

FLORIDA WORKERS' COMPENSATION EXEMPTIONS AT-A-GLANCE

FUBA Workers' Comp created this document as a general summary of Florida law regarding workers' compensation exemptions, and is not intended to provide legal advice or insurance coverage advice. For specific questions, please contact a licensed insurance agent, an attorney, or the Division of Workers' Compensation.

Non-Construction Companies:

(required to have workers' comp coverage if they have 4 or more employees)

A. Sole Proprietorship or Partnership **Payroll for individuals \$43,800 (2016)**

1. Sole proprietors and partners are automatically excluded by law; they do not have to file for an exemption.
2. Cannot be included on a workers' compensation policy unless they file form DWC 251 Election of Coverage with the state Division of Workers' Compensation ("DWC").
3. Can go back to being excluded by filing form DWC 251-R with the DWC.

B. Corporation **Payroll for officers are \$20,800 minimum for construction, \$44,200 minimum for non-construction with max for both is \$124,800 (2016)**

1. Officers can file for an exemption with the DWC. There is no limit to the number of corporate officers who can exempt out of workers' compensation coverage.
2. Corporation must be in good standing and applicant must be listed as an officer of the corporation on the Division of Corporations' database (www.sunbiz.org).
3. Non-construction exemptions issued prior to 1/1/13 are free and last until revoked; they do not expire. Non-construction exemptions issued on or after 1/1/13 are also free but must be renewed every 2 years to remain valid.
4. Exemption can be revoked by filing form DWC 250-R with the DWC.
5. Corporate officers without an exemption are considered employees for coverage purposes (and count towards the 4-employee threshold) and are included on their company's workers' compensation policy.

C. Limited Liability Company (LLC) **Payroll for LLC are the same as above Corp.**

1. Effective July 1, 2013, LLC owners (also called "members" or "managing members") of non-construction LLC's can file for an exemption with the DWC.
2. Applicant must own at least 10% of the LLC to be eligible for an exemption.
3. The exemption is free and must be renewed every 2 years to remain valid.
4. Exemption can be revoked by filing form DWC 250-R with the DWC.
5. LLC owners without an exemption are considered employees for coverage purposes (and count towards the 4-employee threshold) and will be included on the company's workers' compensation policy.

Construction Companies:

(required to have coverage for any employees):

A. Sole Proprietorship or Partnership Payrolls for individuals are 43,800

1. Sole proprietors and partners in the construction industry are automatically included; they are not eligible to exempt out of workers' comp. They must have workers' comp coverage to work legally in the state of Florida.

B. Corporation Payroll for officers \$20,800 in construction

1. Up to 3 corporate officers can file for an exemption with the DWC.
2. Corporation must be in good standing and applicant must be listed as an officer of the corporation on the Division of Corporations database (www.sunbiz.org).
3. Applicant must own at least 10% of the corporation's stock to apply for an exemption.
4. Exemption costs \$50 and must be renewed every 2 years to remain valid.
5. Exemption can be revoked by filing form DWC 250-R with the DWC.
6. Corporate officers without an exemption are considered employees for coverage purposes (and count towards the 1-employee threshold) and will be included on their company's workers' compensation policy.

C. Limited Liability Company (LLC) Payroll for LLC are the same as above Corp.

1. Up to 3 LLC owners (also called "members" or "managing members") may file for an exemption with the DWC.
2. LLC must be in good standing on the Division of Corporations' database (www.sunbiz.org).
3. Applicant must own at least 10% of the LLC to be eligible for an exemption.
4. Exemption costs \$50 and must be renewed every 2 years to remain valid.
5. Exemption can be revoked by filing form DWC 250-R with the DWC.

All exemptions must be applied for online at the Division of Workers' Compensation's website: www.myfloridacfo.com/wc. Applicants must provide a Florida driver's license or ID card number. Out-of-state applicants can apply for an exemption by calling the Division of Workers' Compensation at (800) 742-2214.

Florida Construction Class Codes

The state Division of Workers' Compensation considers the following class codes to be in the construction industry. An employer is engaged in the construction industry when any portion of the employer's business operations is described in the construction industry classification codes below:

- (a) 0042 Landscape Gardening and Drivers
- (b) 0050 Farm Machinery Operation By Contractor and Drivers
- (c) 1322 Oil or Gas – Well – Cleaning or Swabbing of Wells – By Specialist Contractor – No Drilling & Drivers
- (d) 2799 Manufactured, Modular or Prefabricated Home Setup, Hookup, or Installation at Building Site
- (e) 3365 Welding or Cutting NOC and Drivers
- (f) 3719 Oil Still Erection or Repair
- (g) 3724 Machinery or Equipment Erection or Repair NOC and Drivers
- (h) 3726 Boiler Installation or Repair – Steam
- (i) 5020 Ceiling Installation Suspended Acoustical Grid Type
- (j) 5022 Masonry NOC
- (k) 5037 Painting: Metal Structures Over Two Stories in Height and Drivers
- (l) 5040 Iron or Steel: Erection – Frame Structures
- (m) 5057 Iron or Steel: Erection NOC
- (n) 5059 Iron or Steel: Erection – Frame Structures Not Over Two Stories in Height
- (o) 5069 Iron or Steel: Erection Construction of Dwellings Not Over Two Stories in Height
- (p) 5102 Door and Window Installation – All Types – Residential and Commercial
- (q) 5146 Furniture or Fixtures Installation – Portable – NOC
- (r) 5160 Elevator Erection or Repair
- (s) 5183 Plumbing NOC and Drivers
- (t) 5188 Automatic Sprinkler Installation and Drivers
- (u) 5190 Electrical Wiring Within Buildings and Drivers
- (v) 5213 Concrete Construction NOC
- (w) 5215 Concrete Work Incidental to the Construction of Private Residence
- (x) 5221 Concrete or Cement Work – Floors, Driveways, Yards or Sidewalks and Drivers (N/A MA)
- (y) 5222 Concrete Construction in Connection with Bridges or Culverts
- (z) 5223 Swimming Pool Construction, Installation, or Repair -Not Iron or Steel & Drivers
- (aa) 5348 Ceramic Tile, Indoor Stone, Marble, or Mosaic Work
- (bb) 5402 Hothouse Erection All Operations
- (cc) 5403 Carpentry – NOC
- (dd) 5437 Carpentry – Installation of Cabinet Work or Interior Trim
- (ee) 5443 Lathing and Drivers
- (ff) 5445 Wallboard Installation Within Buildings and Drivers
- (gg) 5462 Glazier Away From Shop and Drivers
- (hh) 5472 Asbestos Removal Operations: Contractor – Pipe and Boiler Work Exclusively & Drivers
- (ii) 5473 Asbestos Removal Operations: Contractor – NOC and Drivers
- (jj) 5474 Painting NOC & Shop Operations, Drivers
- (kk) 5478 Floor Covering Installation – Resilient Flooring – Carpet and Laminate Flooring
- (ll) 5479 Insulation Work NOC and Drivers
- (mm) 5480 Plastering NOC and Drivers
- (nn) 5491 Paperhanging and Drivers
- (oo) 5506 Street or Road Construction: Paving or Repaving and Drivers
- (pp) 5507 Street or Road Construction: Subsurface Work and Drivers

(qq) 5508 Street or Road Construction: Rock Excavation and Drivers
(rr) 5509 Street or Road Maintenance or Beautification & Drivers
(ss) 5535 Sheet Metal Work – Installation & Drivers
(tt) 5537 Heating, Ventilation, Air-Conditioning and Refrigeration Systems Installation, Service and Repair, Shop, Yard & Drivers
(uu) 5551 Roofing – All Kinds and Drivers
(vv) 5606 Contractor – Project Manager, Construction Executive, Construction Manager or Construction Superintendent
(ww) 5610 Cleaner – Debris Removal – Construction Contractor
(xx) 5613 Cleaner – Debris Removal – Temporary Labor Service
(yy) 5645 Carpentry – Detached One or Two Family Dwellings
(zz) 5651 Carpentry – Dwellings – Three Stories or Less
(aaa) 5703 Building Raising or Moving
(bbb) 5705 Salvage Operation – No Wrecking or Any Structural Operations
(ccc) 6004 Land Pile Driving
(ddd) 6006F Marine Pile Driving, Dock & Seawall, Jetty or Breakwater, Dike or Revetment Construction – All Operations to Completion & Drivers
(eee) 6017 Dam or Lock Construction: Concrete Work – All Operations
(fff) 6018 Dam or Lock Construction: Earth Moving or Placing – All Operations and Drivers
(ggg) 6045 Levee Construction – All Operations to Completion and Drivers
(hhh) 6204 Drilling NOC and Drivers
(iii) 6206 Oil or Gas Well: Cementing and Drivers
(iii) 6213 Oil or Gas – Well – Specialty Tool & Equipment Leasing NOC – All Employees & Drivers
(kkk) 6214 Oil or Gas Well: Perforating of Casing – All Employees and Drivers
(III) 6216 Oil or Gas – Lease Work NOC – By Specialist Contractor & Drivers
(mmm) 6217 Excavation and Drivers NOC
(nnn) 6229 Irrigation or Draining System Construction & Drivers
(ooo) 6233 Oil or Gas Pipeline Construction & Drivers
(ppp) 6235 Oil or Gas Well: Drilling or Redrilling & Drivers
(qqq) 6236 Oil or Gas Well: Installation or Recovery of Casing & Drivers
(rrr) 6237 Oil or Gas Well: Instrument Logging or Survey Work and Drivers
(sss) 6251 Tunneling Not Pneumatic – All Operations
(ttt) 6252 Shaft Sinking – All Operations
(uuu) 6260 Tunneling – Pneumatic – All Operations
(vvv) 6306 Sewer Construction – All Operations and Drivers
(www) 6319 Gas Main or Connection – Construction and Drivers
(xxx) 6325 Conduit Construction – For Cable or Wires – & Drivers
(yyy) 6400 Fence Installation and Repair-Metal, Vinyl, Wood or Prefabricated Concrete Panel Fence Installed By Hand
(zzz) 7538 Electric Light or Power Line Construction & Drivers
(aaaa) 7605 Burglar and Fire Alarm Installation or Repair & Drivers
(bbbb) 7855 Railroad Construction: Laying or Relaying of Tracks or Maintenance of Way by Contractor – No Work on Elevated Railroads – & Drivers
(cccc) 8227 Construction or Erection Permanent Yard
(ddd) 9534 Mobile Crane and Hoisting Service Contractors – NOC – All Operations – Including Yard Employees and Drivers
(eeee) 9554 Sign Installation, Maintenance, Repair, Removal, or Replacement NOC & Drivers