

By the Committee on Governmental Oversight and Productivity;
and Senators Latvala, Geller and Garcia

302-1640A-01

1 A bill to be entitled
2 An act relating to governmental reorganization;
3 creating s. 17.001, F.S.; establishing the
4 Office of the Chief Financial Officer; creating
5 s. 20.121, F.S.; creating the Department of
6 Financial Services; providing for the Office of
7 the Commissioner of Insurance; providing for
8 the Office of the Commissioner of Financial
9 Institutions; providing for the Office of the
10 Commissioner of Securities and Finance;
11 providing for the Office of the Commissioner of
12 the Treasury; establishing the manner of
13 appointment; providing qualifications;
14 transferring the Department of Banking and
15 Finance and the Department of Insurance to the
16 Department of Financial Services; repealing s.
17 20.12, F.S.; abolishing the Department of
18 Banking and Finance; repealing s. 20.13, F.S.;
19 abolishing the Department of Insurance;
20 requesting the Division of Statutory Revision
21 to prepare draft legislation; establishing the
22 Financial Services Transition Task Force;
23 providing membership; establishing duties;
24 creating ss. 442.0011, 633.801-633.825, F.S.;
25 transferring to the Division of State Fire
26 Marshall, Department of Insurance, all powers
27 and duties, and responsibilities of chapter
28 442, excluding ss. 442.101-442.127, which
29 relate to firefighter employers, firefighter
30 employees, and firefighter places of
31 employment, from the Division of Safety,

1 Department of Labor and Employment Security;
2 providing an effective date.

3

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

5

6 Section 1. Effective January 7, 2003, section 17.001,
7 Florida Statutes, is created to read:

8 17.001 Financial Officer.--As provided in s. 4(c),
9 Art. IV of the State Constitution, the Chief Financial Officer
10 is the chief fiscal officer of the state and is responsible
11 for settling and approving accounts against the state and
12 keeping all state funds and securities.

13 Section 2. Effective January 7, 2003, section 20.121,
14 Florida Statutes, is created to read:

15 20.121 Department of Financial Services.--There is
16 created a Department of Financial Services.

17 (1) The head of the Department of Financial Services
18 is the Chief Financial Officer.

19 (2)(a) The Division of Administration is created
20 within the Office of the Chief Financial Officer. The division
21 is headed by a director who is appointed by and serves at the
22 pleasure of the Chief Financial Officer. A Bureau of Financial
23 and Support Services is created within the division.

24 (b) The Division of Financial Investigations is
25 created within the Office of the Chief Financial Officer. The
26 division is headed by a director who is appointed by and
27 serves at the pleasure of the Chief Financial Officer.

28 (3) Notwithstanding the requirements of s. 20.04 and
29 except as otherwise provided in this section, the principal
30 policy and program development unit of the department is the
31 "office." Each office is headed by a commissioner who is

1 appointed by and serves at the pleasure of the Chief Financial
2 Officer. Each commissioner shall perform such duties as are
3 specified in this section and such other duties as are
4 assigned by the Chief Financial Officer. The principal unit of
5 each office is the "division." Each division is headed by a
6 "director."

7 (4)(a) The Office of the Commissioner of Insurance is
8 established in the Department of Financial Services. The
9 office shall be headed by the Commissioner of Insurance. Prior
10 to appointment as commissioner, the Commissioner of Insurance
11 must have had, within the previous 10 years, at least 5 years
12 of experience as a senior officer of an insurer, as defined in
13 s. 624.03, or insurance agency, as defined in s. 626.094, or
14 as an examiner or other senior employee of a state or federal
15 agency having regulatory responsibility over insurers or
16 insurance agencies.

17 (b) The Office of the Commissioner of Insurance shall
18 consist of the following divisions:

- 19 1. Division of Insurance Agents and Agencies;
- 20 2. Division of Insurance Consumer Services;
- 21 3. Division of Insurer Services;
- 22 4. Division of Rehabilitation and Liquidation;
- 23 5. Division of Risk Management; and
- 24 6. Division of State Fire Marshal.
- 25 7. Division of Workers' Compensation.

