

By the Committees on Banking and Insurance; Governmental Oversight and Productivity; and Senators Latvala, Geller and Garcia

311-1704-01

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. 633.801, 633.802, 633.803,
25 633.804, 633.805, 633.806, 633.807, 633.808,
26 633.809, 633.810, 633.812, 633.813, 633.814,
27 633.815, 633.816, 633.817, 633.818, 633.819,
28 633.820, 633.823, 633.825, F.S.; designating
29 such sections as the Florida Firefighter
30 Occupational Safety and Health Act; providing
31 definitions; providing legislative intent;

1 authorizing the Division of State Fire Marshal
2 to adopt rules related to firefighter safety
3 inspections; requiring the division to conduct
4 a study; authorizing representatives of the
5 division to enter and inspect any place of
6 firefighter employment; providing criminal
7 penalties for refusal to allow inspection;
8 requiring firefighter employers to provide safe
9 employment conditions; authorizing the division
10 to adopt rules that prescribe means for
11 preventing accidents in firefighter places of
12 employment and establish standards for
13 construction, repair, and maintenance, and
14 related rules; requiring the division to
15 inspect firefighter employers; requiring
16 firefighter employers to establish workplace
17 safety committees and to maintain certain
18 records; providing penalties for firefighter
19 employers who violate provisions of this act;
20 providing exemptions; providing for the source
21 of funding of the division; specifying
22 firefighter employees' rights and
23 responsibilities; providing penalties for
24 firefighter employers who make false statements
25 to the division or to an insurer; authorizing
26 the division to adopt rules for assuring safe
27 working conditions for all firefighter
28 employees; providing an effective date.

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30 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. Effective January 7, 2003, section 17.001,
2 Florida Statutes, is created to read:

3 17.001 Financial Officer.--As provided in s. 4(c),
4 Art. IV of the State Constitution, the Chief Financial Officer
5 is the chief fiscal officer of the state and is responsible
6 for settling and approving accounts against the state and
7 keeping all state funds and securities.

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

10 20.121 Department of Financial Services.--There is
11 created a Department of Financial Services.

12 (1) The head of the Department of Financial Services
13 is the Chief Financial Officer.

14 (2)(a) The Division of Administration is created
15 within the Office of the Chief Financial Officer. The division
16 is headed by a director who is appointed by and serves at the
17 pleasure of the Chief Financial Officer. A Bureau of Financial
18 and Support Services is created within the division.

19 (b) The Division of Financial Investigations is
20 created within the Office of the Chief Financial Officer. The
21 division is headed by a director who is appointed by and
22 serves at the pleasure of the Chief Financial Officer.

23 (3) Notwithstanding the requirements of s. 20.04 and
24 except as otherwise provided in this section, the principal
25 policy and program development unit of the department is the
26 "office." Each office is headed by a commissioner who is
27 appointed by and serves at the pleasure of the Chief Financial
28 Officer. Each commissioner shall perform such duties as are
29 specified in this section and such other duties as are
30 assigned by the Chief Financial Officer. The principal unit of
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1 each office is the "division." Each division is headed by a
2 "director."

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

13 (b) The Office of the Commissioner of Insurance shall
14 consist of the following divisions:

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

22 (5)(a) The Office of the Commissioner of Financial
23 Institutions is established in the Department of Financial
24 Services. The office shall be headed by the Commissioner of
25 Financial Institutions. Prior to appointment, the Commissioner
26 of Financial Institutions must have had, within the previous
27 10 years, at least 5 years of experience as a senior officer
28 of a financial institution, as defined in s. 655.005, or as an
29 examiner or other senior employee of a state or federal agency
30 having regulatory responsibility over financial institutions.

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1 (b) The Office of the Commissioner of Financial
2 Institutions shall consist of the following divisions:

3 1. Division of Banking; and

4 2. Division of Credit Unions.

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

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

20 (b) The Office of the Commissioner of the Treasury
21 shall consist of the following divisions:

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

24 2. Division of Information Services; and

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

30 Section 3. Effective January 7, 2003, the Department
31 of Banking and Finance and the Department of Insurance are

1 transferred by a type two transfer, as defined in section
2 20.06, Florida Statutes, to the Department of Financial
3 Services.

