

593-156AX-32

Bill No. HB 3-E

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

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Alexander offered the following:

Amendment (with title amendment)

Remove: everything after the enacting clause,

and insert:

Section 1. Effective January 7, 2003, subsection (3) of section 20.04, Florida Statutes, is amended to read:

20.04 Structure of executive branch.--The executive branch of state government is structured as follows:

(3) For their internal structure, all departments, except for the Department of Financial Services ~~Banking and Finance~~, the Department of Children and Family Services, the Department of Corrections, the Department of Management Services, the Department of Revenue, and the Department of Transportation, must adhere to the following standard terms:

(a) The principal unit of the department is the "division." Each division is headed by a "director."

(b) The principal unit of the division is the "bureau." Each bureau is headed by a "chief."

(c) The principal unit of the bureau is the "section."

1 Each section is headed by an "administrator."

2 (d) If further subdivision is necessary, sections may
3 be divided into "subsections," which are headed by
4 "supervisors."

5 Section 2. Section 20.121, Florida Statutes, is
6 created to read:

7 20.121 Department of Financial Services.--There is
8 created a Department of Financial Services.

9 (1) DEPARTMENT HEAD.--The head of the Department of
10 Financial Services is the Chief Financial Officer.

11 (2) DIVISIONS.--The Department of Financial Services
12 shall consist of the following divisions:

13 (a) The Division of Accounting and Auditing, which
14 shall include the following bureau and office:

15 1. The Bureau of Unclaimed Property.

16 2. The Office of Fiscal Integrity which shall function
17 as a criminal justice agency for purposes of ss.

18 943.045-943.08 and shall have a separate budget. The office
19 may conduct investigations within or outside this state as the
20 bureau deems necessary to aid in the enforcement of this
21 section. If during an investigation the office has reason to
22 believe that any criminal law of this state has or may have
23 been violated, the office shall refer any records tending to
24 show such violation to state or federal law enforcement or
25 prosecutorial agencies and shall provide investigative
26 assistance to those agencies as required.

27 (b) The Division of State Fire Marshal.

28 (c) The Division of Risk Management.

29 (d) The Division of Treasury, which shall include a
30 Bureau of Deferred Compensation responsible for administering
31 the Government Employees Deferred Compensation Plan

1 established under s. 112.215 for state employees.
2 (e) The Division of Insurance Fraud.
3 (f) The Division of Rehabilitation and Liquidation.
4 (g) The Division of Insurance Agents and Agency
5 Services.
6 (h) The Division of Consumer Services, which shall
7 include a Bureau of Funeral and Cemetery Services.
8 (i) The Division of Workers' Compensation.
9 (j) The Division of Administration.
10 (k) The Division of Legal Services.
11 (l) The Division of Information Systems.
12 (m) The Office of Insurance Consumer Advocate.
13 (3) FINANCIAL SERVICES COMMISSION.--Effective January
14 7, 2003, there is created within the Department of Financial
15 Services the Financial Services Commission, composed of the
16 Governor, the Attorney General, the Chief Financial Officer,
17 and the Commissioner of Agriculture, which shall for purposes
18 of this section be referred to as the commission. Commission
19 members shall serve as agency head of the Financial Services
20 Commission. The commission shall be a separate budget entity
21 and shall be exempt from the provisions of s. 20.052.
22 Commission action shall be by majority vote consisting of at
23 least three affirmative votes. The commission shall not be
24 subject to control, supervision, or direction by the
25 Department of Financial Services in any manner, including
26 purchasing, transactions involving real or personal property,
27 personnel, or budgetary matters.
28 (a) STRUCTURE.--The major structural unit of the
29 commission is the office. Each office shall be headed by a
30 director. The following offices are established:
31 1. The Office of Insurance Regulation, which shall be

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1 responsible for all activities concerning insurers and other
2 risk bearing entities, including licensing; rates; policy
3 forms; market conduct of insurers, claims adjusters, and
4 similar personnel; issuance of certificates of authority;
5 solvency; and administrative supervision, under the Insurance
6 Code or chapter 636. The head of the Office of Insurance
7 Regulation is the Director of the Office of Insurance
8 Regulation.

9 2. The Office of Financial Institutions and Securities
10 Regulation, which shall be responsible for all activities of
11 the Financial Services Commission relating to the regulation
12 of banks, credit unions, other financial institutions, finance
13 companies, and the securities industry. The head of the
14 office is the Director of the Office of Financial Institutions
15 and Securities Regulation. The Office of Financial
16 Institutions and Securities Regulation shall include a Bureau
17 of Financial Investigations, which shall function as a
18 criminal justice agency for purposes of ss. 943.045-943.08 and
19 shall have a separate budget. The bureau may conduct
20 investigations within or outside this state as the bureau
21 deems necessary to aid in the enforcement of this section. If,
22 during an investigation, the office has reason to believe that
23 any criminal law of this state has or may have been violated,
24 the office shall refer any records tending to show such
25 violation to state or federal law enforcement or prosecutorial
26 agencies and shall provide investigative assistance to those
27 agencies as required.

