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A bill to be entitled

An act relating to workers' compensation; amending s. 440.02, F.S.; revising and deleting definitions; amending s. 440.05, F.S.; revising provisions relating to election and revocation of exemption to remove references to sole proprietors and partners; removing requirement that corporate officers provide proof of status to claim exemption; amending s. 440.077, F.S.; applying provisions relating to election of exemption from ch. 440, F.S., to corporate officers rather than sole proprietors and partners; amending s. 440.10, F.S.; revising provisions relating to liability for compensation; requiring subcontractors to provide evidence of workers' compensation coverage; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsections (8), (15), (16), (41), and (42) of section 440.02, Florida Statutes, are amended to read:

440.02 Definitions.--When used in this chapter, unless the context clearly requires otherwise, the following terms shall have the following meanings:

(8) "Construction industry" means for-profit activities involving ~~the carrying out of~~ any building, clearing, filling, excavation, or substantial improvement in the size or use of any structure or the appearance of any land. ~~When appropriate to the context, "construction" refers to the act of construction or the result of construction.~~ However, "construction" does ~~shall~~ not mean a homeowner's ~~landowner's~~ act of construction or the result of a construction upon his or her own premises, provided such



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31 premises are not intended to be sold, ~~or~~ resold, or leased by  
 32 the owner within 1 year after the commencement of construction.  
 33 The division may, by rule, establish standard industrial  
 34 classification codes and definitions thereof which meet the  
 35 criteria of the term "construction industry" as set forth in  
 36 this section.

37 (15)(a) "Employee" means any person who receives  
 38 remuneration from an employer for the performance of any work or  
 39 service, whether by engaged in any employment under any  
 40 appointment or contract for ~~of~~ hire or apprenticeship, express  
 41 or implied, oral or written, whether lawfully or unlawfully  
 42 employed, and includes, but is not limited to, aliens and  
 43 minors.

44 (b) "Employee" includes any person who is an officer of a  
 45 corporation and who performs services for remuneration for such  
 46 corporation within this state, whether or not such services are  
 47 continuous.

48 1. Any officer of a corporation may elect to be exempt  
 49 from this chapter by filing written notice of the election with  
 50 the department as provided in s. 440.05.

51 2. As to officers of a corporation who are ~~actively~~  
 52 engaged in the construction industry, no more than three  
 53 officers of a corporation or of any group of affiliated  
 54 corporations may elect to be exempt from this chapter by filing  
 55 written notice of the election with the department as provided  
 56 in s. 440.05. Each officer must be a shareholder who owns at  
 57 least 10 percent of the stock of such corporation and is listed  
 58 as an officer of such corporation with the Division of  
 59 Corporations of the Department of State. ~~However, any exemption~~  
 60 ~~obtained by a corporate officer of a corporation actively~~



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61 ~~engaged in the construction industry is not applicable with~~  
62 ~~respect to any commercial building project estimated to be~~  
63 ~~valued at \$250,000 or greater.~~

64 3. An officer of a corporation who elects to be exempt  
65 from this chapter by filing a written notice of the election  
66 with the department as provided in s. 440.05 is not an employee.

67  
68 Services are presumed to have been rendered to the corporation  
69 if the officer is compensated by other than dividends upon  
70 shares of stock of the corporation which the officer owns. The  
71 term "affiliated" means and includes one or more corporations or  
72 entities, any one of which is a corporation engaged in the  
73 construction industry, under the same or substantially the same  
74 control of a group of business entities which are connected or  
75 associated so that one entity controls or has the power to  
76 control each of the other business entities. "Affiliated"  
77 includes the officers, directors, executives, shareholders  
78 active in management, employees, and agents of the affiliated  
79 corporation. The ownership by one business entity of a  
80 controlling interest in another business entity or a pooling of  
81 equipment or income among business entities shall be prima facie  
82 evidence that one business is affiliated with the other.

