

By Senator Diaz-Balart

37-1409A-98

1 A bill to be entitled
 2 An act relating to rulemaking authority with
 3 respect to occupational safety and health
 4 (RAB); amending s. 442.005, F.S.; authorizing
 5 rulemaking for the Division of Workers'
 6 Compensation regarding employee injuries
 7 resulting in death; amending s. 442.006, F.S.;
 8 authorizing rules for Division of Workers'
 9 Compensation investigations; amending s.
 10 442.008, F.S.; authorizing rules for the
 11 Division of Workers' Compensation relating to
 12 recordkeeping responsibilities for
 13 public-sector employers; amending s. 442.009;
 14 authorizing rules for the Division of Workers'
 15 Compensation relating to right of entry to
 16 places of employment; amending s. 442.20, F.S.;
 17 authorizing rulemaking for the Division of
 18 Safety for annual reports, workplace-safety
 19 programs for clients of help-supply-services
 20 companies, adopting federal standards;
 21 providing an effective date.

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 23 Be It Enacted by the Legislature of the State of Florida:

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 25 Section 1. Section 442.005, Florida Statutes, is
 26 amended to read:
 27 442.005 Division to make study of occupational
 28 diseases, etc.--The division shall make a continuous study of
 29 occupational diseases and the ways and means for their control
 30 and prevention and shall make and enforce necessary
 31 regulations for such control. For this purpose, the division

1 is authorized to cooperate with employers, employees, and
2 carriers and with the Department of Health and ~~Rehabilitative~~
3 ~~Services~~. The division may by rule require an employer to
4 notify the division within 24 hours after any employee injury
5 occurs which results in death, prescribe the form of such
6 notice, require the employer to maintain for 5 years a record
7 of injuries that result in death, and define words or phrases
8 used in rules relating to safety and health compliance.

9 Section 2. Subsection (3) is added to section 442.006,
10 Florida Statutes, to read:

11 442.006 Investigations by the division; refusal to
12 admit; penalty.--

13 (3) The division by rule may adopt procedures for
14 conducting investigations under this chapter.

15 Section 3. Subsection (4) is added to section 442.008,
16 Florida Statutes, to read:

17 442.008 Division authority.--The division shall:

18 (4) Adopt rules prescribing recordkeeping responsibilities
19 for public-sector employers, which may include rules for
20 maintaining a log and summary of occupational injuries,
21 diseases, and illnesses and for producing on request a notice
22 of injury and employee accident investigation records, and
23 rules prescribing a retention schedule for such records.

24 Section 4. Section 442.009, Florida Statutes, is
25 amended to read:

26 442.009 Right of entry.--The division and its
27 authorized representatives may enter at any reasonable time
28 any place of employment for the purpose of examining any tool,
29 appliance, or machinery used in such employment and may make
30 inspections for the proper enforcement of this chapter. An
31 employer or owner may not refuse to admit any member of the

1 division or its authorized representatives to any place of
2 employment. The division by rule may require employers to
3 allow the division to enter without delay and to inspect any
4 place of employment.

5 Section 5. Subsection (2) of section 442.20, Florida
6 Statutes, is amended to read:

7 442.20 Workplace safety.--

8 (2) The Division of Safety shall have the authority to
9 adopt rules for the purpose of assuring safe working
10 conditions for all workers by authorizing the enforcement of
11 effective standards, assisting and encouraging employers to
12 maintain safe working conditions, and by providing for
13 education and training in the field of safety.

14 The division by rule may:

15 (a) Require that each workers' compensation carrier,
16 group self-insurance fund, and individual self-insurer file an
17 annual report with the division on its safety program and
18 consultation activities and prescribe the format of the
19 report;

20 (b) Require that the client of a help-supply-services
21 company comply with the essential requirements of a
22 workplace-safety program as a condition for receiving a
23 premium credit;

24 (c) Adopt Subparts C through T and Subpart Z of 29
25 C.F.R. Part 1910; Subparts C through Z of 29 C.F.R. Part 1926;
26 Subparts A through D, Subpart I, and Subpart M of 29 C.F.R.
27 Part 1928; Subparts A through G of 29 C.F.R. Part 1917;
28 Subparts A through L and Subpart Z of 29 C.F.R. Part 1915;
29 Subparts A through J of 29 C.F.R. Part 1918, as revised July
30 1, 1993, provided that 29 C.F.R. 1910.156 applies to volunteer
31 firefighters and fire departments operated by the state of

1 political subdivisions; the National Fire Protection
2 Association, Inc., Standard 1500, paragraph 5-7 (Personal
3 Alert Safety System) (1992 edition); and ANSI A 10.4-1990.

4 Section 6. This act shall take effect upon becoming a
5 law.

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8 SENATE SUMMARY

9 Amends various sections of ch. 442, F.S., to provide the
10 Division of Workers' Compensation of the Department of
11 Labor and Employment Security with rulemaking authority
12 relating to employee injuries that result in death, to
13 investigations, to recordkeeping responsibilities for
14 public-sector employers, and to the right of entry to
15 places of employment. Provides the Division of Safety of
16 the Department of Labor and Employment Security with
17 rulemaking authority for annual reports and
18 workplace-safety programs for clients of
19 help-supply-services companies.
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