26 (5)(a) The Office of the Commissioner of Financial
27 Institutions is established in the Department of Financial
28 Services. The office shall be headed by the Commissioner of
29 Financial Institutions. Prior to appointment, the Commissioner
30 of Financial Institutions must have had, within the previous
31 10 years, at least 5 years of experience as a senior officer

1 of a financial institution, as defined in s. 655.005, or as an
2 examiner or other senior employee of a state or federal agency
3 having regulatory responsibility over financial institutions.

4 (b) The Office of the Commissioner of Financial
5 Institutions shall consist of the following divisions:

6 1. Division of Banking; and

7 2. Division of Credit Unions.

8 (6) The Office of the Commissioner of Securities and
9 Finance is established within the Department of Financial
10 Services. The office shall be headed by the Commissioner of
11 Securities and Finance. Prior to appointment, the Commissioner
12 of Securities and Finance must have had, within the previous
13 10 years, at least 5 years of experience as a senior officer
14 of a securities or finance company or as an examiner or other
15 senior employee of a state or federal agency having regulatory
16 responsibility over securities or finance companies.

17 (7)(a) The Office of the Commissioner of the Treasury
18 is established in the Department of Financial Services. The
19 office shall be headed by the Commissioner of the Treasury.
20 The Commissioner of the Treasury must possess sufficient
21 education, business experience, and managerial ability to
22 effectively perform his or her duties.

23 (b) The Office of the Commissioner of the Treasury
24 shall consist of the following divisions:

25 1. Division of Accounting and Auditing, which is
26 responsible for, without limitation, unclaimed property;

27 2. Division of Information Services; and

28 3. Division of Treasury. A section of Government
29 Employee Deferred Compensation is created within the Division
30 of Treasury which shall administer the Government Employees
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1 Deferred Compensation Plan established under s. 112.215 for
2 state employees.

3 Section 3. Effective January 7, 2003, the Department
4 of Banking and Finance and the Department of Insurance are
5 transferred by a type two transfer, as defined in section
6 20.06, Florida Statutes, to the Department of Financial
7 Services.

8 Section 4. Sections 20.12 and 20.13, Florida Statutes,
9 are repealed. This section takes effect January 7, 2003.

10 Section 5. By January 31, 2002, the Division of
11 Statutory Revision of the Office of Legislative Services shall
12 prepare and submit to the President of the Senate and the
13 Speaker of the House of Representatives substantive
14 legislation to conform the Florida Statutes to the provisions
15 of this act. The legislation shall not be drafted as a
16 reviser's bill. The draft shall include provisions:

17 (1) Changing the term "Comptroller" or "Treasurer" to
18 "Chief Financial Officer" with respect to functions of the
19 Chief Financial Officer where appropriate;

20 (2) Changing references to the "Department of Banking
21 and Finance" or the "Department of Insurance" to the
22 "Department of Financial Services" where appropriate; and

23 (3) Otherwise conforming the statutes to the abolition
24 of the offices of Comptroller and Treasurer, the creation of
25 the Office of the Chief Financial Officer, the abolition of
26 the Department of Banking and Finance and the Department of
27 Insurance, and the creation of the Department of Financial
28 Services.

29 Section 6. (1) The Financial Services Transition Task
30 Force is established. The task force shall be composed of:

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1 (a) One consumer representative appointed by the
2 Governor;

3 (b) Two members appointed by the President of the
4 Senate;

5 (c) Two members appointed by the Speaker of the House
6 of Representatives;

7 (d) Two members appointed by the Comptroller; and

8 (e) Two members appointed by the Insurance
9 Commissioner and Treasurer.

10 (2) The organizational meeting of the task force must
11 be held by August 1, 2001. The members of the task force shall
12 elect a chair by majority vote. Members of the task force
13 shall serve without compensation, but shall be reimbursed for
14 per diem and travel expenses as provided in section 112.061,
15 Florida Statutes.

16 (3) The purpose of the task force is to review the
17 Florida Statutes and state rules and:

18 (a) Recommend amendments to statutes and rules made
19 necessary by the changes made by this act.