28 (b) ORGANIZATION.--The commission shall establish by
29 rule any additional organizational structure of the offices.
30 It is the intent of the Legislature to provide the commission
31 with the flexibility to organize the offices in any manner

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1 they determine appropriate to promote both efficiency and
2 accountability.

3 (c) POWERS.--Commission members shall serve as the
4 agency head for purposes of rulemaking under ss.
5 120.536-120.565 by the commission and all subunits of the
6 commission. Each director is agency head for purposes of
7 final agency action under chapter 120 for all areas within the
8 regulatory authority delegated to the director's office.

9 (d) APPOINTMENT AND QUALIFICATIONS OF DIRECTORS.--The
10 commission shall appoint or remove each director by a majority
11 vote consisting of at least three affirmative votes, with both
12 the Governor and the Chief Financial Officer on the prevailing
13 side. The minimum qualifications of the directors are as
14 follows:

15 1. Prior to appointment as director, the director of
16 the Office of Insurance Regulation must have had, within the
17 previous 10 years, at least 5 years of responsible private
18 sector experience working full-time in areas within the scope
19 of the subject matter jurisdiction of the Office of Insurance
20 Regulation or at least 5 years of experience as a senior
21 examiner or other senior employee of a state or federal agency
22 having regulatory responsibility over insurers or insurance
23 agencies.

24 2. Prior to appointment as director, the director of
25 the Office of Financial Institutions and Securities Regulation
26 must have had, within the previous 10 years, at least 5 years
27 of responsible private sector experience working full-time in
28 areas within the subject matter jurisdiction of the Office of
29 Financial Institutions and Securities Regulation or at least 5
30 years of experience as a senior examiner or other senior
31 employee of a state or federal agency having regulatory

1 responsibility over financial institutions, finance companies,
2 or securities companies.

3 (e) ADMINISTRATIVE SUPPORT.--The offices shall have a
4 sufficient number of attorneys, examiners, investigators,
5 other professional personnel to carry out their
6 responsibilities and administrative personnel as determined
7 annually in the appropriations process. The Department of
8 Financial Services shall provide administrative and
9 information systems support to the offices.

10 Section 3. Transfers.--

11 (1) The following programs, including the incumbent
12 employees in the existing positions of such programs on
13 January 6, 2003, and all property issued and assigned directly
14 to such employees, are hereby transferred by a type two
15 transfer, as defined in s. 20.06(2), Florida Statutes:

16 (a) From the Department of Banking and Finance to the
17 Department of Financial Services:

18 1. The Financial Accountability for Public Funds
19 Program.

20 2. The Comptroller and Cabinet Affairs Program.

21 3. The Bureau of Funeral and Cemetery Services.

22 (b) From the Department of Insurance to the Department
23 of Financial Services:

24 1. The Treasury Program.

25 2. The State Fire Marshal Program.

26 3. The Risk Management Program.

27 4. The Office of Insurance Consumer Advocate.

28 5. The Division of Insurance Fraud.

29 6. The Division of Rehabilitation and Liquidation.

30 7. The Division of Agents and Agencies Services,

31 except for those portions of the division that implement

1 functions assigned to the Office of Insurance Regulation under
2 s. 20.121(3)(a)1., Florida Statutes, as created by this act.

3 8. The Division of Insurance Consumer Services, which
4 is renamed the Division of Consumer Services.

5 9. The Office of the Treasurer, the Administration
6 Program, and the Office of the Chief of Staff of the
7 Treasurer.

8 10. The Division of Workers' Compensation.

9 (c) From the Department of Banking and Finance to the
10 Office of Financial Institutions and Securities Regulation,
11 the Financial Institutions Regulatory Program.

12 (d) From the Department of Insurance to the Office of
13 Insurance Regulation:

14 1. The Division of Insurer Services.

15 2. Those portions of the Division of Agents and Agency
16 Services that implement functions assigned to the Office of
17 Insurance Regulation under s. 20.121(3)(a)1., Florida
18 Statutes, as created by this act.

19
20 For the purposes of this subsection, employees transferred
21 from the Department of Banking and Finance and the Department
22 of Insurance to the Department of Financial Services shall not
23 be considered new employees for the purpose of subjecting such
24 employees to an employee probationary period.

