

**Giuffre South Inc. dba
Seminole Marine Maintenance
2208 Idlewild Road, Palm Beach Gardens, FL 33410**

Contractor Insurance Requirements

Contractors agree to indemnify and hold-harmless Giuffre South Inc. dba Seminole Marine Maintenance its owners, officers, and employees from any and all liability arising from any accident or injury incurred, or for the treatment of such injury, while on the company premises. Contractors and Subcontractors will comply with all current OSHA regulations. All contractors must sign in daily, at the office, before starting work.

The general contractor shall ensure that all his subcontractors (working at Seminole Marine) have sufficient insurance to meet these requirements. Should the subcontractor's limits not reach the required limits, they will not be granted access to the yard.

Any company, individual, or supplier wishing to work on vessels or provide materials for use at Seminole Marine shall provide us with a Certificate of Insurance (COI) showing the following policies in force.

1. **Commercial General Liability (CGL) or Marine General Liability (MGL):**
 - a. Primary and non-contributory basis with Limits of \$1,000,000 per occurrence/\$2,000,000 aggregate – bodily injury, property damage, and products/completed operations.
 - b. Giuffre South Inc. dba Seminole Marine Maintenance shall be added as an additional insured with waiver of subrogation. (Sudden and accidental pollution endorsement should be added, if applicable.)
 - c. If Not an MGL policy, then one of the endorsements mentioned in number 2 is required.

2. **Marina Operators Legal Liability (MOLL) or Ship Repairers Legal Liability (SRLI):**
 - a. \$1,000,000 PER OCCURRENCE.
 - b. Giuffre South Inc. dba Seminole Marine Maintenance shall be added as an additional insured with waiver of subrogation.

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3. **Automobile Liability:**

a. **Contractors Driving Personal Vehicles for Work. (No Commercial Policy)**

- 1) Companies that do not have a commercial auto policy are required to have a "Hired and Non-Owned Auto Endorsement" with a \$1,000,000 limit added under their general liability.

b. **Companies with Commercial Automobile Policy:** must meet the following requirement for each vehicle:

- 1) \$1,000,000 combined single limit
- 2) To include Coverage for Owned, Hired and Non-owned vehicles.
- 3) Giuffre South Inc. dba Seminole Marine Maintenance shall be added as an additional insured with full waiver of subrogation.

4. **Workers Compensation:**

- a. Statutory limits – employers' liability and state statute benefits including admiralty/Jones Act coverage.
- b. Note that USL&H coverage is required for contractors working on all commercial vessels.
- c. Giuffre South Inc. dba Seminole Marine Maintenance will be endorsed with a full waiver of subrogation for worker's compensation coverage.

5. **Workers Compensation Exemption:** Contractors who choose to work under the state's worker's compensation exemption waiver will be permitted under the following conditions:

- a.) Contractor must provide us with a current Florida exemption certificate; please note that Contractor cannot be exempt from USL&H requirements.
- b.) The exemption waiver for worker's compensation shall only apply to vessels shown as "Recreation" or "Pleasure" on their current registration/document. A copy of the registration/document shall be presented prior to hauling and kept on file. The vessel's owner/agent shall sign a statement verifying that the vessel's use as shown is correct.
- c.) Contractors must ensure and provide proof that all subcontractors, independent contractors, and employees are carrying coverage that meets the workers compensation requirements mentioned above in number 4.

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Giuffre South Inc. dba Seminole
Marine Maintenance
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January 1, 2021

MEMO

To: Workers' Compensation Exempt Contractors
Subject: Workers' Compensation Coverage for Employees

Florida Law states that any non-construction industry employers with four or more full-time or part-time employees must provide workers' compensation coverage for all employees. An exempt company owner may have up to 3 employees before being required to have workers' compensation insurance. Some contractors do not meet the state's requirement threshold to carry workers' compensation insurance and elect not to provide workers' compensation coverage to their employees. Seminole Marine Maintenance, however, does not allow anyone to work in the yard without workers' compensation coverage, unless their name is stated on a Certificate of Exemption. Only the person whose name is stated on the certificate is exempt from coverage and will be allowed to work without workers' compensation coverage. Exempt contractors should, therefore, provide statutory workers' compensation coverage for their employees if they do not have any coverage.