83 (c)~~1~~. "Employee" includes:

84 1. A sole proprietor or a partner who is not engaged in  
85 the construction industry, devotes full time to the  
86 proprietorship or partnership, and, ~~except as provided in this~~  
87 ~~paragraph,~~ elects to be included in the definition of employee  
88 by filing notice thereof as provided in s. 440.05. ~~Partners or~~  
89 ~~sole proprietors actively engaged in the construction industry~~  
90 are considered employees unless they elect to be excluded from



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91 ~~the definition of employee by filing written notice of the~~  
92 ~~election with the department as provided in s. 440.05. However,~~  
93 ~~no more than three partners in a partnership that is actively~~  
94 ~~engaged in the construction industry may elect to be excluded. A~~  
95 ~~sole proprietor or partner who is actively engaged in the~~  
96 ~~construction industry and who elects to be exempt from this~~  
97 ~~chapter by filing a written notice of the election with the~~  
98 ~~department as provided in s. 440.05 is not an employee. For~~  
99 ~~purposes of this chapter, an independent contractor is an~~  
100 ~~employee unless he or she meets all of the conditions set forth~~  
101 ~~in subparagraph (d)1.~~

102 2. All persons who are being paid by a construction  
103 contractor as a subcontractor, unless the subcontractor has  
104 validly elected an exemption as permitted by this chapter, or  
105 has otherwise secured the payment of compensation coverage as a  
106 subcontractor, consistent with s. 440.10, for work performed by  
107 or as a subcontractor.

108 3. An independent contractor working or performing  
109 services in the construction industry.

110 4. A sole proprietor who engages in the construction  
111 industry and a partner or partnership that is engaged in the  
112 construction industry.

113 ~~2. Notwithstanding the provisions of subparagraph 1., the~~  
114 ~~term "employee" includes a sole proprietor or partner actively~~  
115 ~~engaged in the construction industry with respect to any~~  
116 ~~commercial building project estimated to be valued at \$250,000~~  
117 ~~or greater. Any exemption obtained is not applicable, with~~  
118 ~~respect to work performed at such a commercial building project.~~

119 (d) "Employee" does not include:



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120 1. An independent contractor who is not engaged in the  
 121 construction industry., ~~if:~~

122 a. In order to meet the definition of "independent  
 123 contractor," at least four of the following criteria must be  
 124 met: ~~The independent contractor maintains a separate business~~  
 125 ~~with his or her own work facility, truck, equipment, materials,~~  
 126 ~~or similar accommodations;~~

127 (I) The independent contractor maintains a separate  
 128 business with his or her own work facility, truck, equipment,  
 129 materials, or similar accommodations;

130 (II) The independent contractor holds or has applied for a  
 131 federal employer identification number, unless the independent  
 132 contractor is a sole proprietor who is not required to obtain a  
 133 federal employer identification number under state or federal  
 134 regulations;

135 (III) The independent contractor receives compensation for  
 136 services rendered or work performed and such compensation is  
 137 paid to a business rather than to an individual;

138 (IV) The independent contractor holds one or more bank  
 139 accounts in the name of the business entity for purposes of  
 140 paying business expenses or other expenses related to services  
 141 rendered or work performed for compensation;

142 (V) The independent contractor performs work or is able to  
 143 perform work for any entity in addition to or besides the  
 144 employer at his or her own election without the necessity of  
 145 completing an employment application or process; or

146 (VI) The independent contractor receives compensation for  
 147 work or services rendered on a competitive-bid basis or  
 148 completion of a task or a set of tasks as defined by a



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149 contractual agreement, unless such contractual agreement  
150 expressly states that an employment relationship exists.

151 b. If four of the above criteria do not exist, an  
152 individual may still be presumed to be an independent contractor  
153 and not an employee based on full consideration of the nature of  
154 the individual situation with regard to satisfying any of the  
155 following conditions: ~~The independent contractor holds or has~~  
156 ~~applied for a federal employer identification number, unless the~~  
157 ~~independent contractor is a sole proprietor who is not required~~  
158 ~~to obtain a federal employer identification number under state~~  
159 ~~or federal requirements;~~

160 (I) The independent contractor performs or agrees to  
161 perform specific services or work for a specific amount of money  
162 and controls the means of performing the services or work;

163 (II) The independent contractor incurs the principal  
164 expenses related to the service or work that he or she performs  
165 or agrees to perform;

166 (III) The independent contractor is responsible for the  
167 satisfactory completion of the work or services that he or she  
168 performs or agrees to perform;

169 (IV) The independent contractor receives compensation for  
170 work or services performed for a commission or on a per-job  
171 basis and not on any other basis;

172 (V) The independent contractor may realize a profit or  
173 suffer a loss in connection with performing work or services;

174 (VI) The independent contractor has continuing or  
175 recurring business liabilities or obligations; and

176 (VII) The success or failure of the independent  
177 contractor's business depends on the relationship of business  
178 receipts to expenditures.



