

Amendment No. 1 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on Financial Services offered the following:

**Amendment (with title amendment)**

Remove from the bill: Everything after the enacting clause  
and insert in lieu thereof:

Section 1. Section 442.006, Florida Statutes, is amended to read:

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

(1) The division shall make studies and investigations with respect to safety provisions and the causes of injuries in public sector places of employment ~~employments covered by this chapter~~, and shall make to the Legislature and public sector employers and carriers such recommendations as it considers proper as to the best means of preventing injuries.

In making such studies and investigations, the division may:

(a) Cooperate with any agency of the United States charged with the duty of enforcing any law securing safety against injury in any public sector place of employment covered by this chapter, or any agency or department of the

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1 state engaged in enforcing any laws to assure safety for  
2 employees.

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

5 (2) The division and its authorized representatives  
6 may enter and inspect any public sector place of employment at  
7 any reasonable time for the purpose of investigating  
8 compliance with this chapter and making inspections for the  
9 proper enforcement of this chapter. Any public sector employer  
10 ~~or owner~~ who refuses to admit any member of the division or  
11 its authorized representative to any public sector place of  
12 employment or to allow investigation and inspection pursuant  
13 to this paragraph is guilty of a misdemeanor of the second  
14 degree, punishable as provided in s. 775.082 or s. 775.083.

15 Section 2. Section 442.008, Florida Statutes, is  
16 amended to read:

17 442.008 Division authority.--The division shall:

18 (1) Investigate and prescribe what safety devices,  
19 safeguards, or other means of protection must be adopted for  
20 the prevention of accidents in every public sector ~~employment~~  
21 ~~or~~ place of employment; determine what suitable devices,  
22 safeguards, or other means of protection for the prevention of  
23 occupational diseases must be adopted or followed in any or  
24 all such public sector ~~employments or~~ places of employment;  
25 and adopt reasonable rules for the prevention of accidents and  
26 the prevention of occupational diseases.

27 (2) Ascertain, fix, and order such reasonable  
28 standards and rules for the construction, repair, and  
29 maintenance of public sector places of employment as shall  
30 render them safe. Such rules and standards must be adopted in  
31 accordance with chapter 120.

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

4           Section 3. Section 442.0085, Florida Statutes, is  
5 created to read:

6           442.0085 State consultation program.--

7           (1) The division is hereby authorized to create a  
8 state consultation program separate and distinct from the  
9 consultation program operated pursuant to contract with the  
10 Occupational Health and Safety Administration of the United  
11 States.

12           (2) The division shall administer the state  
13 consultation program created in subsection (1) of this section  
14 on a fee-for-services basis. The division shall not utilize  
15 dollars from the Workers' Compensation Administration Trust  
16 Fund to fund any costs associated with the creation or  
17 administration of the state consultation program.

18           Section 4. Section 442.013, Florida Statutes, is  
19 amended to read:

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

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1 continues after the public employer has been given notice  
2 thereof in writing. The total penalty for each violation may  
3 not exceed \$50,000. The division shall adopt rules requiring  
4 penalties commensurate with the frequency or severity, or  
5 both, of safety violations. A hearing must be held in the  
6 county where the violation, omission, failure, or refusal is  
7 alleged to have occurred, unless otherwise agreed to by the  
8 public employer and authorized by the division.

9 Section 5. Section 442.019, Florida Statutes, is  
10 amended to read:

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

17 Section 6. Sections 442.003, 442.009, 442.0105,  
18 442.015, and 442.017, Florida Statutes, are hereby repealed.

19 Section 7. This act shall take effect upon becoming a  
20 law.

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23 ===== T I T L E A M E N D M E N T =====

24 And the title is amended as follows:

25 On page 1, lines 2-11  
26 remove from the title of the bill: all of said lines

27  
28 and insert in lieu thereof:

29 An act relating to occupational safety and  
30 health; amending s. 442.006, F.S.; relating to  
31 investigations of the Division of Safety of the

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1 Department of Labor & Employment Security;  
2 amending s. 442.008, F.S.; relating to the  
3 authority of the Division of Safety; creating  
4 s. 442.0085, F.S.; authorizing the division to  
5 create a state consultation program; amending  
6 s. 442.013, F.S.; relating to employer  
7 penalties; amending s. 442.019, F.S.; relating  
8 to compliance; repealing ss. 442.003, 442.009,  
9 442.0105, 442.015, and 442.017, F.S., relating  
10 to legislative intent, compliance, enforcement,  
11 and penalties for workplace safety programs and  
12 practices; providing an effective date.

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