

By the Committee on Commerce and Economic Opportunities and
 Senator Harris

310-2099-98

1 A bill to be entitled
 2 An act relating to occupational safety and
 3 health; amending s. 442.006, F.S.; limiting
 4 investigations and penalties to public-sector
 5 employers; amending s. 442.008, F.S.; limiting
 6 division authority to public-sector employers;
 7 providing for voluntary inspections and
 8 consultations; amending s. 442.013, F.S.;
 9 limiting penalties to public-sector employers;
 10 amending s. 442.019, F.S.; limiting compliance
 11 to public-sector employers; repealing s.
 12 442.003, F.S., relating to legislative intent;
 13 repealing s. 442.009, F.S., relating to right
 14 of entry by division representatives; repealing
 15 s. 442.0105, F.S., relating to employers whose
 16 employees have a high frequency of work-related
 17 injuries; repealing s. 442.015, F.S., relating
 18 to cancellation of coverage on certain
 19 employers; repealing s. 442.017, F.S., relating
 20 to penalties for employers who refuse to admit
 21 certain investigators; providing an effective
 22 date.

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

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 26 Section 1. Section 442.006, Florida Statutes, is
 27 amended to read:
 28 442.006 Investigations by the division; refusal to
 29 admit; penalty.--

30 (1) The division shall make studies and investigations
 31 with respect to safety provisions and the causes of injuries

1 in public-sector places of employment ~~employments covered by~~
2 ~~this chapter~~, and shall make to the Legislature and
3 public-sector employers and carriers such recommendations as
4 it considers proper as to the best means of preventing
5 injuries. In making such studies and investigations, the
6 division may:

7 (a) Cooperate with any agency of the United States
8 charged with the duty of enforcing any law securing safety
9 against injury in any public-sector place of employment
10 covered by this chapter, or any agency or department of the
11 state engaged in enforcing any laws to assure safety for
12 employees.

13 (b) Allow any such agency or department to have access
14 to the records of the division.

15 (2) The division and its authorized representatives
16 may enter and inspect any public-sector place of employment at
17 any reasonable time for the purpose of investigating
18 compliance with this chapter and making inspections for the
19 proper enforcement of this chapter. Any public-sector employer
20 ~~or owner~~ who refuses to admit any member of the division or
21 its authorized representative to any public-sector place of
22 employment or to allow investigation and inspection pursuant
23 to this paragraph is guilty of a misdemeanor of the second
24 degree, punishable as provided in s. 775.082 or s. 775.083.

25 Section 2. Section 442.008, Florida Statutes, is
26 amended to read:

27 442.008 Division authority.--The division shall:

28 (1) Investigate and prescribe what safety devices,
29 safeguards, or other means of protection must be adopted for
30 the prevention of accidents in every public-sector ~~employment~~
31 ~~or~~ place of employment; determine what suitable devices,

1 safeguards, or other means of protection for the prevention of
2 occupational diseases must be adopted or followed in any or
3 all such public-sector ~~employments~~ or places of employment;
4 and adopt reasonable rules for the prevention of accidents and
5 the prevention of occupational diseases.

6 (2) Ascertain, fix, and order such reasonable
7 standards and rules for the construction, repair, and
8 maintenance of public-sector places of employment as shall
9 render them safe. Such rules and standards must be adopted in
10 accordance with chapter 120.

11 (3) Assist employers in the development and
12 implementation of employee safety training programs by
13 contracting with professional safety organizations.

14 (4) Provide safety inspections and consultations to
15 those employers who request them. The division may assess a
16 fee not to exceed \$500. The funds collected by the division
17 shall be deposited into the Workers' Compensation
18 Administration Trust Fund pursuant to s. 440.51 and shall be
19 used to administer this subsection.

20 Section 3. Section 442.013, Florida Statutes, is
21 amended to read:

22 442.013 Public-sector employer penalties.--If any
23 public-sector employer violates or fails or refuses to comply
24 with this chapter or with any rule adopted by the division, in
25 accordance with chapter 120, for the prevention of injuries,
26 accidents, or occupational diseases or with any lawful order
27 of the division in connection with this chapter, or fails or
28 refuses to furnish or adopt any safety device, safeguard, or
29 other means of protection prescribed by the division under
30 this chapter for the prevention of accidents or occupational
31 diseases, the division may assess against the public-sector

1 employer a civil penalty of not less than \$100 nor more than
2 \$5,000 for each day the violation, omission, failure, or
3 refusal continues after the public-sector employer has been
4 given notice thereof in writing. The total penalty for each
5 violation may not exceed \$50,000. The division shall adopt
6 rules requiring penalties commensurate with the frequency or
7 severity, or both, of safety violations. A hearing must be
8 held in the county where the violation, omission, failure, or
9 refusal is alleged to have occurred, unless otherwise agreed
10 to by the public-sector employer and authorized by the
11 division.

12 Section 4. Section 442.019, Florida Statutes, is
13 amended to read:

14 442.019 Compliance.--Failure of a public-sector ~~an~~
15 employer or a carrier to comply with this chapter or with any
16 rules adopted under this chapter constitutes grounds for the
17 division to seek remedies, including injunctive relief, for
18 compliance by making appropriate filings with the Circuit
19 Court of Leon County.

20 Section 5. Sections 442.003, 442.009, 442.0105,
21 442.015, and 442.017, Florida Statutes, are repealed.

22 Section 6. This act shall take effect July 1, 1998.
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 1626

This committee substitute eliminates various authorities prescribed to the Department of Labor and Employment Security's Division of Safety (division), including elimination of: mandated employee health and safety programs for employers with a high frequency or severity of work related injuries and penalties for failure to implement such programs; division authority to enter and inspect private employers; and, private sector employer penalties for refusal to admit for inspection. This committee substitute additionally provides authority for the division to perform voluntary inspections and consultations of public and private sector employers, and provides that the division may charge a fee for such service not to exceed \$500.