

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Clarke offered the following:

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3 **Amendment to Amendment (832931) (with directory and title**  
4 **amendments)**

5 On line(s) 1086, insert:

6 Section 41. Paragraph (a) of subsection (7) of section  
7 440.107, Florida Statutes, is amended to read:

8 440.107 Department powers to enforce employer compliance  
9 with coverage requirements.--

10 (7)(a) Whenever the department determines that an employer  
11 who is required to secure the payment to his or her employees of  
12 the compensation provided for by this chapter has failed to  
13 secure the payment of workers' compensation required by this  
14 chapter or to produce the required business records under  
15 subsection (5) within 5 business days after receipt of the  
16 written request of the department, such failure shall be deemed

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17 | an immediate serious danger to public health, safety, or welfare  
18 | sufficient to justify service by the department of a stop-work  
19 | order on the employer, requiring the cessation of all business  
20 | operations. If the department makes such a determination, the  
21 | department shall issue a stop-work order within 72 hours. The  
22 | order shall take effect when served upon the employer or, for a  
23 | particular employer work site, when served at that work site. In  
24 | addition to serving a stop-work order at a particular work site  
25 | which shall be effective immediately, the department shall  
26 | immediately proceed with service upon the employer which shall  
27 | be effective upon all employer work sites in the state for which  
28 | the employer is not in compliance. A stop-work order may be  
29 | served with regard to an employer's work site by posting a copy  
30 | of the stop-work order in a conspicuous location at the work  
31 | site. The order shall remain in effect until the department  
32 | issues an order releasing the stop-work order upon a finding  
33 | that the employer has come into compliance with the coverage  
34 | requirements of this chapter and has paid any penalty assessed  
35 | under this section. The department may issue an order of  
36 | conditional release from a stop-work order to an employer upon a  
37 | finding that the employer has complied with coverage  
38 | requirements of this chapter and has agreed to remit periodic  
39 | payments of the penalty pursuant to a payment agreement schedule  
40 | with the department. If an order of conditional release is  
41 | issued, failure by the employer to meet any term or condition of  
42 | such penalty payment agreement shall result in the immediate  
43 | reinstatement of the stop-work order and the entire unpaid  
44 | balance of the penalty shall become immediately due. The

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45 department may require an employer who is found to have failed  
 46 to comply with the coverage requirements of s. 440.38 to file  
 47 with the department, as a condition of release from a stop-work  
 48 order, periodic reports for a probationary period that shall not  
 49 exceed 2 years that demonstrate the employer's continued  
 50 compliance with this chapter. The department shall by rule  
 51 specify the reports required and the time for filing under this  
 52 subsection.

53  
 54 ===== T I T L E A M E N D M E N T =====

55 Remove line(s) 1174 and insert:  
 56 drug test under certain circumstances; amending s. 440.107,  
 57 F.S.; authorizing the department to issue an order of  
 58 conditional release from a stop-work order if an employer  
 59 complies with coverage requirements and a penalty payment  
 60 agreement; amending ss. 440.05,