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LEGISLATIVE ACTION

Senate

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House

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The Committee on Banking and Insurance (Broxson) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 183 and 184

insert:

Section 3. Subsections (16) and (17) are added to section 440.107, Florida Statutes, to read:

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

(16) (a) Each subcontractor contracting with a contractor as defined in s. 489.105(3) shall, in connection with each



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11 construction project contracted for and before commencement of  
12 work, provide to each of its contractors that it directly  
13 contracts with a written certification from a principal or an  
14 authorized officer of the subcontractor. The certification must  
15 contain an attestation that the subcontractor has secured  
16 workers' compensation coverage for all of its employees,  
17 including leased employees pursuant to part XI of chapter 468,  
18 and that for all of its employees, including leased employees,  
19 for the duration of the contract, workers' compensation  
20 insurance coverage will be maintained while the subcontractor is  
21 performing work for the contractor. Each contractor who receives  
22 such certification shall retain each certification for at least  
23 3 years after the termination date of the project.

24 (b) The department shall verify the coverage attested to in  
25 certifications under this subsection.

26 (c) An employee leasing company as defined in s. 468.520(5)  
27 shall provide the department with notice within 30 days after  
28 any employee of a client company, as defined in s. 468.520(6),  
29 which is operating pursuant to an employee leasing arrangement  
30 is denied workers' compensation benefits by the employee leasing  
31 company or the carrier of the employee leasing company on the  
32 basis that the employee of the client company was not an  
33 employee of the employee leasing company.

34 (d) The department shall adopt rules to administer this  
35 subsection.

36 (17) The Office of Program Policy Analysis and Government  
37 Accountability shall conduct a study and prepare a report to  
38 determine the feasibility of regulation of employee leasing  
39 companies by the department. The study must include a survey of



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40 the regulation of employee leasing companies in other states and  
41 the staffing requirements and potential costs to the department.  
42 The report must be completed by October 1, 2020, and presented  
43 to the Governor, the Chief Financial Officer, the President of  
44 the Senate, and the Speaker of the House of Representatives.

45  
46 ===== T I T L E A M E N D M E N T =====

47 And the title is amended as follows:

48 Delete line 15

49 and insert:

50 title; amending s. 440.107, F.S.; requiring a  
51 subcontractor, before commencement of work, to provide  
52 a specified written certification to each of its  
53 contractors relating to workers' compensation coverage  
54 for the subcontractor's employees; requiring  
55 contractors to retain the certifications for a certain  
56 time after a project ends; requiring the Department of  
57 Financial Services to verify coverage attested to in  
58 the certifications; requiring employee leasing  
59 companies to provide the department with notice of  
60 certain denied workers' compensation benefits within a  
61 certain timeframe; requiring the department to adopt  
62 rules; requiring the Office of Program Policy Analysis  
63 and Government Accountability to perform a certain  
64 study and prepare a report relating to the feasibility  
65 of employee leasing company regulation by the  
66 department; requiring the report to be completed by a  
67 certain date and presented to the Governor, the Chief  
68 Financial Officer, and the Legislature; amending s.



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624.155, F.S.; revising