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

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

13 (1) Changing the term "Comptroller" or "Treasurer" to
14 "Chief Financial Officer" with respect to functions of the
15 Chief Financial Officer where appropriate;

16 (2) Changing references to the "Department of Banking
17 and Finance" or the "Department of Insurance" to the
18 "Department of Financial Services" where appropriate; and

19 (3) Otherwise conforming the statutes to the abolition
20 of the offices of Comptroller and Treasurer, the creation of
21 the Office of the Chief Financial Officer, the abolition of
22 the Department of Banking and Finance and the Department of
23 Insurance, and the creation of the Department of Financial
24 Services.

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

27 (a) One consumer representative appointed by the
28 Governor;

29 (b) Two members appointed by the President of the
30 Senate;

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1 (c) Two members appointed by the Speaker of the House
2 of Representatives;

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

4 (e) Two members appointed by the Insurance
5 Commissioner and Treasurer.

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

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

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

16 (b) Identify any organizational problems involving,
17 without limitation, communication among divisions, technical
18 assistance, and other services and recommend solutions to the
19 identified problems.

20 (c) Identify any issues related to technology,
21 including the coordination or incompatibility of technology
22 systems, and suggest solutions to the identified problems.

23 (d) Recommend methods to improve departmental
24 accountability, including, but not limited to, modification of
25 performance measures.

26 (4) The task force may procure information and
27 assistance from any officer or agency of the state or any
28 subdivision thereof. All such officials and agencies shall
29 give the task force all relevant information and assistance
30 with respect to any matter within their knowledge or control.

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

4 (6) The task force terminates upon submission of its
5 final report.

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

8 633.801 Short title.--Sections 633.801 through 633.825
9 may be cited as the "Florida Firefighters Occupational Safety
10 and Health Act."

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

13 633.802 Definitions.--Unless the context clearly
14 requires otherwise, the following definitions apply to ss.
15 633.801 through 633.825:

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

17 (2) "Division" means the Division of State Fire
18 Marshal of the Department of Insurance.

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

26 (4) "Firefighter employer" means the state and all
27 political subdivisions thereof, all public and quasi-public
28 corporations therein, and every person carrying on any
29 employment thereof, which employs firefighters or which uses
30 volunteer firefighters.

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

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

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

10 633.803 Legislative intent.--It is the intent of the
11 Legislature to enhance firefighter occupational safety and
12 health in this state through the implementation and
13 maintenance of policies, procedures, practices, rules, and
14 standards that reduce the incidence of firefighter employee
15 accidents, firefighter occupational diseases, and firefighter
16 fatalities compensable under chapter 440 or otherwise. The
17 Legislature further intends that the division develop a means
18 by which it can identify individual firefighter employers with
19 a high frequency or severity of work-related injuries; conduct
20 safety inspections of those firefighter employers; and assist
21 those firefighter employers in the development and
22 implemation of firefighter employee safety and health
23 programs. In addition, it is the intent of the Legislature
24 that the division administer the provisions of ss. 633.801
25 through 633.825; provide assistance to firefighter employers,
26 firefighter employees, and insurers; and enforce the policies,
27 rules, and standards set forth in ss. 633.801 through 633.825.

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

30 633.804 Safety inspections, consultations; rules.--The
31 division shall adopt rules governing the manner, means, and

1 frequency of firefighter employer and firefighter employee
2 safety inspections and consultations by all insurers and
3 self-insurers.

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

6 633.805 Division to make study of firefighter
7 occupational diseases, etc.--The division shall make a
8 continuous study of firefighter occupational diseases and the
9 ways and means for their control and prevention and shall make
10 and enforce necessary regulations for such control. For this
11 purpose, the division is authorized to cooperate with
12 firefighter employers, firefighter employees, and insurers and
13 with the Department of Health.

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

16 633.806 Investigations by the division; refusal to
17 admit; penalty.--

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

25 (a) Cooperate with any agency of the United States
26 charged with the duty of enforcing any law securing safety
27 against injury in any place of firefighter employment covered
28 by ss. 633.801 through 633.825, or any agency or department of
29 the state engaged in enforcing any law to assure safety for
30 firefighter employees.

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

3 (2) The division and its authorized representatives
4 may enter and inspect any place of firefighter employment at
5 any reasonable time for the purpose of investigating
6 compliance with ss. 633.801 through 633.825 and making
7 inspections for the proper enforcement of ss. 633.801 through
8 633.825. Any firefighter employer who refuses to admit any
9 member of the division or its authorized representative to any
10 place of firefighter employment or to allow investigation and
11 inspection pursuant to this subsection is guilty of a
12 misdemeanor of the second degree, punishable as provided in s.
13 775.082 or s. 775.083.