20 (b) Identify any organizational problems involving,
21 without limitation, communication among divisions, technical
22 assistance, and other services and recommend solutions to the
23 identified problems.

24 (c) Identify any issues related to technology,
25 including the coordination or incompatibility of technology
26 systems, and suggest solutions to the identified problems.

27 (d) Recommend methods to improve departmental
28 accountability, including, but not limited to, modification of
29 performance measures.

30 (4) The task force may procure information and
31 assistance from any officer or agency of the state or any

1 subdivision thereof. All such officials and agencies shall
2 give the task force all relevant information and assistance
3 with respect to any matter within their knowledge or control.

4 (5) The task force shall submit a final report to the
5 Governor, the President of the Senate, and the Speaker of the
6 House of Representatives by February 1, 2002.

7 (6) The task force terminates upon submission of its
8 final report.

9 Section 7. Effective July 1, 2001, section 633.801,
10 Florida Statutes, is created to read:

11 633.801 Short title.--Sections 633.801 through 633.830
12 may be cited as the "Florida Firefighters Occupational Safety
13 and Health Act."

14 Section 8. Effective July 1, 2001, section 633.802,
15 Florida Statutes, is created to read:

16 633.802 Definitions.--Unless the context clearly
17 requires otherwise, the following definitions apply to ss.
18 633.801 through 633.830:

19 (1) "Department" means the Department of Insurance.

20 (2) "Division" means the Division of State Fire
21 Marshal of the Department of Insurance.

22 (3) "Firefighter employee" means any person engaged in
23 any employment, public or private, as a firefighter under any
24 appointment or contract of hire or apprenticeship, express or
25 implied, oral or written, whether lawfully or unlawfully
26 employed, and includes all volunteer firefighters responding
27 to or assisting with fire or medical emergencies whether or
28 not the firefighter is on duty.

29 (4) "Firefighter employer" means the state and all
30 political subdivisions thereof, all public and quasi-public
31 corporations therein, and every person carrying on any

1 employment thereof, which employs firefighters or which uses
2 volunteer firefighters.

3 (5) "Firefighter employment" or "employment" means any
4 service performed by a firefighter employee for the
5 firefighter employer, and includes the use of all volunteer
6 firefighters.

7 (6) "Firefighter place of employment" or "place of
8 employment" means the physical location at which the
9 firefighter is employed.

10 Section 9. Effective July 1, 2001, section 633.803,
11 Florida Statutes, is created to read:

12 633.803 Legislative intent.--It is the intent of the
13 Legislature to enhance firefighter occupational safety and
14 health in this state through the implementation and
15 maintenance of policies, procedures, practices, rules, and
16 standards that reduce the incidence of firefighter employee
17 accidents, firefighter occupational diseases, and firefighter
18 fatalities compensable under chapter 440 or otherwise. The
19 Legislature further intends that the division develop a means
20 by which it can identify individual firefighter employers with
21 a high frequency or severity of work-related injuries; conduct
22 safety inspections of those firefighter employers; and assist
23 those firefighter employers in the development and
24 implemation of firefighter employee safety and health
25 programs. In addition, it is the intent of the Legislature
26 that the division administer the provisions of ss. 633.801
27 through 633.830; provide assistance to firefighter employers,
28 firefighter employees, and insurers; and enforce the policies,
29 rules, and standards set forth in ss. 633.801 through 633.830.

30 Section 10. Effective July 1, 2001, section 633.804,
31 Florida Statutes, is created to read:

1 633.804 Safety inspections, consultations; rules.--The
2 division shall adopt rules governing the manner, means, and
3 frequency of firefighter employer and firefighter employee
4 safety inspections and consultations by all insurers and
5 self-insurers.

6 Section 11. Effective July 1, 2001, section 633.805,
7 Florida Statutes, is created to read:

8 633.805 Division to make study of firefighter
9 occupational diseases, etc.--The division shall make a
10 continuous study of firefighter occupational diseases and the
11 ways and means for their control and prevention and shall make
12 and enforce necessary regulations for such control. For this
13 purpose, the division is authorized to cooperate with
14 firefighter employers, firefighter employees, and insurers and
15 with the Department of Health.

