

69L-6.012 Notice of Election to Be Exempt.

(1) Only corporate officers of non-dissolved or active corporations who meet the conditions for the issuance of valid Form DFS-F4-DWC-252, <https://www.flrules.org/Gateway/reference.asp?No=Ref-15433> Certificate of Election to be Exempt from Florida Workers' Compensation Law, revised 01/23, and herein incorporated by reference, as stated in Chapter 440, F.S., and implemented by this rule may file a Form DFS-F4-DWC-250, <https://www.flrules.org/Gateway/reference.asp?No=Ref-15430>, Notice of Election to be Exempt, revised 01/23, and incorporated by reference herein. Only a business entity organized under Chapter 607 or 617, F.S., will qualify as a corporation for purposes of issuing a Form DFS-F4-DWC-252, Certificate of Election to be Exempt from Florida Workers' Compensation Law, to a corporate officer under this rule. While a limited liability company created and approved under Chapter 605 or 608, F.S., is not a corporation for purposes of Chapter 440, F.S., persons who are limited liability company members owning at least ten percent (10%) of the non-dissolved or active limited liability company qualify as a "corporate officer" and are eligible for the issuance of a Form DFS-F4-DWC-252, Certificate of Election to be Exempt from Florida Workers' Compensation Law, under this rule. Chapter 605, F.S., the "Florida Revised Limited Liability Company Act," which became effective on January 1, 2014, also provides for the repeal of Chapter 608, F.S., titled "Limited Liability Companies," on January 1, 2015. Therefore, newly formed Florida limited liability companies must be organized pursuant to the provisions of Chapter 605, F.S. Florida limited liability companies that were organized pursuant to the provisions of Chapter 608, F.S., must comply with the provisions of Chapter 605, F.S., prior to the repeal of Chapter 608, F.S.

(2)(a) Any corporate officer engaged in the construction or non-construction industry, who elects to be exempt from the provisions of the workers' compensation law (Chapter 440, F.S.), must certify that the officer electing an exemption has completed an online workers' compensation coverage and compliance tutorial pursuant to Section 440.05(3), F.S., and shall submit a Form DFS-F4-DWC-250, Notice of Election to be Exempt, in accordance with the requirements of Sections 440.02(15)(b) and 440.05, F.S.

(b) Corporate officers must provide the first name, last name, date of birth, valid driver's license number, or Florida identification card number on Form DFS-F4-DWC-250, Notice of Election to be Exempt. For purposes of this rule, a driver's license is considered valid provided it has not been expired for more than 30 days at the time of submission of the exemption application. If an application is returned for any reason, the original exemption application submission date will apply when determining if a license is valid. The form must also include all certified or registered license numbers held by the applicant issued pursuant to Chapter 489, F.S.; or the certified or registered license numbers held by the qualifier for the business listed on the Form DFS-F4-DWC-250, Notice of Election to be Exempt, of which the applicant is a corporate officer. If the applicant is required to obtain a license issued pursuant to Chapter 489, F.S., the business name listed on the license must match the name of the corporation or limited liability company listed on the Form DFS-F4-DWC-250, Notice of Election to be Exempt.

(3) For purposes of this rule, an applicant is engaged in the "construction industry" when any portion of the applicant's business operations is described in the construction industry classification codes that are identified in Rule 69L-6.021, F.A.C. An applicant engaged in the construction industry must submit a \$50.00 fee with each Form DFS-F4-DWC-250, Notice of Election to be Exempt. If a Form DFS-F4-DWC-252, Certificate of Election to be Exempt from Florida Workers' Compensation Law, was issued to the applicant and the applicant's payment was returned to the Department for non-sufficient funds, the Form DFS-F4-DWC-252, Certificate of Election to be Exempt from Florida Workers' Compensation Law, shall be revoked. In order for the Department to process a new Form DFS-F4-DWC-250, Notice of Election to be Exempt, from an applicant who has had a payment returned for non-sufficient funds, the Department must receive confirmation that the initial \$50.00 payment and any associated service charge has been deposited into the Workers' Compensation Administration Trust Fund.

(4) Incomplete Notices of Election to be Exempt, Issue Dates for Certificates of Election to be Exempt from Florida Workers' Compensation Law.