25 (2) That portion of the Division of Workers'
26 Compensation transferred pursuant to chapter 2002-194, Laws of
27 Florida, to the Department of Insurance, including the
28 incumbent employees in the existing positions of such division
29 on January 6, 2003, and all property issued and assigned
30 directly to such employees, are transferred by a type two
31 transfer, as defined in s. 20.06(2), Florida Statutes, from

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- 1 the Department of Insurance to the Office of Insurance
2 Regulation.
- 3 (3) The following trust funds are transferred:
4 (a) From the Department of Banking and Finance to the
5 Department of Financial Services:
- 6 1. The Child Support Depository Trust Fund, FLAIR
7 number 44-2-080.
- 8 2. The Child Support Clearing Trust Fund, FLAIR number
9 44-2-081.
- 10 3. The Collections Internal Revenue Clearing Trust
11 Fund, FLAIR number 44-2-101.
- 12 4. The Consolidated Miscellaneous Deduction Clearing
13 Trust Fund, FLAIR number 44-2-139.
- 14 5. The Consolidated Payment Trust Fund, FLAIR number
15 44-2-140.
- 16 6. The Electronic Funds Transfer Clearing Trust Fund,
17 FLAIR number 44-2-188.
- 18 7. The Employee Refund Clearing Trust Fund, FLAIR
19 number 44-2-194.
- 20 8. The Federal Tax Levy Clearing Trust Fund, FLAIR
21 number 44-2-274.
- 22 9. The Federal Use of State Lands Trust Fund, FLAIR
23 number 44-2-307.
- 24 10. The Florida Retirement Clearing Trust Fund, FLAIR
25 number 44-2-323.
- 26 11. The Hospital Insurance Tax Clearing Trust Fund,
27 FLAIR number 44-2-370.
- 28 12. The Miscellaneous Deductions Restoration Trust
29 Fund, FLAIR number 44-2-577.
- 30 13. The Prison Industries Trust Fund, FLAIR number
31 44-2-385.

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- 1 14. The Social Security Clearing Trust Fund, FLAIR
- 2 number 44-2-643.
- 3 15. The Tobacco Settlement Clearing Trust Fund, FLAIR
- 4 number 44-2-123.
- 5 16. The Trust Funds Trust Fund, FLAIR number 44-2-732.
- 6 17. The Unclaimed Property Trust Fund, FLAIR number
- 7 44-2-007.
- 8 18. The Working Capital Trust Fund, FLAIR number
- 9 44-2-792.
- 10 (b) From the Department of Insurance to the Department
- 11 of Financial Services:
- 12 1. The Agents and Solicitors County Tax Trust Fund,
- 13 FLAIR number 46-2-024.
- 14 2. The Florida Casualty Insurance Risk Management
- 15 Trust Fund, FLAIR number 46-2-078.
- 16 3. The Government Employees Deferred Compensation
- 17 Trust Fund, FLAIR number 46-2-155.
- 18 4. The Rehabilitation Administrative Expense Trust
- 19 Fund, FLAIR number 46-2-582.
- 20 5. The Special Disability Trust Fund, FLAIR number
- 21 46-2-798.
- 22 6. The State Treasurer Escrow Trust Fund, FLAIR number
- 23 46-2-622.
- 24 7. The Treasurer's Administrative And Investment Trust
- 25 Fund, FLAIR number 46-2-725.
- 26 8. The Treasury Cash Deposit Trust Fund, FLAIR number
- 27 46-2-720.
- 28 9. The Treasurer Investment Trust Fund, FLAIR number
- 29 46-2-728.
- 30 10. The Workers' Compensation Administration Trust
- 31 Fund, FLAIR number 46-2-795.

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1 (c) From the Department of Banking and Finance to the
2 Office of Financial Institutions and Securities Regulation
3 within the Department of Financial Services:

4 1. The Administrative Trust Fund, FLAIR number
5 44-2-021, except the moneys in fund account number 44-2-021003
6 are transferred from the Department of Banking and Finance to
7 the Office of Chief Financial Officer.

8 2. The Anti-Fraud Trust Fund, FLAIR number 44-2-038.

9 3. The Comptroller's Federal Equitable Sharing Trust
10 Fund, FLAIR number 44-2-719.

11 4. The Financial Institutions' Regulatory Trust Fund,
12 FLAIR number 44-2-275.

13 5. The Mortgage Brokerage Guaranty Trust Fund, FLAIR
14 number 44-2-485.

15 6. The Preneed Funeral Contract Consumer Protection
16 Trust Fund, FLAIR number 44-2-536.

17 7. The Regulatory Trust Fund, FLAIR number 44-2-573.

18 8. The Securities Guaranty Fund, FLAIR number
19 44-2-626.

