

Bill No. CS/CS/HB 681

Amendment No. Barcode 764626

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Latvala moved the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

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

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

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

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

(2)(a) The Division of Administration is created within the Office of the Chief Financial Officer. The division

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1 is headed by a director who is appointed by and serves at the
2 pleasure of the Chief Financial Officer. A Bureau of Financial
3 and Support Services is created within the division.

4 (b) The Division of Financial Investigations is
5 created within the Office of the Chief Financial Officer. The
6 division is headed by a director who is appointed by and
7 serves at the pleasure of the Chief Financial Officer.

8 (3) Notwithstanding the requirements of s. 20.04 and
9 except as otherwise provided in this section, the principal
10 policy and program development unit of the department is the
11 "office." Each office is headed by a commissioner who is
12 appointed by and serves at the pleasure of the Chief Financial
13 Officer. Each commissioner shall perform such duties as are
14 specified in this section and such other duties as are
15 assigned by the Chief Financial Officer. The principal unit of
16 each office is the "division." Each division is headed by a
17 "director."

18 (4)(a) The Office of the Commissioner of Insurance is
19 established in the Department of Financial Services. The
20 office shall be headed by the Commissioner of Insurance. Prior
21 to appointment as commissioner, the Commissioner of Insurance
22 must have had, within the previous 10 years, at least 5 years
23 of experience as a senior officer of an insurer, as defined in
24 s. 624.03, or insurance agency, as defined in s. 626.094, or
25 as an examiner or other senior employee of a state or federal
26 agency having regulatory responsibility over insurers or
27 insurance agencies.

28 (b) The Office of the Commissioner of Insurance shall
29 consist of the following divisions:

- 30 1. Division of Insurance Agents and Agencies;
31 2. Division of Insurance Consumer Services;

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- 1 3. Division of Insurer Services;
- 2 4. Division of Rehabilitation and Liquidation;
- 3 5. Division of Risk Management; and
- 4 6. Division of State Fire Marshal.
- 5 7. Division of Workers' Compensation.

6 (5)(a) The Office of the Commissioner of Financial
 7 Institutions is established in the Department of Financial
 8 Services. The office shall be headed by the Commissioner of
 9 Financial Institutions. Prior to appointment, the Commissioner
 10 of Financial Institutions must have had, within the previous
 11 10 years, at least 5 years of experience as a senior officer
 12 of a financial institution, as defined in s. 655.005, or as an
 13 examiner or other senior employee of a state or federal agency
 14 having regulatory responsibility over financial institutions.

15 (b) The Office of the Commissioner of Financial
 16 Institutions shall consist of the following divisions:

- 17 1. Division of Banking; and
- 18 2. Division of Credit Unions.

19 (6) The Office of the Commissioner of Securities and
 20 Finance is established within the Department of Financial
 21 Services. The office shall be headed by the Commissioner of
 22 Securities and Finance. Prior to appointment, the Commissioner
 23 of Securities and Finance must have had, within the previous
 24 10 years, at least 5 years of experience as a senior officer
 25 of a securities or finance company or as an examiner or other
 26 senior employee of a state or federal agency having regulatory
 27 responsibility over securities or finance companies.

28 (7)(a) The Office of the Commissioner of the Treasury
 29 is established in the Department of Financial Services. The
 30 office shall be headed by the Commissioner of the Treasury.
 31 The Commissioner of the Treasury must possess sufficient

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1 education, business experience, and managerial ability to
2 effectively perform his or her duties.

3 (b) The Office of the Commissioner of the Treasury
4 shall consist of the following divisions:

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

7 2. Division of Information Services; and

8 3. Division of Treasury. A section of Government
9 Employee Deferred Compensation is created within the Division
10 of Treasury which shall administer the Government Employees
11 Deferred Compensation Plan established under s. 112.215 for
12 state employees.

13 Section 3. Effective January 7, 2003, the Department
14 of Banking and Finance and the Department of Insurance are
15 transferred by a type two transfer, as defined in section
16 20.06, Florida Statutes, to the Department of Financial
17 Services.

