

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; amending s. 440.02, F.S.;
21 redefining the term "corporate officer" for
22 purposes of ch. 440, F.S.; providing an
23 effective date.

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

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27 Section 1. (1) Any licensee under chapter 489,
28 Florida Statutes, who forms a corporation in order to become
29 eligible for an exemption from the requirements for workers'
30 compensation coverage pursuant to sections 440.02, 440.05, and
31 440.077, Florida Statutes, as amended effective January 1,

1 2004, is not required to obtain approval for a change of
2 status under section 489.115, Florida Statutes, and is not
3 required to obtain a qualified business organization license
4 or certificate of authority under section 489.119 or section
5 489.521, Florida Statutes, until July 1, 2004. Such licensee
6 is not in violation of any provision of chapter 440, chapter
7 489, or chapter 553, Florida Statutes, and may not be denied a
8 building permit, solely because a change of status or a
9 qualified business license or certificate of authority is not
10 approved before July 1, 2004. This section does not limit the
11 authority of the Department of Business and Professional
12 Regulation to prosecute or sanction such a licensee for a
13 violation of chapter 489, Florida Statutes, other than for
14 failure to obtain approval of a change of status or obtain a
15 qualified business organization license or certificate of
16 authority by July 1, 2004. The licensure status does not
17 affect a person's right of recovery from the Construction
18 Industries Recovery Fund pursuant to section 489.140, Florida
19 Statutes.

20 (2) An application from a licensee referenced in
21 subsection (1) for a change of status or for a qualified
22 business organization license is subject to the requirements
23 of section 120.60, Florida Statutes. For informational
24 purposes, these requirements are summarized and restated as
25 follows: Upon receipt of an application for a change of status
26 or for a qualified business organization license, the
27 Department of Business and Professional Regulation shall
28 examine the application and, within 30 days after such
29 receipt, notify the applicant of any apparent error or
30 omission and request any additional information that the
31 department is permitted by law to require. The department may

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

20 Section 2. Effective January 1, 2004, subsection (9)
21 of section 440.02, Florida Statutes, is amended to read:
22 440.02 Definitions.--When used in this chapter, unless
23 the context clearly requires otherwise, the following terms
24 shall have the following meanings:
25 (9) "Corporate officer" or "officer of a corporation"
26 means any person who fills an office provided for in the
27 corporate charter or articles of incorporation filed with the
28 Division of Corporations of the Department of State or as
29 permitted or required by chapter 607. As to persons engaged in
30 the construction industry, the term "officer of a corporation"
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1 includes a member owning at least 10 percent of a limited
2 liability company created and approved under chapter 608.
3 Section 3. This act shall take effect upon becoming a
4 law.

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