Independent Contractors are not required by Florida law to carry worker compensation insurance. However, independent contractors are required to carry workers' compensation insurance by Seminole Marine. For this reason, independent contractors are treated as any other contractor and need to meet Seminole Marine Contractor Requirements before starting work. It is important for contractors who are workers' comp exempt to determine whether their workers are employees or independent contractors. If a contractor determines that a worker(s) is an employee, then the Employer is responsible for providing workers' compensation coverage to that worker(s). If a contractor determines a worker to be an independent contractor, then it is up to the independent contractor to meet ALL of the insurance required by Seminole Marine. Any contractor who hires an independent contractor should instruct the independent contractor to provide proof of insurance to Seminole Marine management before starting work. This will ensure that all parties have met the contractor requirements for Seminole Marine Maintenance Service. All contractors, regardless of determination, need to sign in daily at the office and be approved by Seminole Marine before starting work.

Determining Employee or Subcontractor

"The Common-Law Rules are a set of twenty factors that provide evidence of the degree of control and independence between a worker and the employer. In determining whether the person providing service is an employee or an independent contractor, all information that provides evidence of the degree of control and independence must be considered.

The Common-Law Rules fall into three categories:

- Behavioral: Does the company control or have the right to control what the worker does and how the worker does his or her job?
- Financial: Are the business aspects of the worker's job controlled by the payer? (these include things like how a worker is paid, whether expenses are reimbursed, who provides tools/supplies, etc.)
- Type of Relationship: Are there written contracts or employee type benefits (i.e. pension plan, insurance, vacation pay, etc.)? Will the relationship continue and is the work performed a key aspect of the business?" (Independent Contractor Determinations / State and Local Political Subdivisions / Retirement / Workforce Operations / Florida Department of Management Services - DMS, 2020)

There are serious financial and criminal consequences for companies that misclassify their workers, whether the misclassification was intentional or unintentional. "The intentional misclassification of a worker is a felony." (Florida Dept. of Revenue - Reemployment Tax Employees vs. Independent Contractors, 2020)

***Companies trying to acquire workers' comp. coverage for the first time should look at using a Professional Employment Organization (PEO)

References

Dms.myflorida.com. 2020. *Independent Contractor Determinations / State And Local Political Subdivisions / Retirement / Workforce Operations / Florida Department Of Management Services - DMS*. [online] Available at: <https://www.dms.myflorida.com/workforce_operations/retirement/state_and_local_political_subdivision/s/independent_contractor_determinations> [Accessed 18 May 2020].

Floridarevenue.com. 2020. *Florida Dept. Of Revenue - Reemployment Tax Employees Vs. Independent Contractors*. [online] Available at: <https://floridarevenue.com/taxes/taxesfees/Pages/rt_employee.aspx> [Accessed:20 May 2020].

I confirm that I have read, understand and agree to the above policies.

I understand that I may be held responsible for not complying with the above policies and will make every effort to meet the requirements set by the above policies.

Company: _____

Printed Name: _____

Signature: _____

Date: _____

Seminole Marine Maintenance Representative: _____

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Acknowledgement Receipt

I acknowledge receipt of the following Documents:

1. Seminole Marine Yard Rules and Policies.
2. The Contractor Insurance Requirements.
3. Workers Compensation Exemption Memo.

I understand that I am responsible for adhering to the rules and requirements set forth in the above documents and will make every effort to follow the rules and requirements.

Signature: _____

Printed Name: _____

Vessel or Company: _____

Date: _____

Seminole Marine Representative: _____