

**FILED**

MAR 27 2012



CHIEF FINANCIAL OFFICER  
JEFF ATWATER  
STATE OF FLORIDA

Docketed by TMT

**FILED**  
2012 MAR 29 P 1:24  
DIVISION OF  
ADMINISTRATIVE  
HEARINGS

IN THE MATTER OF:

ROBERT MIRANDA CONSTRUCTION, INC.

W.C. Case No. 11-077-D1-WC

FINAL ORDER

THIS CAUSE came on for consideration of and final agency action on the Recommended Order rendered by Administrative Law Judge E. Gary Early on December 28, 2011, subsequent to a hearing held on November 14, 2011, in Tallahassee and Jacksonville, Florida, via video teleconference. The Division of Workers' Compensation timely filed exceptions to correct references to the National Council on Compensation Insurance, Inc.'s Basic Manual in Paragraphs 10 and 25 of the Recommended Order relative to the effective date of the publication. The exception has merit. Therefore, Paragraph 10 is modified to state the relevant category as "Fence Erection---Metal;" and Paragraph 25 is modified to state the publication date as 2005 instead of 2001. These modifications are as or more reasonable than that which they modify.

After review of the record, including the transcript of proceedings and admitted exhibits, and being otherwise fully apprised in all material premises,

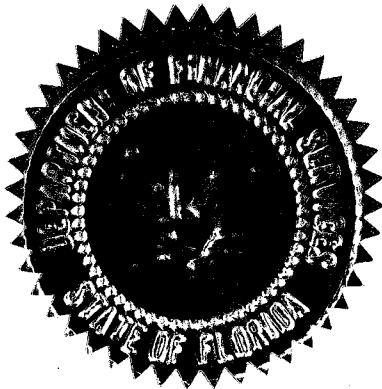
IT IS HEREBY ORDERED that, except as noted above the ALJ's Findings of Fact and Conclusions of Law set forth in the Recommended Order are adopted as the Department's Findings of Fact and Conclusions of Law.

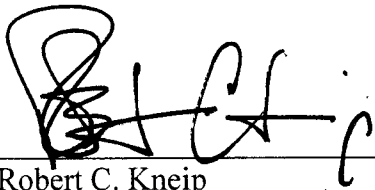
IT IS HEREBY FURTHER ORDERED that the Third Amended Order of Penalty Assessment entered by the Division of Workers' Compensation against Robert Miranda

Construction, Inc., is imposed, and that within thirty (30) days from the date hereof, Robert Miranda Construction, Inc. shall pay to the Department the assessed penalty of \$2,469.90, for failure to secure workers' compensation coverage for its employees.

IT IS HEREBY FURTHER ORDERED that Robert Miranda Construction, Inc. shall cease all business operations unless and until it provides evidence satisfactory to the Division of Workers' Compensation of having now complied with the workers' compensation law by securing the necessary workers' compensation insurance coverage for covered employees and, pursuant to Section 440.107(7)(a), Florida Statutes, paying the civil penalty imposed herein, or enter into a Payment Agreement Schedule for Periodic Payment of Penalty to the Division.

DONE AND ORDERED this 27<sup>th</sup> day of March, 2012.



  
Robert C. Kneip  
Chief of Staff

#### NOTICE OF RIGHTS

Any party to these proceedings adversely affected by this Order is entitled to seek review of this Order pursuant to Section 120.68, Florida Statutes, and Rule 9.110, Fla. R. App. P. Review proceedings must be instituted by filing a petition or notice of appeal with Julie Jones, DFS Agency Clerk, at 612 Larson Building, Tallahassee, Florida, 32399-0390 and a copy of the same with the appropriate district court of appeal within thirty (30) days of rendition of this Order.

Copies to:

Jamila G. Gooden (Attorney for the Department)  
Robert Miranda  
E. Gary Early, ALJ