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179 c. Notwithstanding anything to the contrary in this  
180 subparagraph, an individual claiming to be an independent  
181 contractor has the burden of proving that he or she is an  
182 independent contractor for purposes of this act. ~~The independent~~  
183 ~~contractor performs or agrees to perform specific services or~~  
184 ~~work for specific amounts of money and controls the means of~~  
185 ~~performing the services or work;~~

186 d. ~~The independent contractor incurs the principal~~  
187 ~~expenses related to the service or work that he or she performs~~  
188 ~~or agrees to perform;~~

189 e. ~~The independent contractor is responsible for the~~  
190 ~~satisfactory completion of work or services that he or she~~  
191 ~~performs or agrees to perform and is or could be held liable for~~  
192 ~~a failure to complete the work or services;~~

193 f. ~~The independent contractor receives compensation for~~  
194 ~~work or services performed for a commission or on a per-job or~~  
195 ~~competitive-bid basis and not on any other basis;~~

196 g. ~~The independent contractor may realize a profit or~~  
197 ~~suffer a loss in connection with performing work or services;~~

198 h. ~~The independent contractor has continuing or recurring~~  
199 ~~business liabilities or obligations; and~~

200 i. ~~The success or failure of the independent contractor's~~  
201 ~~business depends on the relationship of business receipts to~~  
202 ~~expenditures.~~

203  
204 ~~However, the determination as to whether an individual included~~  
205 ~~in the Standard Industrial Classification Manual of 1987,~~  
206 ~~Industry Numbers 0711, 0721, 0722, 0751, 0761, 0762, 0781, 0782,~~  
207 ~~0783, 0811, 0831, 0851, 2411, 2421, 2435, 2436, 2448, or 2449,~~  
208 ~~or a newspaper delivery person, is an independent contractor is~~



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209 ~~governed not by the criteria in this paragraph but by common-law~~  
210 ~~principles, giving due consideration to the business activity of~~  
211 ~~the individual. Notwithstanding the provisions of this paragraph~~  
212 ~~or any other provision of this chapter, with respect to any~~  
213 ~~commercial building project estimated to be valued at \$250,000~~  
214 ~~or greater, a person who is actively engaged in the construction~~  
215 ~~industry is not an independent contractor and is either an~~  
216 ~~employer or an employee who may not be exempt from the coverage~~  
217 ~~requirements of this chapter.~~

218       2. A real estate salesperson or agent, if that person  
219 agrees, in writing, to perform for remuneration solely by way of  
220 commission.

221       3. Bands, orchestras, and musical and theatrical  
222 performers, including disk jockeys, performing in licensed  
223 premises as defined in chapter 562, if a written contract  
224 evidencing an independent contractor relationship is entered  
225 into before the commencement of such entertainment.

226       4. An owner-operator of a motor vehicle who transports  
227 property under a written contract with a motor carrier which  
228 evidences a relationship by which the owner-operator assumes the  
229 responsibility of an employer for the performance of the  
230 contract, if the owner-operator is required to furnish the  
231 necessary motor vehicle equipment and all costs incidental to  
232 the performance of the contract, including, but not limited to,  
233 fuel, taxes, licenses, repairs, and hired help; and the owner-  
234 operator is paid a commission for transportation service and is  
235 not paid by the hour or on some other time-measured basis.

236       5. A person whose employment is both casual and not in the  
237 course of the trade, business, profession, or occupation of the  
238 employer.





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239 6. A volunteer, except a volunteer worker for the state or  
 240 a county, municipality, or other governmental entity. A person  
 241 who does not receive monetary remuneration for services is  
 242 presumed to be a volunteer unless there is substantial evidence  
 243 that a valuable consideration was intended by both employer and  
 244 employee. For purposes of this chapter, the term "volunteer"  
 245 includes, but is not limited to:

246 a. Persons who serve in private nonprofit agencies and who  
 247 receive no compensation other than expenses in an amount less  
 248 than or equivalent to the standard mileage and per diem expenses  
 249 provided to salaried employees in the same agency or, if such  
 250 agency does not have salaried employees who receive mileage and  
 251 per diem, then such volunteers who receive no compensation other  
 252 than expenses in an amount less than or equivalent to the  
 253 customary mileage and per diem paid to salaried workers in the  
 254 community as determined by the department; and

255 b. Volunteers participating in federal programs  
 256 established under Pub. L. No. 93-113.

