

DISPUTE REVIEW BOARD RECOMMENDATION

July 26, 2002

Allan M. Adderley  
Area Construction Manager  
Department of Transportation  
Suncoast Parkway  
P.O. Box 1409  
Land O'Lakes, FL 34639

Mr. James B. Walker  
President  
Prince Contracting Co., Inc.  
5411 Willis Road  
Palmetto, FL 34221-9295

Mr. Andy Swart  
President  
Swart's Landscaping, Inc.  
P.O. Box 121065  
Clermont, FL 34712-1065

Ref: SR 589, Suncoast Parkway - Section 5  
Financial Project ID: 2589051 52 01  
State Project No.: 97080-3301  
WPI No.: 7152003  
Majority recommendation concerning the Owner Controlled Insurance Program (OCIP)  
Workman Compensation Classification Codes (Codes) used on this project. See attached  
Minority Opinion.

Dear Sirs:

The Florida Department of Transportation (Department), Prince Contracting Co., Inc. (Prince), and their landscaping subcontractor, Swart's Landscaping, Inc. (Swart's), requested a hearing concerning the proper Codes to be applied to the above project.

The Disputes Review Board (Board) heard oral presentations for the Prince and Swart's from Mr. Walker, Mr. Swart and their attorney Mr. Beshears. The Department's side made oral presentations by Mr. Adderley, Mr. Jeffcott (Zurich North American Insurance representative), and Mr. Petrizzo (Aon Risk Services, Inc. of Florida's representative). Subsequent to the hearing the Board requested additional information from the Department and Prince which was all received by July 18, 2002.

**ISSUE:**

Did the Department and their insurance company Zurich North American Insurance Co. (Zurich), use the correct Classification Codes to apply to the labor on this project when making an audit of Prince's and Swart's payroll records to determine the Workman Compensation Costs? Are Prince and Swart's entitled to a return of all, or a portion of, the additional premiums paid for Workman Compensation Costs?