



Workers' Compensation Coverage Requirements For Employers

Chapter 440, F.S., establishes workers' compensation coverage requirements for employers.

- 1. Construction Industry:** An employer in the construction industry who employs one or more part or full-time employees must obtain workers' compensation coverage. Sole proprietors, partners, and corporate officers are considered employees. In the construction industry **only**, members of a limited liability company are considered corporate officers. Corporate officers may elect to exempt themselves from the coverage requirements of [Chapter 440, F.S.](#) A construction industry contractor, who sub-contracts all or part of their work, must obtain proof of workers' compensation coverage or a Certificate of Election to be Exempt from all sub-contractors, prior to work being done. If the sub-contractor is not covered or exempt, for purposes of workers' compensation coverage, the sub-contractor's employees shall become the employees of the contractor. The contractor will be responsible to pay any workers' compensation benefits to the sub-contractor and its employees.
- 2. Non-Construction Industry:** An employer in the non-construction industry, who employs four or more part or full-time employees, must obtain workers' compensation coverage. Corporate officers are considered employees, unless they elect to exempt themselves from the coverage requirements of Chapter 440, F.S. Sole proprietors and partners in the non-construction industry are not considered to be employees unless they elect to be employees. The [Notice of Election of Coverage](#) , form DWC 251, must be submitted to the Division. Once approved the individual is considered an employee until a [Revocation of Election of Coverage](#) , form DWC 251-R is filed with, and accepted by the Division.
- 3. Agricultural Industry:** Agricultural employers with five or more regular employees and/or 12 or more seasonal employees, who work for more than 30 days, must obtain workers' compensation coverage for those employees.
- 4. Out-of-State Employers:** Any construction industry employer having one or more part- or full-time employees performing work in Florida is required to obtain a Florida policy through a Florida-licensed

insurance company. The company must use the Florida job classification codes, approved manual insurance premium rates, rules, and manuals prior to beginning work in Florida. If the construction industry employer has an out-of-state policy, the insurance company must be licensed in Florida, and Florida must be listed in Section 3A of the policy.

How To Obtain Coverage

1. **Workers' Compensation Policy:** Contact a Florida-licensed insurance agent. To verify licensure, log on to www.myfloridacfo.com or call 1-877-MY-FL-CFO (1-877-693-5236). You can also contact the following insurance agent associations:
 1. Florida Association of Insurance Agents at www.faia.com
 2. [Latin American Association of Insurance Agents](#)
2. If the employer is unable to obtain coverage through the private insurance market, they may contact the [Florida Workers' Compensation Joint Underwriting Association](#) (FWCJUA) at (941) 378-7400.
3. **Professional Employer Organization or Employee Leasing Company:** If an employer enters into an employee leasing agreement with a licensed employee leasing company, the agreement provides workers' compensation coverage **only** for employees listed with the employee leasing company. The client company is responsible for workers' compensation coverage for all non-leased employees. The payroll for all leased employees must be paid through the leasing company. Any changes in job duties or status of an employee must be reported to the leasing company promptly.
4. **Individual Self Insurers:** Pursuant to Chapter [440.38](#), F.S., an employer may become individually self insured and secure the payment of workers' compensation by providing proof of financial strength necessary to ensure timely payments of current and future claims. The Division authorizes and regulates individual self insurers.
5. **Commercial Self-Insurance Funds:** Pursuant to Chapter [624.462](#), F.S., a group of persons may form a commercial self-insurance fund for purposes of pooling and spreading liabilities for any commercial and/or casualty insurance. [The Office of Insurance Regulation](#) authorizes and regulates commercial self-insurance funds.

Databases

- [Insurers licensed to do business in the State of Florida](#) - This Database provides information regarding insurers that are licensed to write insurance in the state of Florida. The Database is maintained by [The Office of Insurance Regulation](#).
- [Proof of Coverage Database](#) -This Database provides information regarding workers' compensation coverage and exemptions from workers' compensation.
- [Construction Policy Tracking Database](#) - The Construction Policy Tracking Database provides information to contractors regarding the coverage status of the contractors they use.
- [Workers' Compensation Policy Search Page Expiring or Effective Policy Search](#) - This Search will produce a downloadable list of Employers in the State of Florida whose workers' compensation Insurance policies are either due to expire within the month and year selected or become effective within the month and year selected
- [Stop-Work Order Database](#) - The information contained in this Database is a representative reflection of selected information maintained by the Department of Financial Services, Division of Workers' Compensation regarding Employers that have been served a Stop Work Order.
- [Report Suspected Non-Compliance](#) - Report an employer that is suspected to be in violation of workers' compensation coverage requirements

Notice Posting Requirement

The "Broken Arm Poster" and the "Anti-Fraud Notice" should be posted in a conspicuous place and should identify the name of the insurance company providing coverage and where to call to report an accident or injury. The employer should contact the insurance company to obtain the poster and the notice.

- [All-In-One Broken Arm poster](#)  (Spanish version )
- [Anti-Fraud notice](#) 

Link to [Agency for Workforce Innovation](#) for a listing of Federal and State poster and notice requirements.