14 (3) The division by rule may adopt procedures for
15 conducting investigations of firefighter employers under ss.
16 633.801 through 633.825.

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

19 633.807 Safety; firefighter employer
20 responsibilities.--Every firefighter employer shall furnish to
21 firefighters employment that is safe for the firefighter
22 employees, furnish and use safety devices and safeguards,
23 adopt and use methods and processes reasonably adequate to
24 render such an employment and place of employment safe, and do
25 every other thing reasonably necessary to protect the lives,
26 health, and safety of such firefighter employees. As used in
27 this section, the terms "safe" and "safety" as applied to any
28 employment or place of firefighter employment mean such
29 freedom from danger as is reasonably necessary for the
30 protection of the lives, health, and safety of firefighter
31 employees, including conditions and methods of sanitation and

1 hygiene. Safety devices and safeguards required to be
2 furnished by the firefighter employer by this section or by
3 the division under authority of this section shall not include
4 personal apparel and protective devices that replace personal
5 apparel normally worn by firefighter employees during regular
6 working hours.

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

9 633.808 Division authority.--The division shall:

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

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

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

30 (4) Adopt rules prescribing recordkeeping
31 responsibilities for firefighter employers, which may include

1 rules for maintaining a log and summary of occupational
2 injuries, diseases, and illnesses and for producing on request
3 a notice of injury and firefighter employee accident
4 investigation records, and rules prescribing a retention
5 schedule for such records.

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

8 633.809 Right of entry.--The division and its
9 authorized representatives may enter at any reasonable time
10 any firefighter place of employment for the purpose of
11 examining any tool, appliance, or machinery used in such
12 employment and may make inspections for the proper enforcement
13 of ss. 633.801 through 633.825. A firefighter employer or
14 owner may not refuse to admit any member of the division or
15 its authorized representatives to any firefighter place of
16 employment.

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

19 633.810 Firefighter employers whose firefighter
20 employees have a high frequency of work-related injuries.--The
21 division shall develop a means by which it can identify
22 individual firefighter employers whose firefighter employees
23 have a high frequency or severity of work-related injuries.
24 The division shall carry out safety inspections of the
25 facilities and operations of these firefighter employers in
26 order to assist them in reducing the frequency and severity of
27 work-related injuries. The division shall develop safety and
28 health programs for those firefighter employers. Insurers
29 shall distribute these safety and health programs to the
30 firefighter employers so identified by the division. Those
31 firefighter employers identified by the division as having a

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

21 Section 17. Effective July 1, 2001, section 633.812,
22 Florida Statutes, is created to read:

23 633.812 Workplace safety committees and safety
24 coordinators.--

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

27 (a) Each firefighter employer of 20 or more
28 firefighter employees shall establish and administer a
29 workplace safety committee in accordance with rules adopted
30 under this section.

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1 (b) Each firefighter employer of fewer than 20
2 firefighter employees which is identified by the division as
3 having high frequency or severity of work-related injuries
4 shall establish and administer a workplace safety committee or
5 designate a workplace safety coordinator who shall establish
6 and administer workplace safety activities in accordance with
7 rules adopted under this section.

8 (2) The division shall adopt rules:

9 (a) Prescribing the membership of the workplace safety
10 committees so as to ensure an equal number of firefighter
11 employee representatives, who are volunteers or are elected by
12 their peers, and of firefighter employer representatives, and
13 specifying the frequency of meetings.

14 (b) Requiring firefighter employers to make adequate
15 records of each meeting and to file and to maintain the
16 records subject to inspection by the division.

17 (c) Prescribing the duties and functions of the
18 workplace safety committee and workplace safety coordinator,
19 which include, but are not limited to:

20 1. Establishing procedures for workplace safety
21 inspections by the committee.

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

24 3. Evaluating accident-prevention and
25 illness-prevention programs.

26 4. Prescribing guidelines for the training of safety
27 committee members.

28 (3) The composition, selection, and function of safety
29 committees shall be a mandatory topic of negotiations with any
30 certified collective bargaining agent for firefighter
31 employers that operate under a collective bargaining

1 agreement. Firefighter employers that operate under a
2 collective bargaining agreement that contains provisions
3 regulating the formation and operation of workplace safety
4 committees that meet or exceed the minimum requirements
5 contained in this section, or firefighter employers who
6 otherwise have existing workplace safety committees that meet
7 or exceed the minimum requirements established by this section
8 are in compliance with this section.

