

**INSTRUCTIONS FOR COMPLETING
CONSTRUCTION INDUSTRY APPLICATION FOR EXEMPTION
(Notice of Election to be Exempt – DWC 250)**

Who is Eligible for Exemption? Business owners whose operating status is a sole proprietor, a partnership or a corporation are eligible for exemption from the provisions of Chapter 440, F.S. (Florida Workers' Compensation Law). If you apply for and receive an exemption it means that you choose NOT to be eligible for workers' compensation benefits if you are hurt on the job. Note the limit on the number of owner(s)/officers of a business actively engaged in the construction industry that can be exempt at any one time:

Operating Status: Sole Proprietor - Limit of 1 Partnership - Limit of 3 Corporation - Limit of 3

On the application, choose only one option and check only one box to indicate which operating status underlined above applies to your business. If your business operating status changes (e.g. the ownership of the business changes from a sole proprietorship to a partnership) after your exemption has been issued, your exemption will become invalid and you must apply for a new one. Non-construction industry sole proprietors and partners are AUTOMATICALLY EXEMPT by law, from the provisions of Chapter 440, F.S. (Florida Workers' Compensation Law). Officers of non-construction industry corporations are ELIGIBLE for exemption but must affirmatively apply for such an exemption by filing with the Division of Workers' Compensation a Notice of Election to be Exempt (DWC 250). **An exemption applies only to the applicant and not to any employees of the applicant.** It applies only to the applicant for the business entity listed on the application. A separate application must be submitted for each business from which you wish to claim an exemption to workers' compensation benefits.

If you are unsure of your business classification, contact your workers' compensation insurance carrier (if you have one) or the National Council on Compensation Insurance (NCCI) at 800 622-4123 and ask for a classification code. This will determine if your business is construction or non-construction.

Application Fees The appropriate fee must accompany each application. Failure to tender the appropriate fee with your application will mean that your application will not be processed. Payment must be made by BUSINESS CHECK, CASHIER'S CHECK, OR MONEY ORDER made payable to the W.C. ADMINISTRATION TRUST FUND. A \$50.00 processing fee is required. Be advised that this fee is **non-refundable**.

Effective Date and Expiration Date Applications for an exemption by a business owner will be processed within thirty days after the date the application is mailed to the Division as evidenced by the postmark on the envelope in which the application is mailed. In the event that a postmark is not present, is illegible, or an application is delivered to the Division by other than U.S. Mail, the application will be processed within thirty days from the date it is received by the Division. If an exemption is issued, it will be effective the date following the day the application is mailed or received.

Every exemption will be marked with an effective date, and will expire two years from that effective date. Sixty days prior to the exemption expiration date, a notification letter will be sent to the last address of record advising of the pending expiration. A new application and instructions will be included, which must be completed and submitted to the Division of Workers' Compensation in order to continue your exemption.

You may voluntarily revoke your exemption at any time by filing Form DWC 250-R, Revocation of Election to be Exempt with the Division. The Division shall revoke your exemption, if it is determined at any time that you are ineligible for the exemption.

Federal Employer Identification Number (FEIN) A Federal Employer Identification Number (FEIN) is required of all partners (provide partnership's FEIN), corporate officers (provide corporation's FEIN), and sole proprietors with employees (provide the proprietorship's FEIN). If a sole proprietor is applying for an exemption as a new business, the FEIN is required whether or not the sole proprietorship has employees (see reverse side for specific details). To acquire a FEIN, contact the **Internal Revenue Service at (866) 816-2065**.