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

20 Section 5. By January 31, 2002, the Division of
21 Statutory Revision of the Office of Legislative Services shall
22 prepare and submit to the President of the Senate and the
23 Speaker of the House of Representatives substantive
24 legislation to conform the Florida Statutes to the provisions
25 of this act. The legislation shall not be drafted as a
26 reviser's bill. The draft shall include provisions:

27 (1) Changing the term "Comptroller" or "Treasurer" to
28 "Chief Financial Officer" with respect to functions of the
29 Chief Financial Officer where appropriate;

30 (2) Changing references to the "Department of Banking
31 and Finance" or the "Department of Insurance" to the

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1 "Department of Financial Services" where appropriate; and
 2 (3) Otherwise conforming the statutes to the abolition
 3 of the offices of Comptroller and Treasurer, the creation of
 4 the Office of the Chief Financial Officer, the abolition of
 5 the Department of Banking and Finance and the Department of
 6 Insurance, and the creation of the Department of Financial
 7 Services.

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

10 (a) One consumer representative appointed by the
 11 Governor;

12 (b) Two members appointed by the President of the
 13 Senate;

14 (c) Two members appointed by the Speaker of the House
 15 of Representatives;

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

17 (e) Two members appointed by the Insurance
 18 Commissioner and Treasurer.

19 (2) The organizational meeting of the task force must
 20 be held by August 1, 2001. The members of the task force shall
 21 elect a chair by majority vote. Members of the task force
 22 shall serve without compensation, but shall be reimbursed for
 23 per diem and travel expenses as provided in section 112.061,
 24 Florida Statutes.

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

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

29 (b) Identify any organizational problems involving,
 30 without limitation, communication among divisions, technical
 31 assistance, and other services and recommend solutions to the

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1 identified problems.

2 (c) Identify any issues related to technology,
3 including the coordination or incompatibility of technology
4 systems, and suggest solutions to the identified problems.

5 (d) Recommend methods to improve departmental
6 accountability, including, but not limited to, modification of
7 performance measures.

8 (4) The task force may procure information and
9 assistance from any officer or agency of the state or any
10 subdivision thereof. All such officials and agencies shall
11 give the task force all relevant information and assistance
12 with respect to any matter within their knowledge or control.

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

16 (6) The task force terminates upon submission of its
17 final report.

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

20 633.801 Short title.--Sections 633.801 through 633.825
21 may be cited as the "Florida Firefighters Occupational Safety
22 and Health Act."

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

25 633.802 Definitions.--Unless the context clearly
26 requires otherwise, the following definitions apply to ss.
27 633.801 through 633.825:

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

29 (2) "Division" means the Division of State Fire
30 Marshal of the Department of Insurance.

31 (3) "Firefighter employee" means any person engaged in

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1 any employment, public or private, as a firefighter under any
2 appointment or contract of hire or apprenticeship, express or
3 implied, oral or written, whether lawfully or unlawfully
4 employed, and includes all volunteer firefighters responding
5 to or assisting with fire or medical emergencies whether or
6 not the firefighter is on duty.

7 (4) "Firefighter employer" means the state and all
8 political subdivisions thereof, all public and quasi-public
9 corporations therein, and every person carrying on any
10 employment thereof, which employs firefighters or which uses
11 volunteer firefighters.

12 (5) "Firefighter employment" or "employment" means any
13 service performed by a firefighter employee for the
14 firefighter employer, and includes the use of all volunteer
15 firefighters.

16 (6) "Firefighter place of employment" or "place of
17 employment" means the physical location at which the
18 firefighter is employed.

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

21 633.803 Legislative intent.--It is the intent of the
22 Legislature to enhance firefighter occupational safety and
23 health in this state through the implementation and
24 maintenance of policies, procedures, practices, rules, and
25 standards that reduce the incidence of firefighter employee
26 accidents, firefighter occupational diseases, and firefighter
27 fatalities compensable under chapter 440 or otherwise. The
28 Legislature further intends that the division develop a means
29 by which it can identify individual firefighter employers with
30 a high frequency or severity of work-related injuries; conduct
31 safety inspections of those firefighter employers; and assist

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1 those firefighter employers in the development and
2 implementation of firefighter employee safety and health
3 programs. In addition, it is the intent of the Legislature
4 that the division administer the provisions of ss. 633.801
5 through 633.825; provide assistance to firefighter employers,
6 firefighter employees, and insurers; and enforce the policies,
7 rules, and standards set forth in ss. 633.801 through 633.825.

