

Bill No. CS for CS for SB 2038, 1st Eng.

Amendment No. ____ Barcode 640110

CHAMBER ACTION

Senate

House

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Senator Fasano moved the following amendment:

Senate Amendment (with title amendment)

On page 5, before line 1,

insert:

Section 2. Paragraph (a) of subsection (7) of section 440.107, Florida Statutes, is amended to read:

440.107 Department powers to enforce employer compliance with coverage requirements.--

(7)(a) 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, 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. If the department makes such a

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1 determination, the department shall issue a stop-work order
2 within 72 hours. The order shall take effect when served upon
3 the employer or, for a particular employer work site, when
4 served at that work site. In addition to serving a stop-work
5 order at a particular work site which shall be effective
6 immediately, the department shall immediately proceed with
7 service upon the employer which shall be effective upon all
8 employer work sites in the state for which the employer is not
9 in compliance. A stop-work order may be served with regard to
10 an employer's work site by posting a copy of the stop-work
11 order in a conspicuous location at the work site. The order
12 shall remain in effect until the department issues an order
13 releasing the stop-work order upon a finding that the employer
14 has come into compliance with the coverage requirements of
15 this chapter and has paid any penalty assessed under this
16 section. The department may issue an order of conditional
17 release from a stop-work order to an employer upon a finding
18 that the employer has complied with coverage requirements of
19 this chapter and has agreed to remit periodic payments of the
20 penalty pursuant to a payment agreement schedule with the
21 department. If an order of conditional release is issued,
22 failure by the employer to meet any term or condition of such
23 penalty payment agreement shall result in the immediate
24 reinstatement of the stop-work order and the entire unpaid
25 balance of the penalty shall become immediately due. The
26 department may require an employer who is found to have failed
27 to comply with the coverage requirements of s. 440.38 to file
28 with the department, as a condition of release from a
29 stop-work order, periodic reports for a probationary period
30 that shall not exceed 2 years that demonstrate the employer's
31 continued compliance with this chapter. The department shall

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1 by rule specify the reports required and the time for filing
2 under this subsection.

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4 (Redesignate subsequent sections.)

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7 ===== T I T L E A M E N D M E N T =====

8 And the title is amended as follows:

9 On page 1, line 7, after the first semicolon,

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11 insert:

12 authorizing the department to issue an order of
13 conditional release from a stop-work order if
14 an employer complies with coverage requirements
15 and a penalty payment agreement;

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