(a) If a Form DFS-F4-DWC-250, Notice of Election to be Exempt, is incomplete or inaccurate for the issuance of a Form DFS-F4-DWC-252, Certificate of Election to be Exempt from Florida Workers' Compensation Law, the Department shall return the Form DFS-F4-DWC-250, Notice of Election to be Exempt and provide a deficiency notice. An applicant shall have ninety days from the date of the Department's deficiency notice to correct the deficiency and submit a completed Form DFS-F4-DWC-250, Notice of Election to be Exempt, at which time the Form DFS-F4-DWC-250, Notice of Election to be Exempt, shall be processed, and no additional processing fee will be due for a construction industry applicant. The Department shall deny the Form DFS-F4-DWC-250, Notice of Election to be Exempt, if the applicant fails to submit information to complete the Form DFS-F4-DWC-250, Notice of Election to be Exempt, within ninety days of the date of the Department's deficiency notice. An applicant who receives

such denial from the Department and still seeks a DFS-F4-DWC-252, Certificate of Election to be Exempt from Florida Workers' Compensation Law must file a new Form DFS-F4-DWC-250, Notice of Election to be Exempt, and, if the applicant is engaged in the construction industry, another \$50.00 fee is required.

(b) If the Department receives a renewal Form DFS-F4-DWC-250, Notice of Election to be Exempt that meets the eligibility requirements of Section 440.05, F.S., and this rule more than 90 days prior to the expiration date of the Form DFS-F4-DWC-252, Certificate of Election to be Exempt from Florida Workers' Compensation Law, the issue date of the new Form DFS-F4-DWC-252, Certificate of Election to be Exempt from Florida Workers' Compensation Law, is the date the Form DFS-F4-DWC-250, Notice of Election to be Exempt, is approved and saved to the Coverage and Compliance Automated System of the Department, and any duplicate Form DFS-F4-DWC-252, Certificate of Election to be Exempt from Florida Workers' Compensation Law, for the applicant of the same business shall be null and void as of the issue date of the new Form DFS-F4-DWC-252, Certificate of Election to be Exempt from Florida Workers' Compensation Law.

(c) If the Department receives a renewal Form DFS-F4-DWC-250, Notice of Election to be Exempt, that meets the eligibility requirements of Section 440.05, F.S., and this rule 90 days or less prior to the expiration date of the Form DFS-F4-DWC-252, Certificate of Election to be Exempt from Florida Workers' Compensation Law, the issue date of the renewal Form DFS-F4-DWC-252, Certificate of Election to be Exempt from Florida Workers' Compensation Law, shall be the expiration date of the current Form DFS-F4-DWC-252, Certificate of Election to be Exempt from Florida Workers' Compensation Law.

(d) Subject to the exceptions listed in Section 440.05(5), F.S., if the Department receives a renewal Form DFS-F4-DWC-250, Notice of Election to be Exempt, after the expiration date of the Form DFS-F4-DWC-252, Certificate of Election to be Exempt from Florida Workers' Compensation Law, the issue date of the renewal Form DFS-F4-DWC-252, Certificate of Election to be Exempt from Florida Workers' Compensation Law, is the date the renewal Form DFS-F4-DWC-250, Notice of Election to be Exempt, is approved and saved to the Coverage and Compliance Automated System of the Department.

(e) Subject to the exceptions listed in Section 440.05(5), F.S., if the Department receives a new Form DFS-F4-DWC-250, Notice of Election to be Exempt, the issue date of the Form DFS-F4-DWC-252, Certificate of Election to be Exempt from Florida Workers' Compensation Law, is the date the Form DFS-F4-DWC-250, Notice of Election to be Exempt, is approved and saved to the Coverage and Compliance Automated System of the Department.

(5) Any Form DFS-F4-DWC-250, Notice of Election to be Exempt, determined to be incomplete within 30 days after receipt by the Department for failure to meet the eligibility requirements of Section 440.05, F.S., and this rule is not "received" for purposes of Section 440.05(5), F.S.

