

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representatives Berfield, Brown, Clarke, Goodlette, and Ross offered the following:

**Amendment**

Remove line(s) 1532-1578, and insert:

(7)(a)(5) Whenever the department determines that an employer who is required to secure the payment to his or her employees of the compensation provided for by this chapter has failed to secure the payment of workers' compensation required by this chapter or to produce the required business records under subsection (5) within 5 business days after receipt of the written request of the department ~~do so~~, such failure shall be deemed an immediate serious danger to public health, safety, or welfare sufficient to justify service by the department of a stop-work order on the employer, requiring the cessation of all business operations ~~at the place of employment or job site~~. If

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28 the department division makes such a determination, the  
29 department division shall issue a stop-work order within 72  
30 hours. The order shall take effect when served upon the ~~date of~~  
31 ~~service upon the~~ employer or, for a particular employer work  
32 site, when served at that work site, unless the employer  
33 ~~provides evidence satisfactory to the department of having~~  
34 ~~secured any necessary insurance or self insurance and pays a~~  
35 ~~civil penalty to the department, to be deposited by the~~  
36 ~~department into the Workers' Compensation Administration Trust~~  
37 ~~Fund, in the amount of \$100 per day for each day the employer~~  
38 ~~was not in compliance with this chapter. In addition to serving~~  
39 a stop-work order at a particular work site which shall be  
40 effective immediately, the department shall immediately proceed  
41 with service upon the employer which shall be effective upon all  
42 employer work sites in the state for which the employer is not  
43 in compliance. A stop-work order may be served with regard to an  
44 employer's work site by posting a copy of the stop-work order in  
45 a conspicuous location at the work site. The order shall remain  
46 in effect until the department issues an order releasing the  
47 stop-work order upon a finding that the employer has come into  
48 compliance with the coverage requirements of this chapter and  
49 has paid any penalty assessed under this section. The department  
50 may require an employer who is found to have failed to comply  
51 with the coverage requirements of s. 440.38 to file with the  
52 department, as a condition of release from a stop-work order,  
53 periodic reports for a probationary period that shall not exceed  
54 2 years that demonstrate the employer's continued compliance  
55 with this chapter. The department shall by rule specify the  
56 reports required and the time for filing under this subsection.

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57        (b) Stop-work orders and penalty assessment orders issued  
58 under this section against a corporation, partnership, or sole  
59 proprietorship shall be in effect against any successor  
60 corporation or business entity that has one or more of the same  
61 principals or officers as the corporation or partnership against  
62 which the stop-work order was issued and are engaged in the same  
63 or equivalent trade or activity.