



A Contractor's Guide to Workers' Compensation

What workers' comp requirements must I follow as a contractor?

Florida law requires you to have an active workers' comp policy or an exemption from workers' comp. If you are exempt but have employees, you must have a workers' comp policy to cover them.

What's an exemption and how does it work?

An exemption excludes you from the requirements of workers' comp. Exemptions are only valid for the individual and company name listed on the exemption. They do not extend to any employees, casual laborers or subcontractors of your company. Up to 3 owners of your construction company can exempt out of workers' comp coverage. Exemption holders won't receive workers' comp benefits in the event of an accident.

How can I obtain workers' comp or an exemption?

To inquire about workers' comp coverage, contact an insurance agent in your area or call FUBA Workers' Comp at 888-262-4483 for referral to one of our approved agents. To obtain an exemption visit the Florida Compliance Database online at www.fldfs.com/wc. Click on "Rules & Forms" on the left-hand side of the screen. Then, click on tab "69-L6". There you will find an exemption form and helpful instructions.

What will happen if I don't follow requirements for workers' comp coverage?

You can be assessed a fine and even shut down by the state if you are not in compliance with workers' comp requirements.

Do I have to pay workers' comp for helpers/casual laborers?

Yes, contractors must pay the workers' comp for all helpers and casual laborers, including 1099 employees and temporary employees, unless the worker has an exemption or is employed by a separate company with a valid workers' comp policy.

What if I hire a sub?

As a contractor, Florida law makes you responsible for paying workers' comp on all of your subs unless they have their own workers' comp policy or have a valid exemption from workers' comp. If you discover that your sub is out of compliance with workers' comp requirements, insist that they correct the issue before you allow them back on your jobsite. By doing so, you will avoid costly repercussions from the state, liability for any accidents that may occur and additional premium charges from your workers' comp carrier.

Can I hire an exempt sub who has employees?

Not unless you want to pay the workers' comp coverage for your sub's employees. Remember that Florida law requires all construction companies with employees to have workers' comp coverage. If you have an exempt sub with employees, you should insist that they obtain workers' comp coverage before using them, otherwise your company will be liable.

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Llame nuestra oficina al 888-262-4483 para pedir una copia en español.

Can I assume that the certificate of insurance (COI) provided by my sub is for workers' comp coverage?

No, COIs are used to show proof of various types of insurance. Carefully read all COIs that you receive and verify that they are for workers' comp coverage and not another line of insurance, like general liability. Your workers' comp carrier will charge you premium for your sub if your COIs are not for workers' comp. If you discover that a COI provided to you is for another line of insurance, immediately request a corrected copy from your sub.

Can I assume that the COI and/or exemption provided by my sub is accurate?

No, just because a sub shows you a COI or exemption at the time you hire them doesn't mean it will stay current throughout your construction project. Exemptions from workers' comp must be renewed every two years. Also, workers' comp policies often cancel mid-year for non-payment or other reasons. If your sub's exemption or workers' comp coverage lapses during your use of the sub, you assume liability for any accidents and your workers' comp carrier will charge you additional premium for these uninsured individuals.

How can I verify that my sub has a valid workers' comp policy?

Visit the Florida Construction Policy Tracking Database online at www.fldfs.com/wc. Click on "Databases" on the left-hand side of the screen. Then, click on "Construction Policy Tracking Database". By entering a few lines of information you can track all of your subs in one convenient location. The system will send you an email if one of their policies is cancelled or expires so that you can stop using that sub until they obtain coverage.

- Or -

Call the workers' comp carrier listed on the COI provided by your sub each month to verify coverage.

How can I verify that that my sub has a valid exemption from workers' comp?

Visit the Florida Compliance Database online at www.fldfs.com/wc. Click on "Database" on the left-hand side of the screen. Then, click on "Compliance Databases". There are several ways for you to search and verify if the exemption for your sub is still valid, including their business name, federal ID number, exemption holder's name or social security number.

- Or -

If you do not have access to a computer, you can call the Florida Division of Workers' Comp's Bureau of Compliance at 850-488-2333 to get the same exemption information noted above.

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