

Reimbursement for Workers' Compensation Insurance Premiums

Rule 6A-6.05732, F.A.C.





What Is Workers' Compensation Insurance?

- Workers' compensation (WC) insurance is coverage purchased by an employer for job-related employee injury/illness expenses
- WC insurance can cover medical expenses, lost wages, and other related expenses
- WC insurance is regulated by the State (Chapter 440, F.S.)

When Is Workers' Compensation Insurance Required?



Workers' compensation insurance is required under Chapter 440, F.S., for:

- All paid employees, including
 - Part- and full-time employees
 - Remote and in-person workers
- All construction businesses with employees

Exceptions:

- When a non-construction business has 3 or fewer employees
- Farmers with 5 or fewer regular employees and/or 11 or fewer seasonal employees who work for more than 30 days

NOTE: For the purposes of WC insurance for unpaid students, the students will be considered volunteers.

Overview of the Reimbursement Fund in §446.54, F.S.



Highlights:

- **Appropriated \$2 million for 2021-22***
- **Funds are for reimbursing workers' compensation insurance premium costs for WBL students** (costs between July 1 and June 30 of the identified fiscal year)
- **For students that are...**
 - Participating in WBL through a Florida school district or Florida College System institution
 - 18 years old or younger
 - Providing services (not simulations, virtual, project-based WBL)
 - Paid or unpaid

***The Legislature subsequently appropriated \$2 million for 2022-23.**

Reimbursement of Premium Costs



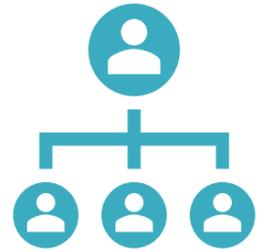
- **Paid WBL**

- For students who are paid for the WBL, employers (public or private) may apply to be reimbursed for the costs of the WC premium.

- **Unpaid WBL**

- For unpaid students, districts and colleges are considered employers for the purposes of WC and are eligible to submit requests for reimbursement of the premium costs.

Districts/Colleges Are the "Employers" of Unpaid WBL Students Providing Services

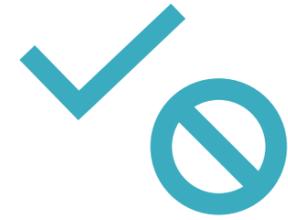


"For purposes of chapter 440, a school district or Florida College System institution is considered the employer of a student 18 years of age or younger who is providing unpaid services under a work-based learning opportunity provided by the school district or Florida College System institution." (§446.54, F.S.)

Student criteria in that clause:

- WBL student enrolled at a district/college
- 18 years old or younger
- Unpaid
- Providing services

What WBL Is/Is Not Eligible



Eligible examples:

- Internships – paid and unpaid
- Apprenticeships/preapprenticeships
- Clinicals
- Practicums
- Service learning
- Other service-providing WBL opportunities

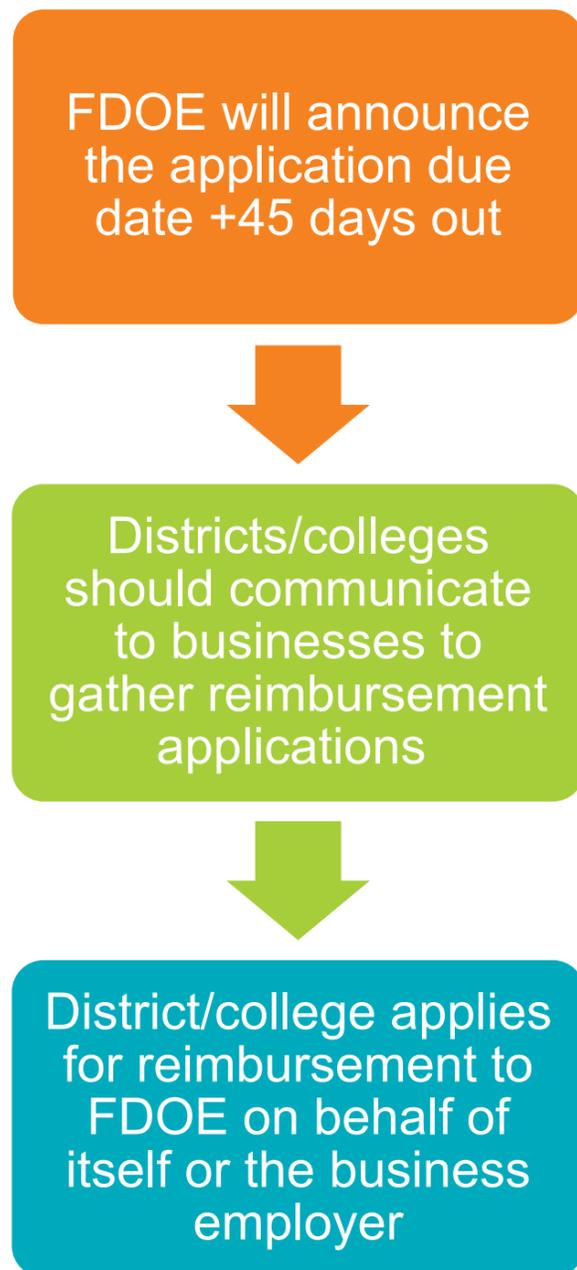
Ineligible examples:

