

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 amending s. 442.013, F.S.; limiting penalties
8 to public-sector employers; amending s.
9 442.019, F.S.; limiting compliance to
10 public-sector employers; creating s. 442.0085,
11 F.S.; providing for safety consultations;
12 repealing s. 442.003, F.S., relating to
13 legislative intent; repealing s. 442.009, F.S.,
14 relating to right of entry by division
15 representatives; repealing s. 442.0105, F.S.,
16 relating to employers whose employees have a
17 high frequency of work-related injuries;
18 repealing s. 442.015, F.S., relating to
19 cancellation of coverage on certain employers;
20 repealing s. 442.017, F.S., relating to
21 penalties for employers who refuse to admit
22 certain investigators; providing an effective
23 date.

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

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27 Section 1. Section 442.006, Florida Statutes, is
28 amended to read:
29 442.006 Investigations by the division; refusal to
30 admit; penalty.--
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1 (1) The division shall make studies and investigations
2 with respect to safety provisions and the causes of injuries
3 in public-sector places of employment ~~employments covered by~~
4 ~~this chapter~~, and shall make to the Legislature and
5 public-sector employers and carriers such recommendations as
6 it considers proper as to the best means of preventing
7 injuries. In making such studies and investigations, the
8 division may:

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

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

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

27 Section 2. Section 442.008, Florida Statutes, is
28 amended to read:

29 442.008 Division authority.--The division shall:

30 (1) Investigate and prescribe what safety devices,
31 safeguards, or other means of protection must be adopted for

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

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

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

16 Section 3. Section 442.013, Florida Statutes, is
17 amended to read:

18 442.013 Public-sector employer penalties.--If any
19 public-sector employer violates or fails or refuses to comply
20 with this chapter or with any rule adopted by the division, in
21 accordance with chapter 120, for the prevention of injuries,
22 accidents, or occupational diseases or with any lawful order
23 of the division in connection with this chapter, or fails or
24 refuses to furnish or adopt any safety device, safeguard, or
25 other means of protection prescribed by the division under
26 this chapter for the prevention of accidents or occupational
27 diseases, the division may assess against the public-sector
28 employer a civil penalty of not less than \$100 nor more than
29 \$5,000 for each day the violation, omission, failure, or
30 refusal continues after the public-sector employer has been
31 given notice thereof in writing. The total penalty for each

1 violation may not exceed \$50,000. The division shall adopt
2 rules requiring penalties commensurate with the frequency or
3 severity, or both, of safety violations. A hearing must be
4 held in the county where the violation, omission, failure, or
5 refusal is alleged to have occurred, unless otherwise agreed
6 to by the public-sector employer and authorized by the
7 division.

8 Section 4. Section 442.019, Florida Statutes, is
9 amended to read:

10 442.019 Compliance.--Failure of a public-sector ~~an~~
11 employer or a carrier to comply with this chapter or with any
12 rules adopted under this chapter constitutes grounds for the
13 division to seek remedies, including injunctive relief, for
14 compliance by making appropriate filings with the Circuit
15 Court of Leon County.

16 Section 5. Section 442.0085, Florida Statutes, is
17 created to read:

18 442.0085 Employer consultations.--The division may
19 provide safety consultations to employers who are insured
20 pursuant to the joint underwriting plan approved by the
21 Department of Insurance pursuant to s. 627.311(4).

22 Section 6. Sections 442.003, 442.009, 442.0105,
23 442.015, and 442.017, Florida Statutes, are repealed.

24 Section 7. This act shall take effect July 1, 1998.
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