

1                   A bill to be entitled  
2           An act relating to occupational safety and  
3           health; amending s. 442.006, F.S.; relating to  
4           investigations of the Division of Safety of the  
5           Department of Labor & Employment Security;  
6           amending s. 442.008, F.S.; relating to the  
7           authority of the Division of Safety; amending  
8           s. 442.013, F.S.; relating to employer  
9           penalties; amending s. 442.019, F.S.; relating  
10          to compliance; repealing ss. 442.003, 442.009,  
11          442.0105, 442.015, and 442.017, F.S., relating  
12          to legislative intent, compliance, enforcement,  
13          and penalties for workplace safety programs and  
14          practices; providing an effective date.

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

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

20           442.006 Investigations by the division; refusal to  
21 admit; penalty.--

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

29           (a) Cooperate with any agency of the United States  
30 charged with the duty of enforcing any law securing safety  
31 against injury in any public sector place of employment

1 covered by this chapter, or any agency or department of the  
2 state engaged in enforcing any laws to assure safety for  
3 employees.

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

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

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

18 442.008 Division authority.--The division shall:

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

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

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

6 Section 3. Section 442.013, Florida Statutes, is  
7 amended to read:

8 442.013 Public employer penalties.--If any public  
9 employer violates or fails or refuses to comply with this  
10 chapter or with any rule adopted by the division, in  
11 accordance with chapter 120, for the prevention of injuries,  
12 accidents, or occupational diseases or with any lawful order  
13 of the division in connection with this chapter, or fails or  
14 refuses to furnish or adopt any safety device, safeguard, or  
15 other means of protection prescribed by the division under  
16 this chapter for the prevention of accidents or occupational  
17 diseases, the division may assess against the public employer  
18 a civil penalty of not less than \$100 nor more than \$5,000 for  
19 each day the violation, omission, failure, or refusal  
20 continues after the public employer has been given notice  
21 thereof in writing. The total penalty for each violation may  
22 not exceed \$50,000. The division shall adopt rules requiring  
23 penalties commensurate with the frequency or severity, or  
24 both, of safety violations. A hearing must be held in the  
25 county where the violation, omission, failure, or refusal is  
26 alleged to have occurred, unless otherwise agreed to by the  
27 public employer and authorized by the division.

28 Section 4. Section 442.019, Florida Statutes, is  
29 amended to read:

30 442.019 Compliance.--Failure of a public sector ~~an~~  
31 employer or a carrier to comply with this chapter or with any

1 rules adopted under this chapter constitutes grounds for the  
2 division to seek remedies, including injunctive relief, for  
3 compliance by making appropriate filings with the Circuit  
4 Court of Leon County.

5 Section 5. Sections 442.003, 442.009, 442.0105,  
6 442.015, and 442.017, Florida Statutes, are hereby repealed.

7 Section 6. This act shall take effect upon becoming a  
8 law.

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