20 (d) From the Department of Insurance to the Department
21 of Financial Services, the Insurance Commissioner's Regulatory
22 Trust Fund, FLAIR number 46-2-393. There is created within the
23 trust fund a subaccount for purposes of funding the Office of
24 Insurance Regulation.

25 (4) The statutory responsibility for appointments to
26 commissions, boards, associations, councils, committees, or
27 other collegial bodies, and any appointments required by SB
28 1418(2002) as enacted by the Legislature, now vested in the
29 Comptroller, Treasurer, Insurance Commissioner, or Fire
30 Marshal, shall become the responsibility of the Chief
31 Financial Officer.

1 (5) This section shall take effect January 7, 2003.

2 Section 4. (1) Effective January 7, 2003, the rules
3 of the Department of Banking and Finance and of the Department
4 of Insurance that were in effect on January 6, 2003, shall
5 become rules of the Department of Financial Services or the
6 Financial Services Commission as is appropriate to the
7 corresponding regulatory or constitutional function and shall
8 remain in effect until specifically amended or repealed in the
9 manner provided by law.

10 Section 5. (1) This act shall not affect the validity
11 of any judicial or administrative action involving the
12 Department of Banking and Finance or the Department of
13 Insurance pending on January 7, 2003, and the Department of
14 Financial Services, or the Financial Services Commission, or
15 the respective office, shall be substituted as a party in
16 interest in any such action.

17 (2) Notwithstanding subsection (1), if the action
18 involves the constitutional functions of the Comptroller or
19 Treasurer, the Chief Financial Officer shall instead be
20 substituted as a party in interest.

21 Section 6. Transitional provisions.--

22 (1)(a) There is created the Committee of Transition
23 Management. The committee shall function independently but
24 shall for administrative purposes be treated as an office of
25 the Executive Office of the Governor.

26 (b) The Governor, the Comptroller, the Treasurer, the
27 chair of the House Fiscal Responsibility Council, and the
28 chair of the Senate Appropriations Committee shall each
29 appoint one member to the committee.

30 (c) The committee shall oversee the transition to the
31 new Department of Financial Services and the new Financial

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1 Services Commission. The management duties of the office shall
2 include, but not be limited to:

3 1. Providing a written report that specifies the
4 placement of those positions that are transferred to the Chief
5 Financial Officer, the Department of Financial Services, and
6 the Offices of the Financial Services Commission under this
7 act. The committee shall provide the report to the Governor,
8 the Cabinet, the President of the Senate, the Speaker of the
9 House of Representatives, the chair of the House Fiscal
10 Responsibility Council, and the chair of the Senate
11 Appropriations Committee.

12 2. Submitting to the Financial Services Commission a
13 proposed organizational plan for the commission, which plan
14 the commission may adopt by rule.

15 3. Providing written recommendations to the
16 commission, the President of the Senate, and the Speaker of
17 the House of Representatives, by no later than February 1,
18 2003, as to statutory changes that are necessary or desirable
19 to facilitate the operations of the department. The
20 committee's recommendations shall include recommendations to
21 the Legislature relating to the appointment duties currently
22 held by the Comptroller, the Treasurer, the Insurance
23 Commissioner, and the State Fire Marshal. It is the intent of
24 the Legislature that such duties be transferred to the Chief
25 Financial Officer, except with respect to appointments that
26 affect the regulation of insurers, appointments are to be made
27 by the Financial Services Commission from lists of nominees
28 submitted by the Chief Financial Officer.

29 (d) The Department of Banking and Finance, the
30 Department of Insurance, the Office of the Comptroller, and
31 the Office of the Treasurer shall fully cooperate with the

1 Committee of Transition Management and shall promptly provide
2 the office with any requested information.

3 Section 7. Notwithstanding the provisions of ss.
4 216.292 and 216.351, Florida Statutes, upon approval by the
5 Legislative Budget Committee, the Executive Office of the
6 Governor may transfer funds and positions between agencies to
7 implement this act.

8 Section 8. Conforming legislation.--The Legislature
9 recognizes that there is a need to conform the Florida
10 Statutes to the policy decisions reflected in this act and
11 that there is a need to resolve apparent conflicts between any
12 other legislation that has been or may be enacted during 2002
13 and the creation by this act of the Department of Financial
14 Services, the Office of Insurance Regulation, the Office of
15 Financial Institutions and Securities Regulation, and the
16 Chief Financial Officer. Therefore, in the interim between
17 this act becoming a law and the 2003 Regular Session of the
18 Legislature or an earlier special session addressing this
19 issue, the Division of Statutory Revision shall provide the
20 relevant substantive committees of the Senate and the House of
21 Representatives with assistance, upon request, to enable such
22 committees to prepare draft legislation to conform the Florida
23 Statutes and any legislation enacted during 2002 to the
24 provisions of s. 20.121, Florida Statutes, as created by this
25 act.