9 (4) Firefighter employees must be compensated their
10 regular hourly wage while engaged in workplace safety
11 committee or workplace safety coordinator training, meetings,
12 or other duties prescribed under this section.

13 Section 18. Effective July 1, 2001, section 633.813,
14 Florida Statutes, is created to read:

15 633.813 Firefighter employer penalties.--If any
16 firefighter employer violates or fails or refuses to comply
17 with ss. 633.801 through 633.825, or with any rule adopted by
18 the division, in accordance with chapter 120, for the
19 prevention of injuries, accidents, or occupational diseases or
20 with any lawful order of the division in connection with ss.
21 633.801 through 633.825, or fails or refuses to furnish or
22 adopt any safety device, safeguard, or other means of
23 protection prescribed by the division under ss. 633.801
24 through 633.825 for the prevention of accidents or
25 occupational diseases, the division may assess against the
26 firefighter employer a civil penalty of not less than \$100 nor
27 more than \$5,000 for each day the violation, omission,
28 failure, or refusal continues after the firefighter employer
29 has been given notice thereof in writing. The total penalty
30 for each violation may not exceed \$50,000. The division shall
31 adopt rules requiring penalties commensurate with the

1 frequency or severity, or both, of safety violations. A
2 hearing must be held in the county where the violation,
3 omission, failure, or refusal is alleged to have occurred,
4 unless otherwise agreed to by the firefighter employer and
5 authorized by the division. All penalties assessed and
6 collected under this section shall be deposited in the
7 Insurance Commissioner's Regulatory Trust Fund.

8 Section 19. Effective July 1, 2001, section 633.814,
9 Florida Statutes, is created to read:

10 633.814 Division cooperation with Federal Government;
11 exemption from division requirements.--

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

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

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

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

24 (c) A private firefighter employer with 20 or more
25 full-time firefighter employees shall include provisions for a
26 safety committee in the safety program. The safety committee
27 must include firefighter employee representation and must meet
28 at least once each calendar quarter. The private firefighter
29 employer must make adequate records of each meeting and
30 maintain the records subject to inspections under subsection

31 (3). The safety committee shall, if appropriate, make

1 recommendations regarding improvements to the safety program
2 and corrections of hazards affecting workplace safety; and

3 (d) The private firefighter employer provides the
4 division with a written statement that certifies compliance
5 with this subsection.

6 (3) The division may enter at any reasonable time any
7 place of firefighter employment for the purposes of verifying
8 the accuracy of the written certification. If the division
9 determines that the firefighter employer has not complied with
10 the requirements of subsection (2), the firefighter employer
11 shall be subject to the rules of the division until the
12 firefighter employer complies with subsection (2) and
13 recertifies that fact to the division.

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

18 Section 20. Effective July 1, 2001, section 633.815,
19 Florida Statutes, is created to read:

20 633.815 Failure to implement a safety and health
21 program; cancellations.--If a firefighter employer that is
22 found by the division to have a high frequency or severity of
23 work-related injuries fails to implement a safety and health
24 program, the insurer or self-insurer's fund that is providing
25 coverage for the firefighter employer may cancel the contract
26 for insurance with the firefighter employer. In the
27 alternative, the insurer or fund may terminate any discount or
28 deviation granted to the firefighter employer for the
29 remainder of the term of the policy. If the contract is
30 canceled or the discount or deviation is terminated, the
31 insurer must make such reports as are required by law.

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

3 633.816 Expenses of administration.--The amounts that
4 are needed to administer ss. 633.801 through 633.825 shall be
5 disbursed from the Insurance Commissioner's Regulatory Trust
6 Fund.

7 Section 22. Effective July 1, 2001, section 633.817,
8 Florida Statutes, is created to read:

9 633.817 Refusal to admit; penalty.--The division and
10 its authorized representatives may enter and inspect any place
11 of firefighter employment at any reasonable time for the
12 purpose of investigating compliance with ss. 633.801 through
13 633.825 and conducting inspections for the proper enforcement
14 of ss. 633.801 through 633.825. A firefighter employer who
15 refuses to admit any member of the division or its authorized
16 representative to any place of employment or to allow
17 investigation and inspection pursuant to this section commits
18 a misdemeanor of the second degree, punishable as provided in
19 s. 775.082 or s. 775.083.

