

Bill No. HB 1837, 2nd Eng.

Amendment No. Barcode 215182

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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	05/01/2003 12:35 PM	.	
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11 Senators Clary and Atwater moved the following amendment:

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13 **Senate Amendment**

14 On lines 1500-1546, delete those lines

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16 and insert:

17 (7)(a)(5) Whenever the department determines that an
18 employer who is required to secure the payment to his or her
19 employees of the compensation provided for by this chapter has
20 failed to secure the payment of workers' compensation required
21 by this chapter or to produce required business records
22 pursuant to subsection (5) within 5 business days after the
23 written request of the department ~~do so~~, such failure shall be
24 deemed an immediate serious danger to public health, safety,
25 or welfare sufficient to justify service by the department of
26 a stop-work order on the employer, requiring the cessation of
27 all business operations ~~at the place of employment or job~~
28 ~~site~~. If the department ~~division~~ makes such a determination,
29 the department ~~division~~ shall issue a stop-work order within
30 72 hours. The order shall take effect when served ~~upon the~~
31 ~~date of service~~ upon the employer or, for a particular

Bill No. HB 1837, 2nd Enq.

Amendment No. Barcode 215182

1 ~~employer work site, when served at that work site, unless the~~
2 ~~employer provides evidence satisfactory to the department of~~
3 ~~having secured any necessary insurance or self-insurance and~~
4 ~~pays a civil penalty to the department, to be deposited by the~~
5 ~~department into the Workers' Compensation Administration Trust~~
6 ~~Fund, in the amount of \$100 per day for each day the employer~~
7 ~~was not in compliance with this chapter. In addition to~~
8 ~~serving a stop-work order at a particular work site which~~
9 ~~shall be effective immediately, the department shall~~
10 ~~immediately proceed with service upon the employer which shall~~
11 ~~be effective upon all employer work sites in the state for~~
12 ~~which the non-compliance applies. A stop-work order may be~~
13 ~~served with regard to an employer's work site by posting a~~
14 ~~copy of the stop-work order in a conspicuous location at the~~
15 ~~work site. The order shall remain in effect until the~~
16 ~~department issues an order releasing the stop-work order upon~~
17 ~~a finding that the employer has come into compliance with the~~
18 ~~coverage requirements of this chapter and has paid any penalty~~
19 ~~assessed under this section. The department may require an~~
20 ~~employer who is found to have failed to comply with the~~
21 ~~coverage requirements of s. 440.38 to file with the~~
22 ~~department, as a condition of release from a stop-work order,~~
23 ~~periodic reports for a probationary period that shall not~~
24 ~~exceed 2 years that demonstrate the employer's continued~~
25 ~~compliance with this chapter. The department shall by rule~~
26 ~~specify the reports required and the time for filing under~~
27 ~~this subsection.~~
28 ~~(b) Stop-work orders and penalty-assessment orders~~
29 ~~issued under this section against a corporation, partnership,~~
30 ~~or sole proprietorship shall be in effect against any~~
31 ~~successor corporation or business entity that has one or more~~

Bill No. HB 1837, 2nd Eng.

Amendment No. ____ Barcode 215182

1 of the same principals or officers as the corporation or
2 partnership against which the stop-work order was issued and
3 are engaged in the same or equivalent trade or activity.

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