26 Section 9. Section 11.125, Florida Statutes, is
27 created to read:

28 11.125 Administrative services--Notwithstanding any
29 provision of law to the contrary, the President of the Senate,
30 on behalf of the Senate, or the Speaker of the House of
31 Representatives on behalf of the House of Representatives, may

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1 contract with private entities for the provision of any
2 administrative support service, provided at the time of the
3 contract by the Office of Legislative Services. These
4 contracts may provide for direct submittal of invoices to the
5 Comptroller and the Department of Banking and Finance or their
6 successors for payment of services provided.

7 Section 10. Sections 633.801, 633.802, 633.803,
8 633.804, 633.805, 633.806, 633.807, 633.808, 633.809, 633.810,
9 633.811, 633.812, 633.813, 633.814, 633.815, 633.816, 633.817,
10 633.818, 633.819, 633.820, and 633.821, Florida Statutes, are
11 created to read:

12 633.801 Short title.--Sections 633.801-633.821 may be
13 cited as the "Florida Firefighters Occupational Safety and
14 Health Act."

15 633.802 Definitions.--Unless the context clearly
16 requires otherwise, the following definitions shall apply to
17 ss. 633.801-633.821:

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

19 (2) "Division" means the Division of State Fire
20 Marshal of the department.

21 (3) "Firefighter employee" means any person engaged in
22 any employment, public or private, as a firefighter under any
23 appointment or contract of hire or apprenticeship, express or
24 implied, oral or written, whether lawfully or unlawfully
25 employed, responding to or assisting with fire or medical
26 emergencies, whether or not the firefighter is on duty, except
27 those appointed under s. 590.02(1)(d).

28 (4) "Firefighter employer" means the state and all
29 political subdivisions of this state, all public and
30 quasi-public corporations in this state, and every person
31 carrying on any employment for this state, political

1 subdivisions of this state, and public and quasi-public
2 corporations in this state, which employs firefighters, except
3 those appointed under s. 590.02(1)(d).

4 (5) "Firefighter employment" or "employment" means any
5 service performed by a firefighter employee for the
6 firefighter employer.

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

10 633.803 Legislative intent.--It is the intent of the
11 Legislature to enhance firefighter occupational safety and
12 health in the state through the implementation and maintenance
13 of policies, procedures, practices, rules, and standards that
14 reduce the incidence of firefighter employee accidents,
15 firefighter occupational diseases, and firefighter fatalities
16 compensable under chapter 440 or otherwise. The Legislature
17 further intends that the division develop a means by which the
18 division can identify individual firefighter employers with a
19 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 implementation 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.
25 633.801-633.821; provide assistance to firefighter employers,
26 firefighter employees, and insurers; and enforce the policies,
27 rules, and standards set forth in ss. 633.801-633.821.

28 633.804 Safety inspections and consultations;
29 rules.--The division shall adopt rules governing the manner,
30 means, and frequency of firefighter employer and firefighter
31 employee safety inspections and consultations by all insurers

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1 and self-insurers.

2 633.805 Division to make study of firefighter
3 occupational diseases.--The division shall make a continuous
4 study of firefighter occupational diseases and the ways and
5 means for their control and prevention and shall adopt rules
6 necessary for such control and prevention. For this purpose,
7 the division is authorized to cooperate with firefighter
8 employers, firefighter employees, and insurers and with the
9 Department of Health.

10 633.806 Investigations by the division; refusal to
11 admit; penalty.--

12 (1) The division shall make studies and investigations
13 with respect to safety provisions and the causes of
14 firefighter injuries in firefighter places of employment and
15 shall make such recommendations to the Legislature and
16 firefighter employers and insurers as the division considers
17 proper as to the best means of preventing firefighter
18 injuries. In making such studies and investigations, the
19 division may cooperate with any agency of the United States
20 charged with the duty of enforcing any law securing safety
21 against injury in any place of firefighter employment covered
22 by ss. 633.801-633.821 or any agency or department of the
23 state engaged in enforcing any law to ensure safety for
24 firefighter employees.

25 (2) The division by rule may adopt procedures for
26 conducting investigations of firefighter employers under ss.
27 633.801-633.821.

28 633.807 Safety; firefighter employer
29 responsibilities.--Every firefighter employer shall furnish
30 and use safety devices and safeguards, adopt and use methods
31 and processes reasonably adequate to render such an employment

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

14 633.808 Division authority.--The division shall:
15 (1) Investigate and prescribe by rule what safety
16 devices, safeguards, or other means of protection must be
17 adopted for the prevention of accidents in every firefighter
18 place of employment or at any fire scene; determine what
19 suitable devices, safeguards, or other means of protection for
20 the prevention of occupational diseases must be adopted or
21 followed in any or all such firefighter places of employment
22 or at any fire scene; and adopt reasonable rules for the
23 prevention of accidents, the safety, protection, and security
24 of firefighters engaged in interior firefighting, and the
25 prevention of occupational diseases.