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

10 633.804 Safety inspections, consultations; rules.--The
11 division shall adopt rules governing the manner, means, and
12 frequency of firefighter employer and firefighter employee
13 safety inspections and consultations by all insurers and
14 self-insurers.

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

17 633.805 Division to make study of firefighter
18 occupational diseases, etc.--The division shall make a
19 continuous study of firefighter occupational diseases and the
20 ways and means for their control and prevention and shall make
21 and enforce necessary regulations for such control. For this
22 purpose, the division is authorized to cooperate with
23 firefighter employers, firefighter employees, and insurers and
24 with the Department of Health.

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

27 633.806 Investigations by the division; refusal to
28 admit; penalty.--

29 (1) The division shall make studies and investigations
30 with respect to safety provisions and the causes of
31 firefighter injuries in firefighter places of employment, and

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1 shall make to the Legislature and firefighter employers and
2 insurers such recommendations as it considers proper as to the
3 best means of preventing firefighter injuries. In making such
4 studies and investigations, the division may:

5 (a) Cooperate with any agency of the United States
6 charged with the duty of enforcing any law securing safety
7 against injury in any place of firefighter employment covered
8 by ss. 633.801 through 633.825, or any agency or department of
9 the state engaged in enforcing any law to assure safety for
10 firefighter employees.

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

13 (2) The division and its authorized representatives
14 may enter and inspect any place of firefighter employment at
15 any reasonable time for the purpose of investigating
16 compliance with ss. 633.801 through 633.825 and making
17 inspections for the proper enforcement of ss. 633.801 through
18 633.825. Any firefighter employer who refuses to admit any
19 member of the division or its authorized representative to any
20 place of firefighter employment or to allow investigation and
21 inspection pursuant to this subsection is guilty of a
22 misdemeanor of the second degree, punishable as provided in s.
23 775.082 or s. 775.083.

24 (3) The division by rule may adopt procedures for
25 conducting investigations of firefighter employers under ss.
26 633.801 through 633.825.

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

29 633.807 Safety; firefighter employer
30 responsibilities.--Every firefighter employer shall furnish to
31 firefighters employment that is safe for the firefighter

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1 employees, furnish and use safety devices and safeguards,
 2 adopt and use methods and processes reasonably adequate to
 3 render such an employment and place of employment safe, and do
 4 every other thing reasonably necessary to protect the lives,
 5 health, and safety of such firefighter employees. As used in
 6 this section, the terms "safe" and "safety" as applied to any
 7 employment or place of firefighter employment mean such
 8 freedom from danger as is reasonably necessary for the
 9 protection of the lives, health, and safety of firefighter
 10 employees, including conditions and methods of sanitation and
 11 hygiene. Safety devices and safeguards required to be
 12 furnished by the firefighter employer by this section or by
 13 the division under authority of this section shall not include
 14 personal apparel and protective devices that replace personal
 15 apparel normally worn by firefighter employees during regular
 16 working hours.

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

19 633.808 Division authority.--The division shall:

20 (1) Investigate and prescribe by rule what safety
 21 devices, safeguards, or other means of protection must be
 22 adopted for the prevention of accidents in every firefighter
 23 place of employment or at any fire scene; determine what
 24 suitable devices, safeguards, or other means of protection for
 25 the prevention of occupational diseases must be adopted or
 26 followed in any or all such firefighter places of employment
 27 or at any fire scene; and adopt reasonable rules for the
 28 prevention of accidents, the safety, protection, and security
 29 of firefighters engaged in interior firefighting, and the
 30 prevention of occupational diseases.

31 (2) Ascertain, fix, and order such reasonable

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1 standards and rules for the construction, repair, and
2 maintenance of firefighter places of employment as shall
3 render them safe. Such rules and standards must be adopted in
4 accordance with chapter 120.