(6) Any corporate officer or officer of a corporation who has been issued a Form DFS-F4-DWC-252, Certificate of Election to be Exempt from Florida Workers' Compensation Law, may revoke such certificate by submitting to the Department a Form DFS-F4-DWC-250-R, <https://www.flrules.org/Gateway/reference.asp?No=Ref-02938> Notice of Revocation of Election to be Exempt, revised 08/13, and incorporated by reference herein. The issue date of a Form DFS-F4-DWC-250-R, Notice of Revocation of Election to be Exempt, is the date the revocation is approved and saved to the Coverage and Compliance Automated System of the Department, or 30 days after Form DFS-F4-DWC-250-R, Notice of Revocation of Election to be Exempt, is received by the Department, whichever is earlier.

(7) A Form DFS-F4-DWC-250-R, Notice of Revocation of Election to be Exempt, shall only be submitted by the same person named on the Form DFS-F4-DWC-252, Certificate of Election to be Exempt from Florida Workers' Compensation Law, or by a corporate officer or officer of a corporation of the business named on the Form DFS-F4-DWC-252, Certificate of Election to be Exempt from Florida Workers' Compensation Law, and listed as a corporate officer with the Department of State, Division of Corporations.

(8) Payments made to the Department under this rule shall be submitted through the DWC Notice of Election to be Exempt System. The construction industry exemption requires payment of a \$50.00 processing fee; payment of an additional convenience fee is applied against the costs associated with providing electronic transactions. Certificate holders are also required to print their Form DFS-F4-DWC-252, Certificate of Election to be Exempt from Florida Workers' Compensation Law.

(9) The issue date of a Form DFS-F4-DWC-251, <https://www.flrules.org/Gateway/reference.asp?No=Ref-15431> Notice of Election of Coverage, revised 01/23 and incorporated by reference herein, is the date it is approved and saved to the Coverage and Compliance Automated System of the Department, or 30 days after the Form DFS-F4-DWC-251, Notice of Election of Coverage, is received by the Department, whichever is earlier.

(10) The issue date of a Form DFS-F4-DWC-251-R, <https://www.flrules.org/Gateway/reference.asp?No=Ref-15432>,

Revocation of Election of Coverage, revised 01/23, and incorporated by reference herein, is the date it is approved and saved to the Coverage and Compliance Automated System of the Department, or 30 days after the Form DFS-F4-DWC-251-R, Revocation of Election of Coverage, is received by the Department, whichever is earlier.

(11) The person named on the Form DFS-F4-DWC-252, Certificate of Election to be Exempt from Florida Workers' Compensation Law, shall have the duty to notify the Department of any change to the person's address of record listed on the Form DFS-F4-DWC-252, Certificate of Election to be Exempt from Florida Workers' Compensation Law, the dissolution or reinstatement of the corporation or limited liability company named on the Form DFS-F4-DWC-252, Certificate of Election to be Exempt from Florida Workers' Compensation Law, or when the person named on the Form DFS-F4-DWC-252, Certificate of Election to be Exempt from Florida Workers' Compensation Law, is no longer a corporate officer or member of the corporation or limited liability company listed on the Form DFS-F4-DWC-252, Certificate of Election to be Exempt from Florida Workers Compensation Law.

(12) If a Form DFS-F4-DWC-252, Certificate of Election to be Exempt from Florida Workers' Compensation Law, is revoked pursuant to Section 440.05, F.S., the revocation date is the date that the corporation becomes dissolved or inactive or the date the Department determines the person named on the Form DFS-F4-DWC-252, Certificate of Election to be Exempt from Florida Workers' Compensation Law, no longer meets the requirements for issuance of the certificate.

(13) Form DFS-F4-DWC-250R, Notice of Revocation of Election to be Exempt, Form DFS-F4-DWC-251, Notice of Election of Coverage, and Form DFS-F4-DWC-251R, Revocation of Election of Coverage, can be obtained from the Department's website at <https://www.myfloridacfo.com/Division/WC/> or by calling (850)413-1609. Form DFS-F4-DWC-250, Notice of Election to be Exempt, is filed electronically through the DWC Notice of Election to be Exempt System at <https://www.myfloridacfo.com/Division/WC/>.

Rulemaking Authority 215.322, 440.05, 440.591 FS. Law Implemented 215.322, 440.02, 440.05 FS. History—New 5-28-91, Amended 2-15-94, 12-28-97, 2-2-00, 9-6-01, Formerly 38F-6.012, Amended 3-26-03, Formerly 4L-6.012, Amended 4-21-04, 10-30-06, 12-31-07, 7-5-10, 8-7-13, 11-19-14, 7-18-23.