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

31 (3) Assist firefighter employers in the development

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1 and implementation of firefighter employee safety training
2 programs by contracting with professional safety
3 organizations.

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

11 633.809 Firefighter employers whose firefighter
12 employees have a high frequency of work-related injuries.--The
13 division shall develop a means by which the division may
14 identify individual firefighter employers whose firefighter
15 employees have a high frequency or severity of work-related
16 injuries. The division shall carry out safety inspections of
17 the facilities and operations of those firefighter employers
18 in order to assist them in reducing the frequency and severity
19 of work-related injuries. The division shall develop safety
20 and health programs for those firefighter employers. Insurers
21 shall distribute such safety and health programs to the
22 firefighter employers so identified by the division. Those
23 firefighter employers identified by the division as having a
24 high frequency or severity of work-related injuries shall
25 implement a safety and health program developed by the
26 division. The division shall carry out safety inspections of
27 those firefighter employers so identified to ensure compliance
28 with the safety and health program and to assist such
29 firefighter employers in reducing the number of work-related
30 injuries. The division may not assess penalties as the result
31 of such inspections, except as provided by s. 633.813. Copies

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1 of any report made as the result of such an inspection shall
2 be provided to the firefighter employer and its insurer.
3 Firefighter employers may submit their own safety and health
4 programs to the division for approval in lieu of using the
5 safety and health program developed by the division. The
6 division shall promptly review the program submitted and
7 approve or disapprove the program within 60 days or such
8 program shall be deemed approved. Upon approval by the
9 division, the program shall be implemented by the firefighter
10 employer. If the program is not approved or if a program is
11 not submitted, the firefighter employer shall implement the
12 program developed by the division. The division shall adopt
13 rules setting forth the criteria for safety and health
14 programs, as such rules relate to this section.

15 633.810 Workplace safety committees and safety
16 coordinators.--

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

19 (a) Each firefighter employer of 20 or more
20 firefighter employees shall establish and administer a
21 workplace safety committee in accordance with rules adopted
22 under this section.

23 (b) Each firefighter employer of fewer than 20
24 firefighter employees identified by the division as having
25 high frequency or severity of work-related injuries shall
26 establish and administer a workplace safety committee or
27 designate a workplace safety coordinator who shall establish
28 and administer workplace safety activities in accordance with
29 rules adopted under this section.

30 (2) The division shall adopt rules:

31 (a) Prescribing the membership of the workplace safety

1 committees so as to ensure an equal number of firefighter
2 employee representatives, who are volunteers or are elected by
3 their peers, and of firefighter employer representatives, and
4 specifying the frequency of meetings.

5 (b) Requiring firefighter employers to make adequate
6 records of each meeting and to file and to maintain the
7 records subject to inspection by the division.

8 (c) Prescribing the duties and functions of the
9 workplace safety committee and workplace safety coordinator,
10 which include, but are not limited to:

11 1. Establishing procedures for workplace safety
12 inspections by the committee.

13 2. Establishing procedures for investigating all
14 workplace accidents, safety-related incidents, illnesses, and
15 deaths.

16 3. Evaluating accident prevention and illness
17 prevention programs.

18 4. Prescribing guidelines for the training of safety
19 committee members.

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

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1 (4) Firefighter employees shall be compensated their
2 regular hourly wage while engaged in workplace safety
3 committee or workplace safety coordinator training, meetings,
4 or other duties prescribed under this section.

5 633.811 Firefighter employer penalties.--If any
6 firefighter employer violates or fails or refuses to comply
7 with ss. 633.801-633.821, or with any rule adopted by the
8 division under such sections in accordance with chapter 120
9 for the prevention of injuries, accidents, or occupational
10 diseases or with any lawful order of the division in
11 connection with ss. 633.801-633.821, or fails or refuses to
12 furnish or adopt any safety device, safeguard, or other means
13 of protection prescribed by division rule under ss.
14 633.801-633.821 for the prevention of accidents or
15 occupational diseases, the division may assess against the
16 firefighter employer a civil penalty of not less than \$100 nor
17 more than \$5,000 for each day the violation, omission,
18 failure, or refusal continues after the firefighter employer
19 has been given written notice of such violation, omission,
20 failure, or refusal. The total penalty for each violation may
21 not exceed \$50,000. The division shall adopt rules requiring
22 penalties commensurate with the frequency or severity of
23 safety violations. A hearing shall be held in the county in
24 which the violation, omission, failure, or refusal is alleged
25 to have occurred, unless otherwise agreed to by the
26 firefighter employer and authorized by the division. All
27 penalties assessed and collected under this section shall be
28 deposited in the Insurance Commissioner's Regulatory Trust
29 Fund.

