

## GOVERNOR DESANTIS' FLORIDA LEADS BUDGET PROPOSES \$10.4B IN FUNDING FOR THE FLORIDA DEPARTMENT OF TRANSPORTATION

Governor Ron DeSantis today unveiled his Florida Leads budget for Fiscal Year 2021-2022. The proposed budget provides \$10.4 billion in funding for the Florida Department of Transportation (FDOT). This budget continues to invest in essential improvements and enhancements that will allow FDOT to stay focused on providing a safe and efficient transportation system, while also preparing for the state's inevitable growth.

Governor DeSantis said, "Having a safe and efficient transportation system is critical in the everyday lives of Florida's families and visitors and is an essential part of Florida's prosperity. My Florida Leads budget provides critical funding for innovative and multimodal projects that will enhance safety and keep Florida moving well into the future."

FDOT Secretary Kevin J. Thibault, P.E. said, "Governor DeSantis' continued support of transportation investments through the Florida Leads budget will allow the Florida Department of Transportation to build an innovative transportation system that will fit the needs of a growing and flourishing Florida. Investments in transportation are crucial to our communities, our economy, and the future of our state."

Governor DeSantis' Florida Leads budget includes the following transportation investments:

- \$2.5 billion for highway construction to include 210 new lane miles
- \$1 billion in resurfacing to include 2,689 lane miles
- \$122.6 million in seaport infrastructure enhancements
- \$331 million for aviation improvements
- \$516 million for scheduled repairs of 89 bridges and replacement of 18 bridges
- \$717 million for rail/transit program advancements
- \$172.2 million for safety initiatives

The Governor's budget includes \$9.47 billion for the department's Work Program. FDOT's Work Program is a five-year plan of transportation projects as defined in Section 339.135, Florida Statutes. The department identifies needs-based projects, which must be consistent with laws, policies, program objectives and priorities.

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### About The FDOT

The goal of the DBE Supportive Services Program is to increase the number of DBEs participating on FDOT contracts and facilitate the opportunity for DBEs to obtain contracts. The services are designed to:

- Assist established construction firms to move them from bidding as a subcontractor to bidding as a Prime Contractor to produce sound bids.
- Provide access to training increases DBE expertise in handling of daily business operations.



### About The Program

The Construction Estimating Institute (CEI) works with FDOT as the statewide provider of the federally funded Disadvantaged Business Enterprises (DBE) Supportive Services Program. We want to increase the number of certified DBEs participating in highway and bridge construction, as well as assist DBEs in growing and eventually becoming self-sufficient. Additionally, CEI provides supportive services by assisting prime contractors and consultants with identifying DBEs for subcontracting opportunities on priority projects.

# Who Assumes Responsibility for an Injured Worker?

## How to navigate subcontracting & workers' compensation issues in the construction industry

In spring 2020, the world slowed to a halt as the coronavirus pandemic reared its head. Despite many industries shutting down, many construction projects continued to move forward — even in the face of concerns related to the ability of COVID-19 to spread among individuals in close proximity.

The owners of property where construction continued to take place (as well as the general contractors working at those sites) have not only had to be concerned about the possibility of general workplace injuries, but were also forced to consider the new threat that workers could contract and spread COVID-19 — causing employees to miss work for an extended period of time and seek workers' compensation benefits. Regardless of the type of injury or illness causing employees to miss time from work, the analysis of who will ultimately be responsible for the injured employee's medical and income benefits does not change. However, the question of what company will be responsible for compensable work injuries becomes complicated in the context of larger construction projects with multiple tiers of subcontractors.

The first step in the analysis is to identify and characterize each potential liable party. This begins with determining which entity is the injured employee's "direct employer." In essence, the direct employer is the party that hired the employee, who instructed the employee to the jobsite, the party which may also be paying the employee, and in many cases, the party who

is directly overseeing the employee's work. These aspects of the employment relationship may vary from case to case.

In Georgia, an employer with three or more employees is required to carry workers' compensation insurance. So, if a subcontractor—or in this instance, the direct employer — does not have valid insurance, it may be nearly impossible for an injured employee to obtain workers' compensation benefits from his direct employer. That is often seen where the direct employer is insolvent, skips town or even files for bankruptcy. As a result, the injured employee must look up the "contractual ladder" to a higher subcontractor or the general contractor to seek benefits.

The contractual ladder includes all parties directly contracted with one another, beginning with the owner or general contractor through subcontractors and down to the injured employee's direct employer. The simplest example demonstrating a contractual ladder would include the general contractor of a construction project, which hires a first-tier subcontractor, which, in turn, contracts with a second-tier contractor (the injured employee's direct employer).

Within this contractual ladder there may include additional intermediate contractors, increasing the number of potential liable parties.

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### Supportive Services Offered:

- Estimating Training
- Building Capacity
- Mobilization Financing
- Bonding Assistance
- Marketing Plan Development
- Creating a Business Plan
- Building a Website



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 5016 Calle Minorga  
Sarasota, FL 34242



CEI is an educational organization providing the highest quality construction training in the industry. Over 100,000 owners, estimators, project managers, field supervisors, office support staff, foremen, laborers, and key management personnel have attended courses that are offered nationwide. The courses provide students with construction skills training and the critical information needed to be effective within their companies and organizations.