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

9 (4) Adopt rules prescribing recordkeeping
10 responsibilities for firefighter employers, which may include
11 rules for maintaining a log and summary of occupational
12 injuries, diseases, and illnesses and for producing on request
13 a notice of injury and firefighter employee accident
14 investigation records, and rules prescribing a retention
15 schedule for such records.

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

18 633.809 Right of entry.--The division and its
19 authorized representatives may enter at any reasonable time
20 any firefighter place of employment for the purpose of
21 examining any tool, appliance, or machinery used in such
22 employment and may make inspections for the proper enforcement
23 of ss. 633.801 through 633.825. A firefighter employer or
24 owner may not refuse to admit any member of the division or
25 its authorized representatives to any firefighter place of
26 employment.

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

29 633.810 Firefighter employers whose firefighter
30 employees have a high frequency of work-related injuries.--The
31 division shall develop a means by which it can identify

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

31 Section 17. Effective July 1, 2001, section 633.812,

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1 Florida Statutes, is created to read:

2 633.812 Workplace safety committees and safety
3 coordinators.--

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

6 (a) Each firefighter employer of 20 or more
7 firefighter employees shall establish and administer a
8 workplace safety committee in accordance with rules adopted
9 under this section.

10 (b) Each firefighter employer of fewer than 20
11 firefighter employees which is identified by the division as
12 having high frequency or severity of work-related injuries
13 shall establish and administer a workplace safety committee or
14 designate a workplace safety coordinator who shall establish
15 and administer workplace safety activities in accordance with
16 rules adopted under this section.

17 (2) The division shall adopt rules:

18 (a) Prescribing the membership of the workplace safety
19 committees so as to ensure an equal number of firefighter
20 employee representatives, who are volunteers or are elected by
21 their peers, and of firefighter employer representatives, and
22 specifying the frequency of meetings.

23 (b) Requiring firefighter employers to make adequate
24 records of each meeting and to file and to maintain the
25 records subject to inspection by the division.

26 (c) Prescribing the duties and functions of the
27 workplace safety committee and workplace safety coordinator,
28 which include, but are not limited to:

29 1. Establishing procedures for workplace safety
30 inspections by the committee.

31 2. Establishing procedures investigating all workplace

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1 accidents, safety-related incidents, illnesses, and deaths.

2 3. Evaluating accident-prevention and
3 illness-prevention programs.

4 4. Prescribing guidelines for the training of safety
5 committee members.

6 (3) The composition, selection, and function of safety
7 committees shall be a mandatory topic of negotiations with any
8 certified collective bargaining agent for firefighter
9 employers that operate under a collective bargaining
10 agreement. Firefighter employers that operate under a
11 collective bargaining agreement that contains provisions
12 regulating the formation and operation of workplace safety
13 committees that meet or exceed the minimum requirements
14 contained in this section, or firefighter employers who
15 otherwise have existing workplace safety committees that meet
16 or exceed the minimum requirements established by this section
17 are in compliance with this section.

18 (4) Firefighter employees must be compensated their
19 regular hourly wage while engaged in workplace safety
20 committee or workplace safety coordinator training, meetings,
21 or other duties prescribed under this section.

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

24 633.813 Firefighter employer penalties.--If any
25 firefighter employer violates or fails or refuses to comply
26 with ss. 633.801 through 633.825, or with any rule adopted by
27 the division, in accordance with chapter 120, for the
28 prevention of injuries, accidents, or occupational diseases or
29 with any lawful order of the division in connection with ss.
30 633.801 through 633.825, or fails or refuses to furnish or
31 adopt any safety device, safeguard, or other means of

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1 protection prescribed by the division under ss. 633.801
2 through 633.825 for the prevention of accidents or
3 occupational diseases, the division may assess against the
4 firefighter employer a civil penalty of not less than \$100 nor
5 more than \$5,000 for each day the violation, omission,
6 failure, or refusal continues after the firefighter employer
7 has been given notice thereof in writing. The total penalty
8 for each violation may not exceed \$50,000. The division shall
9 adopt rules requiring penalties commensurate with the
10 frequency or severity, or both, of safety violations. A
11 hearing must be held in the county where the violation,
12 omission, failure, or refusal is alleged to have occurred,
13 unless otherwise agreed to by the firefighter employer and
14 authorized by the division. All penalties assessed and
15 collected under this section shall be deposited in the
16 Insurance Commissioner's Regulatory Trust Fund.