30 633.812 Division cooperation with Federal Government;
31 exemption from requirements for private firefighter

1 employers.--

2 (1) The division shall cooperate with the Federal
3 Government so that duplicate inspections will be avoided while
4 at the same time ensuring safe firefighter places of
5 employment for the citizens of this state.

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

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

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

14 (c) A private firefighter employer with 20 or more
15 full-time firefighter employees shall include provisions for a
16 safety committee in the safety program. The safety committee
17 shall include firefighter employee representation and shall
18 meet at least once each calendar quarter. The private
19 firefighter employer shall make adequate records of each
20 meeting and maintain the records subject to inspections under
21 subsection (3). The safety committee shall, if appropriate,
22 make recommendations regarding improvements to the safety
23 program and corrections of hazards affecting workplace safety;
24 and

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

28 (3) The division may enter at any reasonable time any
29 place of private firefighter employment for the purpose of
30 verifying the accuracy of the written certification. If the
31 division determines that the private firefighter employer has

1 not complied with the requirements of subsection (2), the
2 private firefighter employer shall be subject to the rules of
3 the division until the private firefighter employer complies
4 with subsection (2) and recertifies that fact to the division.

5 (4) This section shall not restrict the division's
6 performance of any duties pursuant to a written contract
7 between the division and the federal Occupational Safety and
8 Health Administration.

9 633.813 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 for 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 shall make such reports as are required by law.

21 633.814 Expenses of administration.--The amounts that
22 are needed to administer ss. 633.801-633.821 shall be
23 disbursed from the Insurance Commissioner's Regulatory Trust
24 Fund.

25 633.815 Refusal to admit; penalty.--The division and
26 authorized representatives of the division may enter and
27 inspect any firefighter place of employment at any reasonable
28 time for the purpose of investigating compliance with ss.
29 633.801-633.821 and conducting inspections for the proper
30 enforcement of ss. 633.801-633.821. A firefighter employer
31 who refuses to admit any member of the division or authorized

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1 representative of the division to any place of employment or
2 to allow investigation and inspection pursuant to this section
3 commits a misdemeanor of the second degree, punishable as
4 provided in s. 775.082 or s. 775.083.

5 633.816 Firefighter employee rights and
6 responsibilities.--

7 (1) Each firefighter employee of a firefighter
8 employer covered under ss. 633.801-633.821 shall comply with
9 rules adopted by the division and with reasonable workplace
10 safety and health standards, rules, policies, procedures, and
11 work practices established by the firefighter employer and the
12 workplace safety committee. A firefighter employee who
13 knowingly fails to comply with this subsection may be
14 disciplined or discharged by the firefighter employer.

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

19 (a) The firefighter employee has testified or is about
20 to testify, on her or his own behalf or on behalf of others,
21 in any proceeding instituted under ss. 633.801-633.821;

22 (b) The firefighter employee has exercised any other
23 right afforded under ss. 633.801-633.821; or

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

26 (3) No pay, position, seniority, or other benefit may
27 be lost for exercising any right under, or for seeking
28 compliance with any requirement of, ss. 633.801-633.821.

29 633.817 Compliance.--Failure of a firefighter employer
30 or an insurer to comply with ss. 633.801-633.821, or with any
31 rules adopted under ss. 633.801-633.821, constitutes grounds

1 for the division to seek remedies, including injunctive
2 relief, by making appropriate filings with the circuit court.

3 633.818 False statements to insurers.--A firefighter
4 employer who knowingly and willfully falsifies or conceals a
5 material fact; makes a false, fictitious, or fraudulent
6 statement or representation; or makes or uses any false
7 document knowing the document to contain any false,
8 fictitious, or fraudulent entry or statement to an insurer of
9 workers' compensation insurance under ss. 633.801-633.821
10 commits a misdemeanor of the second degree, punishable as
11 provided in s. 775.082 or s. 775.083.

12 633.819 Matters within jurisdiction of the division;
13 false, fictitious, or fraudulent acts, statements, and
14 representations prohibited; penalty; statute of
15 limitations.--A person may not, in any matter within the
16 jurisdiction of the division, knowingly and willfully falsify
17 or conceal a material fact; make any false, fictitious, or
18 fraudulent statement or representation; or make or use any
19 false document, knowing the same to contain any false,
20 fictitious, or fraudulent statement or entry. A person who
21 violates this section commits a misdemeanor of the second
22 degree, punishable as provided in s. 775.082 or s. 775.083.
23 The statute of limitations for prosecution of an act committed
24 in violation of this section is 5 years after the date the act
25 was committed or, if not discovered within 30 days after the
26 act was committed, 5 years after the date the act was
27 discovered.

