

By the Committee on Banking and Insurance; and Senators
Saunders, Cowin, Lynn and Alexander

311-667-04

1 A bill to be entitled
2 An act relating to workers' compensation;
3 providing that any licensee under ch. 489,
4 F.S., who forms a corporation in order to
5 become eligible for an exemption from certain
6 requirements for workers' compensation coverage
7 is not required to obtain approval for a change
8 of status or for a qualified business
9 organization license under ch. 489, F.S., until
10 July 1, 2004; providing that such a licensee is
11 not in violation of ch. 440, ch. 489, or ch.
12 553, F.S., solely because such approval has not
13 been obtained before that date; specifying that
14 applications for licensure and for a change of
15 status are subject to the requirements of s.
16 120.60, F.S.; enunciating the timeframes within
17 which the Department of Business and
18 Professional Regulation must request additional
19 information and approve or deny such
20 applications; providing an effective date.

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

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24 Section 1. (1) Any licensee under chapter 489,
25 Florida Statutes, who forms a corporation in order to become
26 eligible for an exemption from the requirements for workers'
27 compensation coverage pursuant to sections 440.02, 440.05, and
28 440.077, Florida Statutes, as amended effective January 1,
29 2004, is not required to obtain approval for a change of
30 status under section 489.115, Florida Statutes, and is not
31 required to obtain a qualified business organization license

1 or certificate of authority under section 489.119 or section
2 489.521, Florida Statutes, until July 1, 2004. Such licensee
3 is not in violation of any provision of chapter 440, chapter
4 489, or chapter 553, Florida Statutes, and may not be denied a
5 building permit, solely because a change of status or a
6 qualified business license or certificate of authority is not
7 approved before July 1, 2004. This section does not limit the
8 authority of the Department of Business and Professional
9 Regulation to prosecute or sanction such a licensee for a
10 violation of chapter 489, Florida Statutes, other than for
11 failure to obtain approval of a change of status or obtain a
12 qualified business organization license or certificate of
13 authority by July 1, 2004. The licensure status does not
14 affect a person's right of recovery from the Construction
15 Industries Recovery Fund pursuant to section 489.140, Florida
16 Statutes.

17 (2) An application from a licensee referenced in
18 subsection (1) for a change of status or for a qualified
19 business organization license is subject to the requirements
20 of section 120.60, Florida Statutes. For informational
21 purposes, these requirements are summarized and restated as
22 follows: Upon receipt of an application for a change of status
23 or for a qualified business organization license, the
24 Department of Business and Professional Regulation shall
25 examine the application and, within 30 days after such
26 receipt, notify the applicant of any apparent error or
27 omission and request any additional information that the
28 department is permitted by law to require. The department may
29 not deny the change of status or deny a license for failure to
30 correct an error or omission or for failure to supply
31 additional information unless the department timely notifies

1 the applicant within this 30-day period. An application is
2 considered complete upon receipt of all requested information
3 and correction of any error or omission for which the
4 applicant was timely notified or when the time for such
5 notification has expired. Each application must be approved or
6 denied by the department within 90 days after receipt of a
7 completed application. The 90-day time period is tolled by the
8 initiation of a proceeding under sections 120.569 and 120.57,
9 Florida Statutes. Any application for a change of status or
10 for a license which is not approved or denied within the
11 90-day period, within 15 days after conclusion of a public
12 hearing held on the application, or within 45 days after a
13 recommended order is submitted to the department and the
14 parties, whichever action or timeframe is latest and
15 applicable, is considered approved unless the recommended
16 order recommends that the agency deny the license.

17 Section 2. This act shall take effect upon becoming a
18 law.

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20 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
21 COMMITTEE SUBSTITUTE FOR
22 SB's 14-E and 16-E

23 Deletes the provisions of the original bill and provides that
24 any licensee under ch. 489, F.S., who forms a corporation in
25 order to become eligible for an exemption from the
26 requirements for workers' compensation coverage is not
27 required to obtain approval for a change of status or a
28 qualified business organization license from the Department of
29 Business and Professional Regulation until July 1, 2004.
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