16 Section 12. Effective July 1, 2001, section 633.806,
17 Florida Statutes, is created to read:

18 633.806 Investigations by the division; refusal to
19 admit; penalty.--

20 (1) The division shall make studies and investigations
21 with respect to safety provisions and the causes of
22 firefighter injuries in firefighter places of employment, and
23 shall make to the Legislature and firefighter employers and
24 insurers such recommendations as it considers proper as to the
25 best means of preventing firefighter injuries. In making such
26 studies and investigations, the division may:

27 (a) Cooperate with any agency of the United States
28 charged with the duty of enforcing any law securing safety
29 against injury in any place of firefighter employment covered
30 by ss. 633.801 through 633.830, or any agency or department of
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1 the state engaged in enforcing any law to assure safety for
2 firefighter 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 place of firefighter employment at
7 any reasonable time for the purpose of investigating
8 compliance with ss. 633.801 through 633.830 and making
9 inspections for the proper enforcement of ss. 633.801 through
10 633.830. Any firefighter employer who refuses to admit any
11 member of the division or its authorized representative to any
12 place of firefighter employment or to allow investigation and
13 inspection pursuant to this subsection is guilty of a
14 misdemeanor of the second degree, punishable as provided in s.
15 775.082 or s. 775.083.

16 (3) The division by rule may adopt procedures for
17 conducting investigations of firefighter employers under ss.
18 633.801 through 633.830.

19 Section 13. Effective July 1, 2001, section 633.807,
20 Florida Statutes, is created to read:

21 633.807 Safety; firefighter employer
22 responsibilities.--Every firefighter employer shall furnish to
23 firefighters employment that is safe for the firefighter
24 employees, furnish and use safety devices and safeguards,
25 adopt and use methods and processes reasonably adequate to
26 render such an employment and place of employment safe, and do
27 every other thing reasonably necessary to protect the lives,
28 health, and safety of such firefighter employees. As used in
29 this section, the terms "safe" and "safety" as applied to any
30 employment or place of firefighter employment mean such
31 freedom from danger as is reasonably necessary for the

1 protection of the lives, health, and safety of firefighter
2 employees, including conditions and methods of sanitation and
3 hygiene. Safety devices and safeguards required to be
4 furnished by the firefighter employer by this section or by
5 the division under authority of this section shall not include
6 personal apparel and protective devices that replace personal
7 apparel normally worn by firefighter employees during regular
8 working hours.

9 Section 14. Effective July 1, 2001, section 633.808,
10 Florida Statutes, is created to read:

11 633.808 Division authority.--The division shall:

12 (1) Investigate and prescribe by rule what safety
13 devices, safeguards, or other means of protection must be
14 adopted for the prevention of accidents in every firefighter
15 place of employment or at any fire scene; determine what
16 suitable devices, safeguards, or other means of protection for
17 the prevention of occupational diseases must be adopted or
18 followed in any or all such firefighter places of employment
19 or at any fire scene; and adopt reasonable rules for the
20 prevention of accidents, the safety, protection, and security
21 of firefighters engaged in interior firefighting, and the
22 prevention of occupational diseases.

23 (2) Ascertain, fix, and order such reasonable
24 standards and rules for the construction, repair, and
25 maintenance of firefighter places of employment as shall
26 render them safe. Such rules and standards must be adopted in
27 accordance with chapter 120.

28 (3) Assist firefighter employers in the development
29 and implementation of firefighter employee safety training
30 programs by contracting with professional safety
31 organizations.

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

8 Section 15. Effective July 1, 2001, section 633.809,
9 Florida Statutes, is created to read:

10 633.809 Right of entry.--The division and its
11 authorized representatives may enter at any reasonable time
12 any firefighter place of employment for the purpose of
13 examining any tool, appliance, or machinery used in such
14 employment and may make inspections for the proper enforcement
15 of ss. 633.801 through 633.830. A firefighter employer or
16 owner may not refuse to admit any member of the division or
17 its authorized representatives to any firefighter place of
18 employment.

