



927148

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2009	.	
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The Committee on Regulated Industries (Jones) recommended the following:

Senate Amendment

Delete lines 1403 - 1447
and insert:

(c) The act for which the citation is issued shall cease upon receipt of the citation and the person who receives the citation must correct the violation and respond to the civil penalty in the manner indicated on the citation or, within 21 days after receiving the citation, exclusive of weekends and legal holidays, request an administrative hearing.

1. The division or the Division of Administrative Hearings



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12 shall hold hearings conducted pursuant to chapter 120.

13 2. The failure to file a written request for an
14 administrative hearing which complies with s. 120.569 regarding
15 the citation within the 21-day time period set forth in this
16 paragraph constitutes a waiver of the person's right to request
17 an administrative hearing. A waiver of the right to request an
18 administrative hearing shall be deemed an admission of the
19 violation and penalties may be imposed accordingly.

20 3. If the person issued the citation, or his or her
21 designated representative, shows that the citation is invalid or
22 that the violation has been corrected before an administrative
23 hearing, the division may dismiss the citation unless the
24 violation is irreparable or irreversible.

25 4. Each day that a violation knowingly and willfully
26 continutes constitutes a separate offense.

27 (d) If the administrative hearing results in a finding that
28 a violation exists, the division or administrative law judge may
29 order the violator to pay a civil penalty of not less than the
30 amount set forth on the citation, but not more than \$1,000 per
31 day for each violation. In determining the amount of the
32 penalty, the division or administrative law judge, shall
33 consider:

34 1. The gravity of the violation.

35 2. Any actions taken by the violator to correct the
36 violation.

37 3. Any previous violations committed by the violator.

38 (e) If the violator has not contested the citation or paid
39 the civil penalty within the timeframe provided in the citation,
40 the division shall enter a final order requiring the violator to



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41 pay the civil penalty provided in the citation. A hearing is not
42 required for the issuance of such final order.

43 (f) An aggrieved party may appeal a final order issued by
44 the division in accordance with s. 120.68. All notices and
45 administrative proceedings required in this section shall be
46 provided to the alleged violator by certified mail, return
47 receipt requested, or by hand delivery by the state elevator
48 inspector.