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

19 633.814 Division cooperation with Federal Government;
20 exemption from division requirements.--

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

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

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

30 (b) The private firefighter employer has adopted and
31 implemented a written safety program that conforms to the

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1 requirements of 29 C.F.R. ss. 1910 and 1926;

2 (c) A private firefighter employer with 20 or more
3 full-time firefighter employees shall include provisions for a
4 safety committee in the safety program. The safety committee
5 must include firefighter employee representation and must meet
6 at least once each calendar quarter. The private firefighter
7 employer must make adequate records of each meeting and
8 maintain the records subject to inspections under subsection
9 (3). The safety committee shall, if appropriate, make
10 recommendations regarding improvements to the safety program
11 and corrections of hazards affecting workplace safety; and

12 (d) The private firefighter employer provides the
13 division with a written statement that certifies compliance
14 with this subsection.

15 (3) The division may enter at any reasonable time any
16 place of firefighter employment for the purposes of verifying
17 the accuracy of the written certification. If the division
18 determines that the firefighter employer has not complied with
19 the requirements of subsection (2), the firefighter employer
20 shall be subject to the rules of the division until the
21 firefighter employer complies with subsection (2) and
22 recertifies that fact to the division.

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

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

29 633.815 Failure to implement a safety and health
30 program; cancellations.--If a firefighter employer that is
31 found by the division to have a high frequency or severity of

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1 work-related injuries fails to implement a safety and health
2 program, the insurer or self-insurer's fund that is providing
3 coverage for the firefighter employer may cancel the contract
4 for insurance with the firefighter employer. In the
5 alternative, the insurer or fund may terminate any discount or
6 deviation granted to the firefighter employer for the
7 remainder of the term of the policy. If the contract is
8 canceled or the discount or deviation is terminated, the
9 insurer must make such reports as are required by law.

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

12 633.816 Expenses of administration.--The amounts that
13 are needed to administer ss. 633.801 through 633.825 shall be
14 disbursed from the Insurance Commissioner's Regulatory Trust
15 Fund.

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

18 633.817 Refusal to admit; penalty.--The division and
19 its authorized representatives may enter and inspect any place
20 of firefighter employment at any reasonable time for the
21 purpose of investigating compliance with ss. 633.801 through
22 633.825 and conducting inspections for the proper enforcement
23 of ss. 633.801 through 633.825. A firefighter employer who
24 refuses to admit any member of the division or its authorized
25 representative to any place of employment or to allow
26 investigation and inspection pursuant to this section commits
27 a misdemeanor of the second degree, punishable as provided in
28 s. 775.082 or s. 775.083.

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

31 633.818 Firefighter employee rights and

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1 responsibilities.--

2 (1) Each firefighter employee of a firefighter
3 employer covered under ss. 633.801 through 633.825 shall
4 comply with rules adopted by the division and with reasonable
5 workplace safety and health standards, rules, policies,
6 procedures, and work practices established by the firefighter
7 employer and the workplace safety committee. A firefighter
8 employee who knowingly fails to comply with this subsection
9 maybe disciplined or discharged by the firefighter employer.

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

14 (a) The firefighter employee has testified or is about
15 to testify, on her or his own behalf, or on behalf of others,
16 in any proceeding instituted under ss. 633.801 through
17 633.825;

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

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

22 (3) Neither pay, position, seniority, nor other
23 benefit may be lost for exercising any right under, or for
24 seeking compliance with, any requirement of ss. 633.801
25 through 633.825.

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

28 633.819 Compliance.--Failure of a firefighter employer
29 or an insurer to comply with ss. 633.801 through 633.830, or
30 with any rules adopted under ss. 633.801 through 633.830,
31 constitutes grounds for the division to seek remedies,

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1 including injunctive relief, for compliance by making
2 appropriate filings with the Circuit Court of Leon County.

