bill. The threshold for reporting sales tax electronically will be lowered to \$25,000. This will help many small businesses by continuing to allow them to report their sales tax manually. If approved by the Governor, this law will take effect July 1, 2007.
- Tax free shopping: We are happy to announce sales tax free days were again approved by the Legislature in Senate Bill 1456 by Senator Webster (R-Winter Garden). From August 4<sup>th</sup> through August 13<sup>th</sup> 2007, back-to-school items will be exempt from state sales tax. This exemption applies to items like books, clothing, wallets, and bags with a sales price of less than \$50 and school supplies (pens, pencils, calculators, erasers, paper, glue, etc.) with a sales price of less than \$10. If approved by the Governor, this law will take effect July 1, 2007.
- Gift certificates/cards: Senate Bill 1638 by Senator Constantine (R-Altamonte Springs) prohibits a gift certificate/card or credit memo sold or issued in Florida from having an expiration date, expiration period, or any type of fee. This does not apply to gift cards issued by a financial institution redeemable at multiple locations, or if the gift card is part of a larger package related to a convention, conference, vacation, or event. Also, if the gift card is provided as a charitable contribution, the expiration shall be no less than 3 years. If the gift card is a benefit as part of a promotional program, the expiration is not less than 1 year. In these instances, the expiration date must be disclosed in writing to the consumer at the time it is provided. If approved by the Governor, this law will take effect upon becoming law.
- Workplace regulation: House Bill 55 by Representative Porth (D-Coral Springs) applies to businesses who employ 50 or more

employees and to an employee who has been employed for 3 or more months. The employer shall allow an employee to take up to 3 working days of leave in a 12-month period if the employee or their family member is the victim of domestic violence. This leave must be for specific reasons, may be with or without pay (at the discretion of the employer), and the employee must exhaust all annual or vacation/sick leave unless the employer waives this requirement. The employer must keep all information confidential. If approved by the Governor, this law will take effect July 1, 2007.

If you would like copies of any legislation, or if you have questions, please call the FUBA offices at 800-262-4483.

## **EMPLOYMENT LAW POSTERS**

Some FUBA members have recently been contacted by sales people who are using scare tactics to convince FUBA members to buy labor law posters, claiming that their FUBA All-in-One poster is not in compliance with the law.

**Please note: You do not have to allow these sales people in your place of business or give them access to your postings.** Once they are in your offices, they will attempt to present you with official looking documents stating that you are not in compliance with poster laws or an invoice containing specific information on your company. These sales people might say that your FUBA poster is not in compliance or, as in one instance, they told a member that FUBA was under investigation. This is simply not true.

Please don't be fooled! FUBA works with a national poster company with a research department devoted to Florida regulations. If you ever have any questions or concerns about posting requirements, please call Erin in FUBA's Membership Department at 800-262-4483.