



# FUBA

Florida United Businesses Association

# issues

OUR BUSINESS IS SMALL BUSINESS

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## **WORKERS' COMP RATES WILL DECREASE FOR 2008**

The rates that Florida businesses pay for workers' compensation insurance will go down for 2008. A rate filing currently pending approval by the Florida Insurance Commissioner calls for an overall reduction of 16.5% statewide, which would produce over \$650 million in savings for Florida employers. If the rate filing is approved, it would be the 5<sup>th</sup> straight rate decrease since 2003, and the cumulative overall rate decrease would be over 50%. If approved, the new rates will be effective January 1, 2008.

## **ATTENTION CONTRACTORS: GUIDE TO WORKERS' COMPENSATION ENCLOSED**

The workers' compensation law can be very confusing, especially for businesses in the construction industry. If you are a contractor, there are things you need to know; for example, the law makes you responsible for making sure your subs have either workers' compensation insurance or an exemption; if they don't, you will be held responsible for them. But there are ways to protect yourself. To help our members better understand what to do, we have prepared **A Contractor's Guide to Workers' Compensation**, and a copy is enclosed with this newsletter.

The Guide explains workers' comp for the construction industry and addresses issues like:

- Who can get an exemption?
- Do I have to pay comp on casual laborers?
- Can I hire an exempt sub?
- How do I make sure my sub has insurance or an exemption?

We hope you find this Guide helpful. If you have any questions about workers' comp and how it affects your business, please call our offices at 800-262-4483, or call your local insurance agent.

## **ATTENTION CORPORATIONS AND LLC'S: DID YOU FILE YOUR ANNUAL REPORT?**

Each year, all corporations (INC's) and Limited Liability Companies (LLC's) in Florida are required to update their information on file with the state. This Annual Report was due back on May 1<sup>st</sup>. If you did not file this form, your business could be in jeopardy.

**In September, the Florida Division of Corporations will be dissolving those corporations and LLC's who have not yet filed their Annual Report. If you are in the construction industry and your corporation or LLC is dissolved, you will lose your exemption.**

If you did not get a postcard from the Department of State, Division of Corporations stating that your Annual Report was due, you may be able to have the late fees waived.

- If you are a corporation, call the Division of Corporations at 850-245-6056.
- If you are an LLC, call the Division of Corporations at 850-245-6051.

Tell them you did not receive notice about your Annual Report.

If your corporation or LLC is dissolved by the state, you will have to pay a large penalty to have it reinstated. The fee to reinstate a corporation is \$600 plus the \$150 owed for the late Annual Report, for a total of \$750. The fee to reinstate an LLC is \$100 plus \$50 for the late Annual Report, for a total of \$150.

## **LAW HELPS VICTIMS OF DOMESTIC VIOLENCE: EMPLOYERS WILL BE REQUIRED TO GRANT TIME OFF**

A new state law will require Florida employers **with 50 or more employees** to provide leave to employees who are affected by domestic violence. The new law, which went into effect on July 1, 2007, requires covered employers to provide employees who have worked for the employer for at least three months up to three days of unpaid leave (or, at the employer's discretion, up to three days of paid leave), if the employee or a family or household member of an employee is a victim of domestic violence.

The leave may be used for a variety of activities as follows:

- seeking an injunction for protection against domestic violence or an injunction for protection in cases of repeat violence, dating violence, or sexual violence;
- obtaining medical care or mental health counseling or both for the employee or a family or household member to address injuries resulting from domestic violence;
- obtaining services from a victim-services organization;

- making the employee's home secure from the perpetrator of domestic violence or finding a new home to escape the perpetrator; or
- seeking legal assistance in addressing issues arising from domestic violence or to attend and prepare for court-related proceedings arising from domestic violence.

Except in cases of imminent danger to the health or safety of the employee, or to the health or safety of the family or household member, an employee who seeks leave under the law must provide the employer with appropriate advance notice of the need for leave. Additionally, employees must exhaust all annual leave or vacation leave, personal leave and sick leave prior to taking leave under this law, unless the employer waives this requirement. The law also requires that employers (both private and public) keep information regarding the employee's leave confidential.

The law also contains an enforcement mechanism for employers who do not comply with its requirements. Employers are specifically prohibited from interfering with, restraining, and denying the exercise or attempt to exercise the rights provided by the law. Further, employers are prohibited from discriminating or retaliating against employees who exercise their rights under the law. Aggrieved employees may bring a civil suit for damages and equitable relief, or both, in a circuit court, and may claim as damages all wages and benefits that would have been provided to the person if the employer met its obligation to provide leave as required.

Employers are encouraged to familiarize themselves with this new law. Moreover, employers should consider revising their handbooks to ensure that the requirements of the law are incorporated and integrated into existing leave policies.

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