



FLORIDA WORKERS' COMP REQUIREMENTS AND EXEMPTIONS AT-A-GLANCE

A Reference Guide for Insurance Agents

General Coverage Requirements:

1. *Non-Construction* businesses with 4 or more employees (counting both full-time and part-time) must have a workers' compensation policy. Owners/officers count toward this total *unless they have an exemption*.
2. *Construction* businesses with 1 or more employee (whether full-time or part-time) must have a workers' compensation policy. Owners/officers count as employees *unless they have an exemption*. If any portion of a company's operations is in a construction class code, the business is classified as construction. See below for the list of construction class codes.
3. Construction businesses are responsible for the workers' comp of their subcontractors. Contractors must ensure that any sub with employees has a workers' comp policy to cover those employees, even if the owner is exempt. Subs with *only* exempt officers and no employees must have valid exemptions. If any subcontractor has non-exempt employees and does not have their own workers' comp policy, the contractor hiring that sub will be charged premium by its insurance company to cover the sub's employees.
4. Officers who qualify can exempt out of workers' comp coverage by filing an online application with the Division of Workers' Compensation. Exempt officers are not entitled to workers' compensation benefits if they are hurt on the job.
5. Out-of-state employers must have a Florida workers' comp policy or an endorsement showing Florida coverage to cover Florida employees.
6. A Florida contractor who hires an out-of-state subcontractor must require the subcontractor to provide proof of either a Florida workers' comp policy or an endorsement to the out-of-state subcontractor's policy that lists Florida in section 3.A. of the policy. If the sub has neither of these, the sub's employees must be covered by the contractor's policy.

Coverage/Exemption Requirements for NON-CONSTRUCTION Businesses:

- A. **Non-Construction businesses** must have a workers' comp policy if they have 4 or more full-time or part-time employees (non-exempt officers count towards this total). If they have 3 or fewer employees, they are not required by law to have a workers' comp policy.
- B. **Non-Construction Sole Proprietors/Partners** are *automatically excluded* from workers' compensation coverage by law; no additional exemption is needed. They cannot be covered by a workers' compensation policy unless they file an election of coverage with the Division of Workers' Compensation.

C. **Non-Construction Corporate Officers**

1. Count as employees unless they have an exemption. No limit on the number of corporate officers who can be exempt at one time.
2. To qualify for exemption, officer must be listed on Sunbiz.org, and corporation has to be active on Sunbiz.org.
3. Exemption is free but must be renewed every 2 years.

D. Non-Construction Limited Liability (LLC) Officers

1. Count as employees unless they have an exemption. Limit of 10 exempt officers at one time.
2. To qualify for exemption, officer must own at least 10% of LLC, and LLC must be active on Sunbiz.org. Officer does not need to be listed on Sunbiz.org.
3. Exemption is free but must be renewed every 2 years.

Coverage/Exemption Requirements for CONSTRUCTION Businesses:

A. Construction businesses must have a workers' comp policy to cover *all* non-exempt employees, even if there is only one part-time employee.

B. Construction Sole Proprietors/Partners *cannot exempt* out of workers' compensation coverage. They must have a workers' comp policy to work legally in the state of Florida.

C. Construction Corporate Officers

1. Count as employees and must be covered by a workers' comp policy unless they have an exemption. Limit of 3 exempt officers at one time.
2. To qualify for exemption, officer must own at least 10% of corporation, and corporation must be active on Sunbiz.org. Officer must be listed on Sunbiz.org
3. Exemption costs \$50 and must be renewed every 2 years.

D. Limited Liability Company (LLC) Officers

1. Count as employees and must be covered by a workers' comp policy unless they have an exemption. Limit of 3 exempt officers at one time.
2. To qualify for exemption, officer must own at least 10% of LLC, and LLC must be active on Sunbiz.org. Owner does not need to be listed on Sunbiz.org.
3. Exemption costs \$50 and must be renewed every 2 years.

Apply for and renew exemptions online at the Division of Workers' Compensation's website:

www.myfloridacfo.com/division/wc/Employer/Exemptions/default.htm

Construction Class Codes:

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|------|------|------|------|------|------|------|-------|------|------|------|------|
| 0042 | 3726 | 5069 | 5213 | 5403 | 5474 | 5508 | 5613 | 6017 | 6216 | 6251 | 7538 |
| 0050 | 5020 | 5102 | 5215 | 5437 | 5478 | 5509 | 5645 | 6018 | 6217 | 6252 | 7605 |
| 1322 | 5022 | 5146 | 5221 | 5443 | 5479 | 5535 | 5651 | 6045 | 6229 | 6260 | 7855 |
| 2799 | 5037 | 5160 | 5222 | 5445 | 5480 | 5537 | 5703 | 6204 | 6233 | 6306 | 8227 |
| 3365 | 5040 | 5183 | 5223 | 5462 | 5491 | 5551 | 5705 | 6206 | 6235 | 6319 | 9534 |
| 3719 | 5057 | 5188 | 5348 | 5472 | 5506 | 5606 | 6004 | 6213 | 6236 | 6325 | 9554 |
| 3724 | 5059 | 5190 | 5402 | 5473 | 5507 | 5610 | 6006F | 6214 | 6237 | 6400 | |