- Simulated WBL
- Virtual WBL
- Project-based WBL

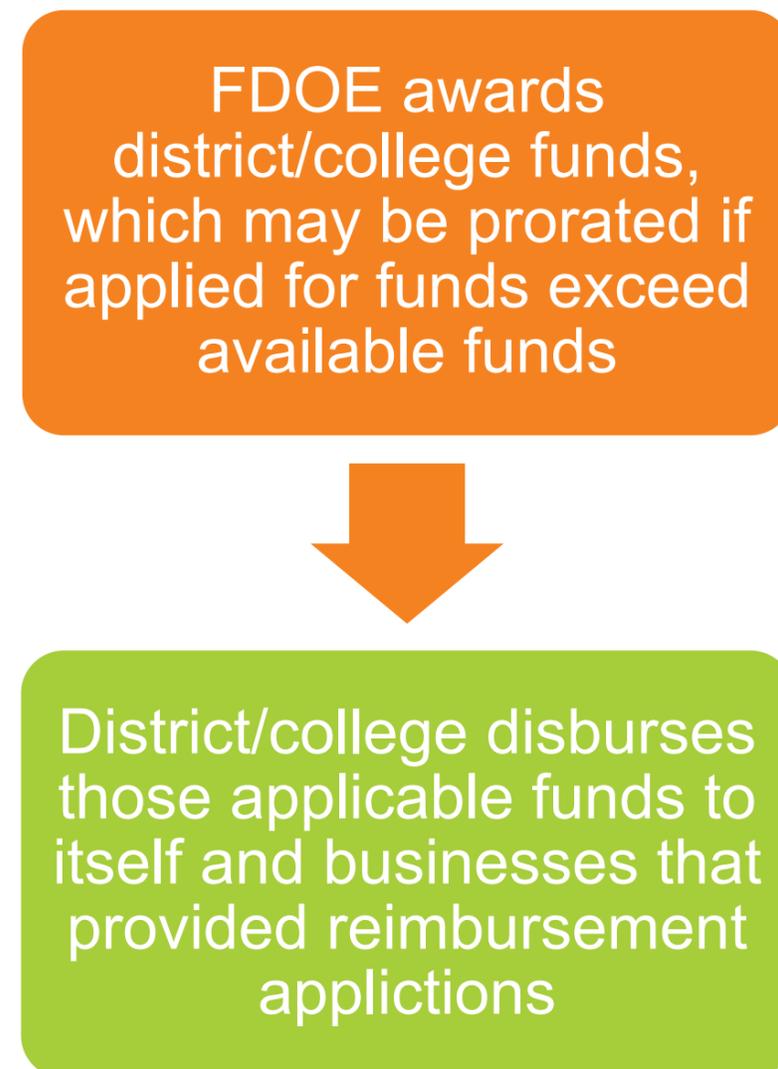
When the unpaid student is acting like an employee and providing services, he/she is to be treated like an employee and covered by the workers' compensation insurance of the district or college

Process Overview

Communication Chain:



Funds Transfer Chain:



What Must Be Included in the Reimbursement Request?