19 Section 16. Effective July 1, 2001, section 633.810,
20 Florida Statutes, is created to read:

21 633.810 Firefighter employers whose firefighter
22 employees have a high frequency of work-related injuries.--The
23 division shall develop a means by which it can identify
24 individual firefighter employers whose firefighter employees
25 have a high frequency or severity of work-related injuries.
26 The division shall carry out safety inspections of the
27 facilities and operations of these firefighter employers in
28 order to assist them in reducing the frequency and severity of
29 work-related injuries. The division shall develop safety and
30 health programs for those firefighter employers. Insurers
31 shall distribute these safety and health programs to the

1 firefighter employers so identified by the division. Those
2 firefighter employers identified by the division as having a
3 high frequency or severity of work-related injuries shall
4 implement a division-developed safety and health program. The
5 division shall carry out safety inspections of those
6 firefighter employers so identified to ensure compliance with
7 the safety and health program and to assist such firefighter
8 employers in reducing the number of work-related injuries. The
9 division may not assess penalties as the result of such
10 inspections, except as provided by s. 633.813. Copies of any
11 report made as the result of such an inspection must be
12 provided to the firefighter employer and its insurer.
13 Firefighter employers may submit their own safety and health
14 programs to the division for approval in lieu of using the
15 division-developed safety and health program. The division
16 must promptly review the program submitted and approve or
17 disapprove it. Upon approval by the division, the program must
18 be implemented by the firefighter employer. If the program is
19 not approved or if a program is not submitted, the firefighter
20 employer must implement the division-developed program. The
21 division shall adopt rules setting forth the criteria for
22 safety and health programs.

23 Section 17. Effective July 1, 2001, section 633.811,
24 Florida Statutes, is created to read:

25 633.811 Insurer consultations.--Each insurer writing
26 workers' compensation insurance in this state, each
27 firefighter employer qualifying as an individual self-insurer
28 under s. 440.38, each self-insurance fund under s. 624.461,
29 and each assessable mutual insurer under s. 628.6011 must
30 provide safety consultations to each of its policyholders who
31 requests such consultations. Each such insurer or self-insurer

1 must inform its policyholders of the availability of such
2 consultations. The division is responsible for approving all
3 safety and health programs. The division shall aid all
4 insurers and self insurers in establishing their safety and
5 health programs by setting out criteria in an appropriate
6 format.

7 Section 18. Effective July 1, 2001, section 633.812,
8 Florida Statutes, is created to read:

9 633.812 Workplace safety committees and safety
10 coordinators.--

11 (1) In order to promote health and safety in places of
12 firefighter employment in this state:

13 (a) Each firefighter employer of 20 or more
14 firefighter employees shall establish and administer a
15 workplace safety committee in accordance with rules adopted
16 under this section.

17 (b) Each firefighter employer of fewer than 20
18 firefighter employees which is identified by the division as
19 having high frequency or severity of work-related injuries
20 shall establish and administer a workplace safety committee or
21 designate a workplace safety coordinator who shall establish
22 and administer workplace safety activities in accordance with
23 rules adopted under this section.

24 (2) The division shall adopt rules:

25 (a) Prescribing the membership of the workplace safety
26 committees so as to ensure an equal number of firefighter
27 employee representatives, who are volunteers or are elected by
28 their peers, and of firefighter employer representatives, and
29 specifying the frequency of meetings.

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1 (b) Requiring firefighter employers to make adequate
2 records of each meeting and to file and to maintain the
3 records subject to inspection by the division.

4 (c) Prescribing the duties and functions of the
5 workplace safety committee and workplace safety coordinator,
6 which include, but are not limited to:

7 1. Establishing procedures for workplace safety
8 inspections by the committee.

9 2. Establishing procedures investigating all workplace
10 accidents, safety-related incidents, illnesses, and deaths.

11 3. Evaluating accident-prevention and
12 illness-prevention programs.