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

5 633.820 False statements to insurers.--A firefighter
6 employer who knowingly and willfully falsifies or conceals a
7 material fact, makes a false, fictitious, or fraudulent
8 statement or representation; or makes or uses any false
9 document knowing the document to contain any false fictitious,
10 or fraudulent entry or statement to an insurer of workers'
11 compensation insurance under ss. 633.801 through 633.825 is
12 guilty of a misdemeanor of the second degree, punishable as
13 provided in s. 775.082 or s. 775.083.

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

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

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

3 633.825 Workplace safety.--

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

7 (2) The division shall have the authority to adopt
8 rules for the purpose of assuring safe working conditions for
9 all firefighter employees by authorizing the enforcement of
10 effective standards, assisting and encouraging firefighter
11 employers to maintain safe working conditions, and by
12 providing for education and training in the field of safety.

13 For firefighter employers, the division may by rule adopt
14 subparts C through T and subpart Z of 29 C.F.R. part 1910,
15 except 29 C.F.R. section 1910.134(g)(4); subparts C through Z
16 of 29 C.F.R. part 1926; subparts A through D, subpart I, and
17 subpart M of 29 C.F.R. part 1928; subparts A through G of 29
18 C.F.R. part 1917; subparts A through L and subpart Z of 29
19 C.F.R. part 1915; subparts A through J of 29 C.F.R. part 1918,
20 latest revision, provided that 29 C.F.R. s. 1910.156 applies
21 to volunteer firefighters and fire departments operated by the
22 state or political subdivisions; the National Fire Protection
23 Association, Inc., Standard 1500, paragraph 5-7 (Personal
24 Alert Safety System) (1992 edition); and ANSI A 10.4-1990.

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

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

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1 firefighter employers, and firefighter places of employment.

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

4
5

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

7 And the title is amended as follows:

8 Delete everything after the enacting clause

9

10 and insert:

11 A bill to be entitled
12 An act relating to governmental reorganization;
13 creating s. 17.001, F.S.; establishing the
14 Office of the Chief Financial Officer; creating
15 s. 20.121, F.S.; creating the Department of
16 Financial Services; providing for the Office of
17 the Commissioner of Insurance; providing for
18 the Office of the Commissioner of Financial
19 Institutions; providing for the Office of the
20 Commissioner of Securities and Finance;
21 providing for the Office of the Commissioner of
22 the Treasury; establishing the manner of
23 appointment; providing qualifications;
24 transferring the Department of Banking and
25 Finance and the Department of Insurance to the
26 Department of Financial Services; repealing s.
27 20.12, F.S.; abolishing the Department of
28 Banking and Finance; repealing s. 20.13, F.S.;
29 abolishing the Department of Insurance;
30 requesting the Division of Statutory Revision
31 to prepare draft legislation; establishing the

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1 Financial Services Transition Task Force;
2 providing membership; establishing duties;
3 creating ss. 633.801, 633.802, 633.803,
4 633.804, 633.805, 633.806, 633.807, 633.808,
5 633.809, 633.810, 633.812, 633.813, 633.814,
6 633.815, 633.816, 633.817, 633.818, 633.819,
7 633.820, 633.823, 633.825, F.S.; designating
8 such sections as the Florida Firefighter
9 Occupational Safety and Health Act; providing
10 definitions; providing legislative intent;
11 authorizing the Division of State Fire Marshal
12 to adopt rules related to firefighter safety
13 inspections; requiring the division to conduct
14 a study; authorizing representatives of the
15 division to enter and inspect any place of
16 firefighter employment; providing criminal
17 penalties for refusal to allow inspection;
18 requiring firefighter employers to provide safe
19 employment conditions; authorizing the division
20 to adopt rules that prescribe means for
21 preventing accidents in firefighter places of
22 employment and establish standards for
23 construction, repair, and maintenance, and
24 related rules; requiring the division to
25 inspect firefighter employers; requiring
26 firefighter employers to establish workplace
27 safety committees and to maintain certain
28 records; providing penalties for firefighter
29 employers who violate provisions of this act;
30 providing exemptions; providing for the source
31 of funding of the division; specifying

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1 firefighter employees' rights and
2 responsibilities; providing penalties for
3 firefighter employers who make false statements
4 to the division or to an insurer; authorizing
5 the division to adopt rules for assuring safe
6 working conditions for all firefighter
7 employees; providing an effective date.
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