The district/college will need to submit the following information for each employers requesting reimbursement (including itself)

- **Employer Info**
 - Name
 - Telephone number
 - Email address
 - Identifying number, e.g. FEIN/Tax ID
- **WBL Student Counts**
 - Total at employer
 - Number paid
 - Number unpaid
- **Confirmation of Student Ages**
- **Premium Calculations**
 - Description of how the WBL student premium expenses were calculated
- **Funds Requested**
- **Attestation of Employer Document Maintenance**
 - A statement by the employer agreeing to maintain reimbursement request documentation for a minimum of five years.

Is There a Form To Be Used to Make Requests?



- There is no form that is required to be used; however,
- DOE will provide an example of a satisfactory reimbursement request. (See most recent version of the Guidelines for Requesting Reimbursement for Costs of Workers' Compensation Premiums – Students Participating in Workers' Compensation Insurance Premiums)

Calculation of Premiums for WBL



- Because of the wide range of WC policies and policy provisions, there is no one way to calculate the amount of the premium that is eligible for reimbursement.
- When making the calculation, variables to consider include, but are not limited to:
 - The number of WBL students compared with the total number of employees covered by WC
 - The amount of time (semester, month, week) each student is covered
 - Any distinctions made in coverage for the type of employee e.g., professional, support, volunteers, etc.) Note: unpaid WBL students would be considered under the volunteer category.

Self-insured Districts and Colleges



- Workers' Compensation assessments paid by self-insured school districts and FCS institutions may be considered premiums for the purposes of the WBL reimbursement opportunity.
- The citations provided by the Department of Financial Services (DFS) in support of this interpretation are s. 440.41, F.S. and rules 69L-4001 and 69L-4002, F.A.C.
- Thus, self-insured entities may use the WC assessments paid to DFS as the equivalent of premiums for the purpose of calculating their requests for reimbursement.

Responsibilities of Districts/Colleges ✓

- Districts/colleges must provide employers of paid WBL students with notice of the availability of funds for reimbursement, the requirements, and the timelines for requesting reimbursement.
- Provide a separate request for each employer including themselves.
- Ensure that the request is on behalf of eligible students enrolled by the district or college and provide confirmation of that enrollment to DOE along with the requests for reimbursement. We are not asking districts/colleges to assess the methodology of calculating the amount requested.
- Meet the timelines established for requesting reimbursement.
- Distribute to employers including themselves, the awarded funds as appropriate.

Reimbursement Next Steps (1 of 2)



Announcements and Dates

- The Department of Education sent a memo to districts and colleges establishing the due date for submission of the requests for reimbursement.
- The memo was accompanied by guidelines for completing the requests for reimbursement (basically the same information as we are providing today) as well as sample templates for the requests – one for districts/colleges and one for businesses
- The due date is June 15, 2023; however, requests for the first semester may be submitted immediately and will be processed in the order received.
- All funds will be disbursed no later than September 30, 2023.

Reimbursement Next Steps (2 of 2)

Colleges and School Districts Tasks

- Notify businesses of the availability of reimbursement immediately
- Strongly recommend that businesses be notified now of the information we are providing in this webinar so that they can be preparing for the development of a request for reimbursement
- Begin organizing information for inclusion in the district's or college's request for reimbursement
- Send reimbursement requests to WCReimbursement@fldoe.org.

Sample templates were sent with the announcement. Please be reminded that these formats are not required. Requests can be submitted in any format preferred by the institution or business so long as all the required information is included.

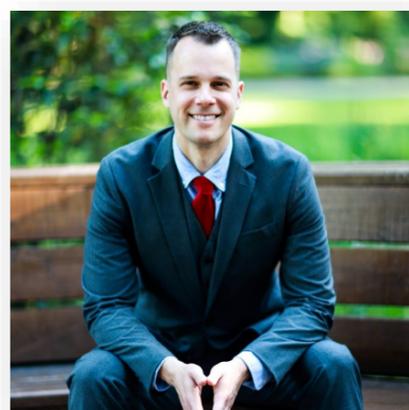
Questions?



Contacts

Send Reimbursement Requests to:

WCReimbursement@fldoe.org



Work-Based Learning Questions:

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Related: Internship Tax Credit Program

§220.198, F.S. was passed in 2021 creating the Internship Tax Credit Program.

- Emergency Rule has now been issued allowing for businesses to apply for up to a \$10,000 tax credit
- Only applies to qualifying postsecondary students at Florida districts, Florida College System institutions, and Florida State University System institutions
- [Read the Emergency Rule](#)
- [Read a summary of this Rule](#)
- [View the Application for Tax Credit](#)