Occupational License **All Applicants** must submit a copy of the relevant occupational license issued to their business by either the Florida county in which the business is located (usually the business mailing address); or, the county in which the business conducts its principal operations. *(If neither of those counties issues an occupational license for the applicant's type of business, then the applicant does not have to submit a copy the county license. However, if a license is required by the city in which the applicant's business is either located in or operating in, then the applicant must attach a copy of that city's occupational license. If the business is domiciled in a state other than Florida, a copy of the occupational license issued by the Florida county (or city, if not required by county) in which the business is operating must be attached.)*

***** INSTRUCTIONS ARE CONTINUED ON REVERSE *****

Workers' Compensation Information Online - <http://www.fldfs.com/WC/>

Additional Documentation Required

Sole Proprietors must attach a copy of the proprietor's Federal Income Tax Form 1040 **and** its accompanying Schedule C as filed by the applicant with the Internal Revenue Service (IRS) for the most recent tax year. *Include front and back of forms as applicable.*

Partners must attach a copy of the partner's Federal Income Tax Schedule K-1 (Form 1065), and Form 1040 **and** its accompanying Schedule E as filed by the applicant with the IRS for the most recent tax year. *Include front and back of forms as applicable.*

The following information may be stricken from the required IRS documentation listed above: identification of the spouse and dependents of the applicant, including filing status; any W-2 income, interest and dividend income, refunds, credits, alimony received, capital gains or losses other than those associated with the applicant's business enterprise; IRA distributions, pensions, annuities, farm income, unemployment compensation, or social security benefits; any deductions from income in order to derive adjusted gross income; tax computation, credits, other taxes, payments, refunds or amounts owed.

In lieu of the IRS documents required above, a sole proprietor or partner that has not been in business long enough to have such documentation prescribed shall establish an intention to engage in a legitimate business enterprise by submitting all of the following:

1. A copy of any occupational license required by the jurisdiction in which the business is located or performing regular work;
2. A copy of any trade license required by the political subdivision of the State in which the work is being performed or a state license required under Chapter 489, F.S.;
3. Proof that the business has obtained a fictitious name if a fictitious name is used; and
4. A Federal Employer Identification Number issued to the business associated with the sole proprietor, partner, applying for the exemption;

Corporate Officers do not have to file IRS information. The corporation must be active as listed on the records of this state's Secretary of State, Division of Corporations, and any corporate officer claiming an exemption under this section must be listed as a corporate officer. If the person is not so listed on the records of the Secretary of State, the individual must provide, a notarized affidavit stating that the individual is a bona fide officer of the corporation and stating the date his or her appointment or election as a corporate officer became or will become effective. Both the officer and the president or chief operating officer of the corporation must sign the statement.

The DWC 250 application must be signed by the applicant and notarized by a licensed notary public prior to submission. *Be advised that workers' compensation compliance field office personnel do not notarize applications for exemptions.*

Mail or take your application to the workers' compensation compliance field office nearest your business location as listed below. Submission of a legible complete application with all required documentation is imperative. Incomplete applications will be returned as unprocessed with a form letter advising you what additional information is required. The fee will not be returned.

WORKERS' COMPENSATION COMPLIANCE FIELD OFFICES

9000 Regency Square Blvd.
Suite #212
Jacksonville, FL 32211-8100
Telephone (904) 798-5806

1718 Main St.
Suite #201
Sarasota, FL 34236
Telephone (941) 361-6022

12381 S. Cleveland Ave.
Suite #506
Ft. Myers, FL 33907
Telephone (239) 278-7239

1111 NE 25th Ave.
Suite #403
Ocala, FL 34470
Telephone (352) 401-5350

2012 Capital Circle SE
Suite #102 Hartman Bldg.
Tallahassee, FL 32399-2161
Telephone (850) 414-1237 or (850) 488-2717

9215 N. Florida Ave.
Suite #107
Tampa, FL 33612
Telephone (813) 930-7558

2686 Chapman Dr.
Panama City, FL 32405
Telephone (850) 747-5425

3670-A North L St.
1st Floor
Pensacola, FL 32505-5217
Telephone (850) 595-5505

3111 South Dixie Hwy.
Suite #123
West Palm Beach, FL 33405
Telephone (561) 837-5412

400 West Robinson St.
Room #211 North Tower
Orlando, FL 32801
Telephone (407) 245-0896

499 NW 70th Ave.
Suite #116
Plantation, FL 33317
Telephone (954) 585-2660 or (954) 585-2668

401 NW 2nd Ave.
Suite #321 South Tower
Miami, FL 33128
Telephone (305) 377-5385

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