

HB 0047E

2003

A bill to be entitled

An act relating to workers' compensation; providing that any licensee under ch. 489, F.S., who forms a corporation in order to become eligible for an exemption from certain requirements for workers' compensation coverage is not required to obtain approval for a change of status or for a qualified business organization license under ch. 489, F.S., until July 1, 2004; providing that such a licensee is not in violation of ch. 440, ch. 489, or ch. 553, F.S., solely because such approval has not been obtained before that date; specifying that applications for licensure and for a change of status are subject to the requirements of s. 120.60, F.S.; specifying the timeframes within which the Department of Business and Professional Regulation must request additional information and approve or deny such applications; providing an effective date.

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

Section 1. (1) Any licensee under chapter 489, Florida Statutes, who forms a corporation in order to become eligible for an exemption from the requirements for workers' compensation coverage pursuant to sections 440.02, 440.05, and 440.077, Florida Statutes, as amended effective January 1, 2004, is not required to obtain approval for a change of status under section 489.115, Florida Statutes, and is not required to obtain a qualified business organization license or certificate of authority under section 489.119 or section 489.521, Florida Statutes, until July 1, 2004. Such licensee is not in violation of any provision of chapter 440, chapter 489, or chapter 553,

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31 Florida Statutes, and may not be denied a building permit solely
 32 because a change of status or a qualified business license or
 33 certificate of authority is not approved before July 1, 2004.
 34 This section does not limit the authority of the Department of
 35 Business and Professional Regulation to prosecute or sanction
 36 such a licensee for a violation of chapter 489, Florida
 37 Statutes, other than for failure to obtain approval of a change
 38 of status or obtain a qualified business organization license or
 39 certificate of authority by July 1, 2004. The licensure status
 40 does not affect a person's right of recovery from the
 41 Construction Industries Recovery Fund pursuant to section
 42 489.140, Florida Statutes.

43 (2) An application from a licensee referenced in
 44 subsection (1) for a change of status or for a qualified
 45 business organization license is subject to the requirements of
 46 section 120.60, Florida Statutes. For informational purposes,
 47 these requirements are summarized and restated as follows: Upon
 48 receipt of an application for a change of status or for a
 49 qualified business organization license, the Department of
 50 Business and Professional Regulation shall examine the
 51 application and, within 30 days after such receipt, notify the
 52 applicant of any apparent error or omission and request any
 53 additional information that the department is permitted by law
 54 to require. The department may not deny the change of status or
 55 deny a license for failure to correct an error or omission or
 56 for failure to supply additional information unless the
 57 department timely notifies the applicant within this 30-day
 58 period. An application is considered complete upon receipt of
 59 all requested information and correction of any error or
 60 omission for which the applicant was timely notified or when the

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61 time for such notification has expired. Each application must be
62 approved or denied by the department within 90 days after
63 receipt of a completed application. The 90-day time period is
64 tolled by the initiation of a proceeding under sections 120.569
65 and 120.57, Florida Statutes. Any application for a change of
66 status or for a license which is not approved or denied within
67 the 90-day period, within 15 days after conclusion of a public
68 hearing held on the application or within 45 days after a
69 recommended order is submitted to the department and the
70 parties, whichever action or timeframe is latest and applicable,
71 is considered approved unless the recommended order recommends
72 that the agency deny the license.

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