13 4. Prescribing guidelines for the training of safety
14 committee members.

15 (3) The composition, selection, and function of safety
16 committees shall be a mandatory topic of negotiations with any
17 certified collective bargaining agent for firefighter
18 employers that operate under a collective bargaining
19 agreement. Firefighter employers that operate under a
20 collective bargaining agreement that contains provisions
21 regulating the formation and operation of workplace safety
22 committees that meet or exceed the minimum requirements
23 contained in this section, or firefighter employers who
24 otherwise have existing workplace safety committees that meet
25 or exceed the minimum requirements established by this section
26 are in compliance with this section.

27 (4) Firefighter employees must be compensated their
28 regular hourly wage while engaged in workplace safety
29 committee or workplace safety coordinator training, meetings,
30 or other duties prescribed under this section.

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1 Section 19. Effective July 1, 2001, section 633.813,
2 Florida Statutes, is created to read:

3 633.813 Firefighter employer penalties.--If any
4 firefighter employer violates or fails or refuses to comply
5 with ss. 633.801 through 633.830, or with any rule adopted by
6 the division, in accordance with chapter 120, for the
7 prevention of injuries, accidents, or occupational diseases or
8 with any lawful order of the division in connection with ss.
9 633.801 through 633.830, or fails or refuses to furnish or
10 adopt any safety device, safeguard, or other means of
11 protection prescribed by the division under ss. 633.801
12 through 633.830 for the prevention of accidents or
13 occupational diseases, the division may assess against the
14 firefighter employer a civil penalty of not less than \$100 nor
15 more than \$5,000 for each day the violation, omission,
16 failure, or refusal continues after the firefighter employer
17 has been given notice thereof in writing. The total penalty
18 for each violation may not exceed \$50,000. The division shall
19 adopt rules requiring penalties commensurate with the
20 frequency or severity, or both, of safety violations. A
21 hearing must be held in the county where the violation,
22 omission, failure, or refusal is alleged to have occurred,
23 unless otherwise agreed to by the firefighter employer and
24 authorized by the division. All penalties assessed and
25 collected under this section shall be deposited in the
26 Insurance Commissioner's Regulatory Trust Fund.

27 Section 20. Effective July 1, 2001, section 633.814,
28 Florida Statutes, is created to read:

29 633.814 Division cooperation with Federal Government;
30 exemption from division requirements.--

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1 (1) The division shall cooperate with the Federal
2 Government so that duplicate inspections will be avoided yet
3 assure safe places of firefighter employment for the citizens
4 of this state.

5 (2) Except as provided in this section, a private
6 firefighter employer is not subject to the requirements of the
7 division if:

8 (a) The private firefighter employer is subject to the
9 federal regulations in 29 C.F.R. ss. 1910 and 1926;

10 (b) The private firefighter employer has adopted and
11 implemented a written safety program that conforms to the
12 requirements of 29 C.F.R. ss. 1910 and 1926;

13 (c) A private firefighter employer with 20 or more
14 full-time firefighter employees shall include provisions for a
15 safety committee in the safety program. The safety committee
16 must include firefighter employee representation and must meet
17 at least once each calendar quarter. The private firefighter
18 employer must make adequate records of each meeting and
19 maintain the records subject to inspections under subsection

20 (3). The safety committee shall, if appropriate, make
21 recommendations regarding improvements to the safety program
22 and corrections of hazards affecting workplace safety; and

23 (d) The private firefighter employer provides the
24 division with a written statement that certifies compliance
25 with this subsection.

26 (3) The division may enter at any reasonable time any
27 place of firefighter employment for the purposes of verifying
28 the accuracy of the written certification. If the division
29 determines that the firefighter employer has not complied with
30 the requirements of subsection (2), the firefighter employer
31 shall be subject to the rules of the division until the

1 firefighter employer complies with subsection (2) and
2 recertifies that fact to the division.

3 (4) This section shall not restrict the division from
4 performing any duties pursuant to a written contract between
5 the division and the Federal Occupational Safety and Health
6 Administration (OSHA).