20 Section 23. Effective July 1, 2001, section 633.818,
21 Florida Statutes, is created to read:

22 633.818 Firefighter employee rights and
23 responsibilities.--

24 (1) Each firefighter employee of a firefighter
25 employer covered under ss. 633.801 through 633.825 shall
26 comply with rules adopted by the division and with reasonable
27 workplace safety and health standards, rules, policies,
28 procedures, and work practices established by the firefighter
29 employer and the workplace safety committee. A firefighter
30 employee who knowingly fails to comply with this subsection
31 maybe disciplined or discharged by the firefighter employer.

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

5 (a) The firefighter employee has testified or is about
6 to testify, on her or his own behalf, or on behalf of others,
7 in any proceeding instituted under ss. 633.801 through
8 633.825;

9 (b) The firefighter employee has exercised any other
10 right afforded under ss. 633.801 through 633.825; or

11 (c) The firefighter employee is engaged in activities
12 relating to the workplace safety committee.

13 (3) Neither pay, position, seniority, nor other
14 benefit may be lost for exercising any right under, or for
15 seeking compliance with, any requirement of ss. 633.801
16 through 633.825.

17 Section 24. Effective July 1, 2001, section 633.819,
18 Florida Statutes, is created to read:

19 633.819 Compliance.--Failure of a firefighter employer
20 or an insurer to comply with ss. 633.801 through 633.830, or
21 with any rules adopted under ss. 633.801 through 633.830,
22 constitutes grounds for the division to seek remedies,
23 including injunctive relief, for compliance by making
24 appropriate filings with the Circuit Court of Leon County.

25 Section 25. Effective July 1, 2001, section 633.820,
26 Florida Statutes, is created to read:

27 633.820 False statements to insurers.--A firefighter
28 employer who knowingly and willfully falsifies or conceals a
29 material fact, makes a false, fictitious, or fraudulent
30 statement or representation; or makes or uses any false
31 document knowing the document to contain any false fictitious,

1 or fraudulent entry or statement to an insurer of workers'
2 compensation insurance under ss. 633.801 through 633.825 is
3 guilty of a misdemeanor of the second degree, punishable as
4 provided in s. 775.082 or s. 775.083.

5 Section 26. Effective July 1, 2001, section 633.823,
6 Florida Statutes, is created to read:

7 633.823 Matters within jurisdiction of the division;
8 false, fictitious, or fraudulent acts, statements, and
9 representations prohibited; penalty; statute of
10 limitations.--A person may not, in any matter within the
11 jurisdiction of the division, knowingly and willfully falsify
12 or conceal a material fact; make any false, fictitious, or
13 fraudulent statement or representation; or make or use any
14 false document, knowing the same to contain any false,
15 fictitious, or fraudulent statement or entry. A person who
16 violates this section commits a misdemeanor of the second
17 degree, punishable as provided in s. 775.082 or s. 775.083.
18 The statute of limitations for prosecution of an act committed
19 in violation of this section is 5 years after the date the act
20 was committed or, if not discovered within 30 days after the
21 act was committed, 5 years after the date the act was
22 discovered.

23 Section 27. Effective July 1, 2001, section 633.825,
24 Florida Statutes, is created to read:

25 633.825 Workplace safety.--

26 (1) The division shall assist in making the
27 firefighter places of employment a safer place to work and
28 decreasing the frequency and severity of on-the-job injuries.

29 (2) The division shall have the authority to adopt
30 rules for the purpose of assuring safe working conditions for
31 all firefighter employees by authorizing the enforcement of

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

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

18 (4) The division shall have authority to adopt any
19 rule necessary to implement, interpret, and make specific any
20 matter pertaining to any subject or reference contained in
21 this section, including all of the provisions referred to in
22 subsection (2), as they relate to firefighter employees,
23 firefighter employers, and firefighter places of employment.

24 Section 28. Except as otherwise provided in this act,
25 this act shall take effect July 1, 2001.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
CS/SB's 1970 & 164

The committee substitute by Banking and Insurance makes the following changes to the committee substitute by Governmental Reform and Oversight:

Deletes provisions of the bill requiring workers' compensation insurers to provide safety consultations to each of its policyholders who request such consultations.

Deletes provisions of the bill for civil penalties against insurers that violate certain workplace safety provisions.

Clarifies that the rule-making authority of the Division of State Fire Marshal is limited to firefighter places of employment.