

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 (665289**
4 **) (with directory and title amendments)**

5 On line 1086, insert:

6 Section 42. 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
17 an immediate serious danger to public health, safety, or welfare

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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
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
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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.

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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; authorizing the
 57 | department to issue an order of conditional release from a stop-
 58 | work order if an employer complies with coverage requirements
 59 | and a penalty payment agreement; amending ss. 440.05,