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2 An act relating to rulemaking authority with  
3 respect to occupational safety and health  
4 (RAB); amending s. 442.006, F.S.; authorizing  
5 rules for the Division of Safety investigations  
6 of public-sector employers; amending s.  
7 442.008, F.S.; authorizing rules for the  
8 Division of Safety relating to recordkeeping  
9 responsibilities for public-sector employers;  
10 amending s. 442.011, F.S.; eliminating an  
11 annual report; amending s. 442.20, F.S.;  
12 authorizing rulemaking for the Division of  
13 Safety for the adoption of federal standards;  
14 providing that specified references to federal  
15 officials in adopted federal standards refer to  
16 specified state officials for the purpose of  
17 state law; amending s. 627.0915, F.S.;  
18 authorizing rulemaking for the Division of  
19 Safety for workplace-safety programs for  
20 clients of help-supply services companies;  
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. Subsection (3) is added to section 442.006,  
26 Florida Statutes, to read:

27 442.006 Investigations by the division; refusal to  
28 admit; penalty.--

29 (3) The division by rule may adopt procedures for  
30 conducting investigations of public-sector employers under  
31 this chapter.

1           Section 2. Subsection (4) is added to section 442.008,  
2 Florida Statutes, to read:

3           442.008 Division authority.--The division shall:

4           (4) Adopt rules prescribing recordkeeping  
5 responsibilities for public-sector employers, which may  
6 include rules for maintaining a log and summary of  
7 occupational injuries, diseases, and illnesses and for  
8 producing on request a notice of injury and employee accident  
9 investigation records, and rules prescribing a retention  
10 schedule for such records.

11           Section 3. Section 442.011, Florida Statutes, is  
12 amended to read:

13           442.011 Carrier consultations.--Each insurance carrier  
14 writing workers' compensation insurance in this state, each  
15 employer qualifying as an individual self-insurer under s.  
16 440.38, each self-insurance fund under s. 624.461, and each  
17 assessable mutual insurer under s. 628.6011 must provide  
18 safety consultations to each of its policyholders who requests  
19 such consultations. Each such carrier or self-insurer must  
20 inform its policyholders of the availability of such  
21 consultations ~~and must report annually on its safety and~~  
22 ~~health programs and consultations to the division in such form~~  
23 ~~and at such time as the division prescribes.~~ The division is  
24 responsible for approving all safety and health programs. The  
25 division shall aid all insurance carriers and self-insurers in  
26 establishing their safety and health programs by setting out  
27 criteria in an appropriate format.

28           Section 4. Subsection (2) of section 442.20, Florida  
29 Statutes, is amended and subsection (5) is added to that  
30 section to read:

31           442.20 Workplace safety.--

1           (2) The Division of Safety shall have the authority to  
2 adopt rules for the purpose of assuring safe working  
3 conditions for all workers by authorizing the enforcement of  
4 effective standards, assisting and encouraging employers to  
5 maintain safe working conditions, and by providing for  
6 education and training in the field of safety. For  
7 public-sector employers, the division may by rule adopt  
8 Subparts C through T and Subpart Z of 29 C.F.R. Part 1910;  
9 Subparts C through Z of 29 C.F.R. Part 1926; Subparts A  
10 through D, Subpart I, and Subpart M of 29 C.F.R. Part 1928;  
11 Subparts A through G of 29 C.F.R. Part 1917; Subparts A  
12 through L and Subpart Z of 29 C.F.R. Part 1915; Subparts A  
13 through J of 29 C.F.R. Part 1918, as revised July 1, 1993,  
14 provided that 29 C.F.R. 1910.156 applies to volunteer  
15 firefighters and fire departments operated by the state of  
16 political subdivisions; the National Fire Protection  
17 Association, Inc., Standard 1500, paragraph 5-7 (Personal  
18 Alert Safety System) (1992 edition); and ANSI A 10.4-1990.

19           (5) All references to the Assistant Secretary of the  
20 Occupational Safety and Health Administration and to the  
21 Director of the National Institute for Occupational Safety and  
22 Health and their authorized representatives in the adopted  
23 federal Occupational Safety and Health Administration  
24 standards shall, for purposes of this section mean, the  
25 Director of the Division of Safety of the Department of Labor  
26 and Employment Security or his or her authorized  
27 representatives.

28           Section 5. Section 627.0915, Florida Statutes, is  
29 amended to read:

30           627.0915 Rate filings; workers' compensation,  
31 drug-free workplace, and safe employers.--The Department of

1 Insurance shall approve rating plans for workers' compensation  
2 insurance that give specific identifiable consideration in the  
3 setting of rates to employers that either implement a  
4 drug-free workplace program pursuant to rules adopted by the  
5 Division of Workers' Compensation of the Department of Labor  
6 and Employment Security or implement a safety program approved  
7 by the Division of Safety pursuant to rules adopted by the  
8 Division of Safety of the Department of Labor and Employment  
9 Security or implement both a drug-free workplace program and a  
10 safety program. The Division of Safety may by rule require  
11 that the client of a help-supply-services company comply with  
12 the essential requirements of a workplace-safety program as a  
13 condition for receiving a premium credit.The plans must take  
14 effect January 1, 1994, must be actuarially sound, and must  
15 state the savings anticipated to result from such drug-testing  
16 and safety programs.

17 Section 6. This act shall take effect upon becoming a  
18 law.

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