7 Section 21. Effective July 1, 2001, section 633.815,
8 Florida Statutes, is created to read:

9 633.815 Failure to implement a safety and health
10 program; cancellations.--If a firefighter employer that is
11 found by the division to have a high frequency or severity of
12 work-related injuries fails to implement a safety and health
13 program, the insurer or self-insurer's fund that is providing
14 coverage fo r the firefighter employer may cancel the contract
15 for insurance with the firefighter employer. In the
16 alternative, the insurer or fund may terminate any discount or
17 deviation granted to the firefighter employer for the
18 remainder of the term of the policy. If the contract is
19 canceled or the discount or deviation is terminated, the
20 insurer must make such reports as are required by law.

21 Section 22. Effective July 1, 2001, section 633.816,
22 Florida Statutes, is created to read:

23 633.816 Expenses of administration.--The amounts that
24 are needed to administer ss. 633.801 through 633.830 shall be
25 disbursed from the Insurance Commissioner's Regulatory Trust
26 Fund.

27 Section 23. Effective July 1, 2001, section 633.817,
28 Florida Statutes, is created to read:

29 633.817 Refusal to admit; penalty.--The division and
30 its authorized representatives may enter and inspect any place
31 of firefighter employment at any reasonable time for the

1 purpose of investigating compliance with ss. 633.801 through
2 633.830 and conducting inspections for the proper enforcement
3 of ss. 633.801 through 633.830. A firefighter employer who
4 refuses to admit any member of the division or its authorized
5 representative to any place of employment or to allow
6 investigation and inspection pursuant to this section commits
7 a misdemeanor of the second degree, punishable as provided in
8 s. 775.082 or s. 775.083.

9 Section 24. Effective July 1, 2001, section 633.818,
10 Florida Statutes, is created to read:

11 633.818 Firefighter employee rights and
12 responsibilities.--

13 (1) Each firefighter employee of a firefighter
14 employer covered under ss. 633.801 through 633.830 shall
15 comply with rules adopted by the division and with reasonable
16 workplace safety and health standards, rules, policies,
17 procedures, and work practices established by the firefighter
18 employer and the workplace safety committee. A firefighter
19 employee who knowingly fails to comply with this subsection
20 maybe disciplined or discharged by the firefighter employer.

21 (2) A firefighter employer may not discharge, threaten
22 to discharge, cause to be discharged, intimidate, coerce,
23 otherwise discipline, or in any manner discriminate against a
24 firefighter employee for any of the following reasons:

25 (a) The firefighter employee has testified or is about
26 to testify, on her or his own behalf, or on behalf of others,
27 in any proceeding instituted under ss. 633.801 through
28 633.830;

29 (b) The firefighter employee has exercised any other
30 right afforded under ss. 633.801 through 633.830; or
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1 (c) The firefighter employee is engaged in activities
2 relating to the workplace safety committee.

3 (3) Neither pay, position, seniority, nor other
4 benefit may be lost for exercising any right under, or for
5 seeking compliance with, any requirement of ss. 633.801
6 through 633.830.

7 Section 25. Effective July 1, 2001, section 633.819,
8 Florida Statutes, is created to read:

9 633.819 Compliance.--Failure of a firefighter employer
10 or an insurer to comply with ss. 633.801 through 633.830, or
11 with any rules adopted under s.. 633.801 through 633.830,
12 constitutes grounds for the division to seek remedies,
13 including injunctive relief, for compliance by making
14 appropriate filings with the Circuit Court of Leon County.

15 Section 26. Effective July 1, 2001, section 633.820,
16 Florida Statutes, is created to read:

17 633.820 False statements to insurers.--A firefighter
18 employer who knowingly and willfully falsifies or conceals a
19 material fact, makes a false, fictitious, or fraudulent
20 statement or representation; or makes or uses any false
21 document knowing the document to contain any false fictitious,
22 or fraudulent entry or statement to an insurer of workers'
23 compensation insurance under ss. 633.801 through 633.830 is
24 guilty of a misdemeanor of the second degree, punishable as
25 provided in s. 775.082 or s. 775.083.