257 7. Unless otherwise prohibited by this chapter, any  
 258 officer of a corporation who elects to be exempt from this  
 259 chapter.

260 8. An a sole proprietor or officer of a corporation who  
 261 actively engages in the construction industry, and a partner in  
 262 a partnership that is actively engaged in the construction  
 263 industry, who elects to be exempt from the provisions of this  
 264 chapter, as otherwise permitted by this chapter. Such ~~sole~~  
 265 ~~proprietor,~~ officer, ~~or partner~~ is not an employee for any  
 266 reason until the notice of revocation of election filed pursuant  
 267 to s. 440.05 is effective.



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268 9. An exercise rider who does not work for a single horse  
269 farm or breeder, and who is compensated for riding on a case-by-  
270 case basis, provided a written contract is entered into prior to  
271 the commencement of such activity which evidences that an  
272 employee/employer relationship does not exist.

273 10. A taxicab, limousine, or other passenger vehicle-for-  
274 hire driver who operates said vehicles pursuant to a written  
275 agreement with a company which provides any dispatch, marketing,  
276 insurance, communications, or other services under which the  
277 driver and any fees or charges paid by the driver to the company  
278 for such services are not conditioned upon, or expressed as a  
279 proportion of, fare revenues.

280 11. A person who performs services as a sports official  
281 for an entity sponsoring an interscholastic sports event or for  
282 a public entity or private, nonprofit organization that sponsors  
283 an amateur sports event. For purposes of this subparagraph, such  
284 a person is an independent contractor. For purposes of this  
285 subparagraph, the term "sports official" means any person who is  
286 a neutral participant in a sports event, including, but not  
287 limited to, umpires, referees, judges, linespersons,  
288 scorekeepers, or timekeepers. This subparagraph does not apply  
289 to any person employed by a district school board who serves as  
290 a sports official as required by the employing school board or  
291 who serves as a sports official as part of his or her  
292 responsibilities during normal school hours.

293 (16)(a) "Employer" means the state and all political  
294 subdivisions thereof, all public and quasi-public corporations  
295 therein, every person carrying on any employment, and the legal  
296 representative of a deceased person or the receiver or trustees  
297 of any person. If the employer is a corporation, parties in



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298 actual control of the corporation, including, but not limited  
 299 to, the president, officers who exercise broad corporate powers,  
 300 directors, and all shareholders who directly or indirectly own a  
 301 controlling interest in the corporation, are considered the  
 302 employer for the purposes of ss. 440.105 and 440.106.

303 (b) A landowner shall not be considered the employer of  
 304 persons hired by the homeowner to carry out construction on the  
 305 homeowner's own premises if those premises are not intended for  
 306 immediate sale or resale.

307 ~~(41) "Commercial building" means any building or structure~~  
 308 ~~intended for commercial or industrial use, or any building or~~  
 309 ~~structure intended for multifamily use of more than four~~  
 310 ~~dwelling units, as well as any accessory use structures~~  
 311 ~~constructed in conjunction with the principal structure. The~~  
 312 ~~term, "commercial building," does not include the conversion of~~  
 313 ~~any existing residential building to a commercial building.~~

314 ~~(42) "Residential building" means any building or~~  
 315 ~~structure intended for residential use containing four or fewer~~  
 316 ~~dwelling units and any structures intended as an accessory use~~  
 317 ~~to the residential structure.~~

318 Section 2. Subsections (3), (6), (10), and (13) of section  
 319 440.05, Florida Statutes, are amended to read:

320 440.05 Election of exemption; revocation of election;  
 321 notice; certification.--

322 (3) Each ~~sole proprietor, partner, or~~ officer of a  
 323 corporation who is ~~actively~~ engaged in the construction industry  
 324 and who elects an exemption from this chapter or who, after  
 325 electing such exemption, revokes that exemption, must mail a  
 326 written notice to such effect to the department on a form  
 327 prescribed by the department. The notice of election to be



