

DEPARTMENT OF FINANCIAL SERVICES

DIVISION OF WORKERS' COMPENSATION

NOTICE OF PROPOSED RULE DEVELOPMENT

RULE NUMBER: RULE TITLE:

69L-6.012, F.A.C. Notice of Election to be Exempt

PURPOSE AND EFFECT: Proposed rule amendment to delete and replace all language in Rule 69L-6.012(15), F.A.C., and add a new paragraph, Rule 69L-6.012(15)(a), F.A.C. The proposed new language in Rule 69L-6.012(15), F.A.C., provides that when a corporation or limited liability company named on any Certificate of Election to be Exempt remains dissolved or inactive after 90 days from the date of its dissolution or its change in status, the Certificate of Election to be Exempt is immediately revoked by operation of law. Additional language also provides that when a person named on a Certificate of Election to be Exempt no longer meets the issuance requirements of the certificate, such certificate is revoked by operation of law. New Rule 69L-6.012(15)(a), F.A.C., provides guidance regarding a corporation or limited liability company's right to petition the Department to review the revocation of its Certificate of Election to be Exempt or to file an appeal pursuant to Section 120.68, F.S. The proposed rule amendment advances the statutory mandate to facilitate the self-execution of workers' compensation law pursuant to Chapter 440, F.S.

SUBJECT AREA TO BE ADDRESSED: Amendment making the revocation of Certificates of Election to be Exempt an operation of law for any dissolved corporation or limited liability company that continues to remain dissolved or inactive 90 days after the date of its dissolution or when it became inactive. Also provides for the revocation by operation of law of any Certificate

of Election to be Exempt where the person named on the certificate no longer meets the requirements for issuance of the certificate.

RULEMAKING AUTHORITY: 440.05(9), 440.591 FS.

LAW IMPLEMENTED: 440.02(15), 440.05 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW:

TIME AND DATE: Thursday, July 16, 2009 @ 10:00 AM

PLACE: 104J, Hartman Building, 2012 Capital Circle Southeast, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tasha Carter, Bureau Chief, Bureau of Compliance, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4228, phone 850-413-1878.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed above.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69L-6.012 Notice of Election to Be Exempt.

(1) through (14) No Change.

~~(15) Dissolution of the corporation or limited liability company named on the Certificate of Election to be Exempt (DWC 252) or the person named on the Certificate of Election to be Exempt no longer being a corporate officer or member of the corporation or limited liability~~

~~company listed on the Certificate of Election to be Exempt will result in initiation of proceedings by the Department to revoke the Certificate of Election to be Exempt.~~

(15) If a corporation or limited liability company that is named on any Certificate of Election to be Exempt remains dissolved or inactive after 90 days of the date of its dissolution, the Certificate(s) of Election to be Exempt is immediately revoked by operation of law. Any corporation or limited liability company that is dissolved or inactive shall have 90 days from the effective date of this rule within which to be reinstated before any Certificate of Election to be Exempt naming a dissolved or inactive corporation or limited liability company is revoked by operation of law. In addition, if at any time, the person named on the Certificate of Election to be Exempt no longer meets the requirements for issuance of the certificate, such Certificate of Election to be Exempt is revoked by operation of law.

(a) A corporation or limited liability company that is named on any Certificate of Election to be Exempt that is revoked by operation of law shall have 30 days from the date of the revocation within which to petition the Department to review the revocation or in the alternative, file a notice of appeal pursuant to Section 120.68, F.S. and Rule 9.110, Florida Rules of Appellate Procedure.

Rulemaking Specific Authority 440.05(9), 440.591 FS. Law Implemented 440.02(15), 440.05 FS. History—New 5-28-91, Amended 2-15-94, 12-28-97, 2-2-00, 9-6-01, Formerly 38F-6.012, Amended 3-26-03, Formerly 4L-6.012, Amended 4-21-04, 10-30-06, 12-31-07,_____.