26 Section 27. Effective July 1, 2001, section 633.821,
27 Florida Statutes, is created to read:

28 633.821 Insurer penalties.--If any insurer violates,
29 or fails or refuses to comply with, ss. 633.801 through
30 633.830 or with any rule adopted or order issued under ss.
31 633.801 through 633.830, the division, after notice and

1 hearing in accordance with chapter 120, may assess against the
2 insurer a civil penalty of not less than \$100 nor more than
3 \$5,000 each day the violation, failure, or refusal continues
4 after the insurer has been given written notice thereof. The
5 total penalty for each violation, failure, or refusal may not
6 exceed \$50,000. The division shall adopt rules providing for
7 penalties for noncompliance with ss. 633.801 through 633.830
8 by insurers. All penalties assessed and collected under this
9 section shall be deposited in the Insurance Commissioner's
10 Regulatory Trust Fund.

11 Section 28. Effective July 1, 2001, section 633.823,
12 Florida Statutes, is created to read:

13 633.823 Matters within jurisdiction of the division;
14 false, fictitious, or fraudulent acts, statements, and
15 representations prohibited; penalty; statute of
16 limitations.--A person may not, in any matter within the
17 jurisdiction of the division, knowingly and willfully falsify
18 or conceal a material fact; make any false, fictitious, or
19 fraudulent statement or representation; or make or use any
20 false document, knowing the same to contain any false,
21 fictitious, or fraudulent statement or entry. A person who
22 violates this section commits a misdemeanor of the second
23 degree, punishable as provided in s. 775.082 or s. 775.083.
24 The statute of limitations for prosecution of an act committed
25 in violation of this section is 5 years after the date the act
26 was committed or, if not discovered within 30 days after the
27 act was committed, 5 years after the date the act was
28 discovered.

29 Section 29. Effective July 1, 2001, section 633.825,
30 Florida Statutes, is created to read:

31 633.825 Workplace safety.--

1 (1) The division shall assist in making the workplace
2 a safer place to work and decreasing the frequency and
3 severity of on-the-job injuries.

4 (2) The division shall have the authority to adopt
5 rules for the purpose of assuring safe working conditions for
6 all firefighter employees by authorizing the enforcement of
7 effective standards, assisting and encouraging firefighter
8 employers to maintain safe working conditions, and by
9 providing for education and training in the field of safety.
10 For firefighter employers, the division may by rule adopt
11 subparts C through T and subpart Z of 29 C.F.R. part 1910;
12 subparts C through Z of 29 C.F.R. part 1926; subparts A
13 through D, subpart I, and subpart M of 29 C.F.R. part 1928;
14 subparts A through G of 29 C.F.R. part 1917; subparts A
15 through L and subpart Z of 29 C.F.R. part 1915; subparts A
16 through J of 29 C.F.R. part 1918, latest revision, provided
17 that 29 C.F.R. s. 1910.156 applies to volunteer firefighters
18 and fire departments operated by the state or political
19 subdivisions; the National Fire Protection Association, Inc.,
20 Standard 1500, paragraph 5-7 (Personal Alert Safety System)
21 (1992 edition); and ANSI A 10.4-1990.

22 (3) The provisions of chapter 440 which pertain to
23 workplace safety shall be applicable to the division.

24 (4) The division shall have authority to adopt any
25 rule necessary to implement, interpret, and make specific any
26 matter pertaining to any subject or reference contained in
27 this section, including all of the provisions referred to in
28 subsection (2), as they relate to firefighter employees,
29 firefighter employers, and firefighter places of employment.

30 Section 30. Except as otherwise provided in this act,
31 this act shall take effect July 1, 2001.

1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 SBs 1970 and 164
4 Retains all provisions of SB 1970.
5 Removes all provisions of SB 164.
6 Creates Department of Financial Services.
7 Makes CFO head of department.
8 Creates four offices headed by commissioners.
9 Establishes qualifications for commissioners.
10 Creates Financial Services Transition Task Force.
11 Requires Statutory Revision to prepare bill making changes to
12 statutes.
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