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328 exempt from the provisions of this chapter must be notarized and  
329 under oath. The notice of election to be exempt which is  
330 submitted to the department by the ~~sole proprietor, partner, or~~  
331 officer of a corporation where such officer is allowed to claim  
332 an exemption as provided by this chapter must list the name,  
333 federal tax identification number, social security number, all  
334 certified or registered licenses issued pursuant to chapter 489  
335 held by the person seeking the exemption, a copy of relevant  
336 documentation as to employment status filed with the Internal  
337 Revenue Service as specified by the department, a copy of the  
338 relevant occupational license in the primary jurisdiction of the  
339 business, and, ~~for corporate officers and partners,~~ the  
340 registration number of the corporation ~~or partnership~~ filed with  
341 the Division of Corporations of the Department of State along  
342 with a copy of the stock certificate evidencing the required  
343 ownership under this chapter. The notice of election to be  
344 exempt must identify each ~~sole proprietorship, partnership, or~~  
345 corporation that employs the person electing the exemption and  
346 must list the social security number or federal tax  
347 identification number of each such employer and the additional  
348 documentation required by this section. In addition, the notice  
349 of election to be exempt must provide that the ~~sole proprietor,~~  
350 ~~partner, or~~ officer electing an exemption is not entitled to  
351 benefits under this chapter, must provide that the election does  
352 not exceed exemption limits for officers ~~and partnerships~~  
353 provided in s. 440.02, and must certify that any employees of  
354 the corporation, the sole proprietor, partner, or officer of  
355 which is electing an exemption, are covered by workers'  
356 compensation insurance. Upon receipt of the notice of the  
357 election to be exempt, receipt of all application fees, and a



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358 determination by the department that the notice meets the  
359 requirements of this subsection, the department shall issue a  
360 certification of the election to the ~~sole proprietor, partner,~~  
361 ~~or~~ officer, unless the department determines that the  
362 information contained in the notice is invalid. The department  
363 shall revoke a certificate of election to be exempt from  
364 coverage upon a determination by the department that the person  
365 does not meet the requirements for exemption or that the  
366 information contained in the notice of election to be exempt is  
367 invalid. The certificate of election must list the name ~~names~~ of  
368 the ~~sole proprietorship, partnership, or~~ corporation listed in  
369 the request for exemption. A new certificate of election must be  
370 obtained each time the person is employed by a new ~~sole~~  
371 ~~proprietorship, partnership,~~ or different corporation that is  
372 not listed on the certificate of election. A copy of the  
373 certificate of election must be sent to each workers'  
374 compensation carrier identified in the request for exemption.  
375 Upon filing a notice of revocation of election, an ~~a~~ ~~sole~~  
376 ~~proprietor, partner, or~~ officer who is a subcontractor or an  
377 officer of a corporate subcontractor must notify her or his  
378 contractor. Upon revocation of a certificate of election of  
379 exemption by the department, the department shall notify the  
380 workers' compensation carriers identified in the request for  
381 exemption.

382 (6) A construction industry certificate of election to be  
383 exempt which is issued in accordance with this section shall be  
384 valid for 2 years after the effective date stated thereon. Both  
385 the effective date and the expiration date must be listed on the  
386 face of the certificate by the department. The construction  
387 industry certificate must expire at midnight, 2 years from its



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388 issue date, as noted on the face of the exemption certificate.  
389 Any person who has received from the division a construction  
390 industry certificate of election to be exempt which is in effect  
391 on December 31, 1998, shall file a new notice of election to be  
392 exempt by the last day in his or her birth month following  
393 December 1, 1998. A construction industry certificate of  
394 election to be exempt may be revoked before its expiration by  
395 the ~~sole proprietor, partner, or~~ officer for whom it was issued  
396 or by the department for the reasons stated in this section. At  
397 least 60 days prior to the expiration date of a construction  
398 industry certificate of exemption issued after December 1, 1998,  
399 the department shall send notice of the expiration date and an  
400 application for renewal to the certificateholder at the address  
401 on the certificate.

402 (10) Each ~~sole proprietor, partner, or~~ officer of a  
403 corporation who is ~~actively~~ engaged in the construction industry  
404 and who elects an exemption from this chapter shall maintain  
405 business records as specified by the division by rule, which  
406 rules must include the provision that any corporation with  
407 exempt officers ~~and any partnership~~ ~~actively~~ engaged in the  
408 construction industry ~~with exempt partners~~ must maintain written  
409 statements of those exempted persons affirmatively acknowledging  
410 each such individual's exempt status.

411 (13) Any corporate officer permitted by this chapter to  
412 claim ~~claiming~~ an exemption ~~under this section~~ must be listed on  
413 the records of this state's Secretary of State, Division of  
414 Corporations, as a corporate officer. ~~If the person who claims~~  
415 ~~an exemption as a corporate officer is not so listed on the~~  
416 ~~records of the Secretary of State, the individual must provide~~  
417 ~~to the division, upon request by the division, a notarized~~



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418 ~~affidavit stating that the individual is a bona fide officer of~~  
 419 ~~the corporation and stating the date his or her appointment or~~  
 420 ~~election as a corporate officer became or will become effective.~~  
 421 ~~The statement must be signed under oath by both the officer and~~  
 422 ~~the president or chief operating officer of the corporation and~~  
 423 ~~must be notarized.~~ The division shall issue a stop-work order  
 424 under s. 440.107(1) to any corporation who employs a person who  
 425 claims to be exempt as a corporate officer but who fails or  
 426 refuses to produce the documents required under this subsection  
 427 to the division within 3 business days after the request is  
 428 made.

429 Section 3. Section 440.077, Florida Statutes, is amended  
 430 to read:

431 440.077 When a corporate sole proprietor, partner, or  
 432 ~~officer rejects chapter, effect.--An a sole proprietor, partner,~~  
 433 ~~or~~ officer of a corporation who is permitted to elect an  
 434 exemption under this chapter actively engaged in the  
 435 ~~construction industry~~ and who elects to be exempt from the  
 436 provisions of this chapter may not recover benefits under this  
 437 chapter.

438 Section 4. Paragraphs (c), (d), and (g) of subsection (1)  
 439 of section 440.10, Florida Statutes, are amended to read:

440 440.10 Liability for compensation.--

441 (1)

442 (c) A contractor shall ~~may~~ require a subcontractor to  
 443 provide evidence of workers' compensation insurance ~~or a copy of~~  
 444 ~~his or her certificate of election.~~ A subcontractor that is a  
 445 corporation, and that has an electing to be exempt as a sole  
 446 proprietor, partner, or officer who elects to be exempt, as  
 447 permitted under this chapter, of a corporation shall provide a



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448 copy of his or her certificate of election of exemption to the  
449 contractor.

450 (d)1. If a contractor becomes liable for the payment of  
451 compensation to the employees of a subcontractor who has failed  
452 to secure such payment in violation of s. 440.38, the contractor  
453 or other third-party payor shall be entitled to recover from the  
454 subcontractor all benefits paid or payable plus interest unless  
455 the contractor and subcontractor have agreed in writing that the  
456 contractor will provide coverage.

457 2. If a contractor or third-party payor becomes liable for  
458 the payment of compensation to the corporate officer ~~employee~~ of  
459 a subcontractor who is ~~actively~~ engaged in the construction  
460 industry and has elected to be exempt from the provisions of  
461 this chapter, but whose election is invalid, the contractor or  
462 third-party payor may recover from the claimant, ~~partnership,~~ or  
463 corporation all benefits paid or payable plus interest, unless  
464 the contractor and the subcontractor have agreed in writing that  
465 the contractor will provide coverage.

466 (g) ~~For purposes of this section, a person is conclusively~~  
467 ~~presumed to be an independent contractor if:~~

468 1. ~~The independent contractor provides the general~~  
469 ~~contractor with an affidavit stating that he or she meets all~~  
470 ~~the requirements of s. 440.02; and~~

471 2. ~~The independent contractor provides the general~~  
472 ~~contractor with a valid certificate of workers' compensation~~  
473 ~~insurance or a valid certificate of exemption issued by the~~  
474 ~~department.~~

475  
476 An a sole proprietor, partner, or officer of a corporation who  
477 elects exemption from this chapter by filing a certificate of





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478 election under s. 440.05 may not recover benefits or  
479 compensation under this chapter. ~~An independent contractor who~~  
480 ~~provides the general contractor with both an affidavit stating~~  
481 ~~that he or she meets the requirements of s. 440.02 and a~~  
482 ~~certificate of exemption is not an employee under s. 440.02 and~~  
483 ~~may not recover benefits under this chapter.~~ For purposes of  
484 determining the appropriate premium for workers' compensation  
485 coverage, carriers may not consider any officer of a corporation  
486 ~~person~~ who validly meets the requirements of this paragraph to  
487 be an employee.

488 Section 5. This act shall take effect upon becoming a law.