28 633.820 Volunteer firefighters.--Sections
29 633.803-633.821 apply to volunteer firefighters and volunteer
30 fire departments.

31 633.821 Workplace safety.--

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

5 (2) The division shall have the authority to adopt
6 rules for the purpose of ensuring safe working conditions for
7 all firefighter employees by authorizing the enforcement of
8 effective standards, by assisting and encouraging firefighter
9 employers to maintain safe working conditions, and by
10 providing for education and training in the field of safety.
11 Specifically, the division may by rule adopt all or any part
12 of subparts C through T and subpart Z of 29 C.F.R. s. 1910, as
13 revised April 8, 1998; the National Fire Protection
14 Association, Inc., Standard 1500, paragraph 5-7 (Personal
15 Alert Safety System) (1992 edition); and ANSI A 10.4-1990.

16 (3) With respect to 29 C.F.R. s. 1910.134(g)(4), the
17 two individuals located outside the immediately dangerous to
18 life and health atmosphere may be assigned to an additional
19 role, such as incident commander, pumper operator, engineer,
20 or driver, so long as such individual is able to immediately
21 perform assistance or rescue activities without jeopardizing
22 the safety or health of any firefighter working at an
23 incident. Also with respect to 29 C.F.R. s. 1910.134(g)(4):

24 (a) Each county, municipality, and special district
25 shall implement such provision by April 1, 2002, except as
26 provided in paragraphs (b) and (c).

27 (b) If any county, municipality, or special district
28 is unable to implement such provision by April 1, 2002,
29 without adding additional personnel to its firefighting staff
30 or expending significant additional funds, such county,
31 municipality, or special district shall have an additional 6

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1 months within which to implement such provision. Such county,
2 municipality, or special district shall notify the division
3 that the 6-month extension to implement such provision is in
4 effect in such county, municipality, or special district
5 within 30 days after its decision to extend the time for the
6 additional 6 months. The decision to extend the time for
7 implementation shall be made prior to April 1, 2002.

8 (c) If, after the extension granted in paragraph (b),
9 the county, municipality, or special district, after having
10 worked with and cooperated fully with the division and the
11 Firefighters Employment, Standards, and Training Council, is
12 still unable to implement such provisions without adding
13 additional personnel to its firefighting staff or expending
14 significant additional funds, such municipality, county, or
15 special district shall be exempt from the requirements of 29
16 C.F.R. s. 1910.134(g)(4). Nevertheless, each year thereafter
17 the division shall review each such county, municipality, or
18 special district to determine if such county, municipality, or
19 special district has the ability to implement such provision
20 without adding additional personnel to its firefighting staff
21 or expending significant additional funds. If the division
22 determines that any county, municipality, or special district
23 has the ability to implement such provision without adding
24 additional personnel to its firefighting staff or expending
25 significant additional funds, the division shall require such
26 county, municipality, or special district to implement such
27 provision. Such requirement by the division under this
28 paragraph constitutes final agency action subject to chapter
29 120.

30 (4) The provisions of chapter 440 that pertain to
31 workplace safety apply to the division.

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1 (5) The division may adopt any rule necessary to
2 implement, interpret, and make specific the provisions of this
3 section, provided the division may not adopt by rule any other
4 standard or standards of the Occupational Safety and Health
5 Administration or the National Fire Protection Association
6 relating solely to ss. 633.801-633.821 and firefighter
7 employment safety without specific legislative authority.

8 Section 11. Section 633.31, Florida Statutes, is
9 amended to read:

10 633.31 Firefighters Employment, Standards, and
11 Training Council.--

12 (1) There is created within the Department of
13 Insurance a Firefighters Employment, Standards, and Training
14 Council of 13 ~~nine~~ members ~~appointed by the State Fire~~
15 ~~Marshal~~. Two members shall be fire chiefs appointed by the
16 Florida Fire Chiefs Association, two members shall be
17 firefighters, who are not officers, appointed by the Florida
18 Professional Firefighters Association, two members shall be
19 firefighter officers, who are not fire chiefs, appointed by
20 the State Fire Marshal, one member appointed by the Florida
21 League of Cities, one member appointed by the Florida
22 Association of Counties, one member appointed by the Florida
23 Association of Special Districts, one member appointed by the
24 Florida Fire Marshal's Association, and one member appointed
25 by the State Fire Marshal, and one member shall be a director
26 or instructor of a state-certified firefighting training
27 facility appointed by the State Fire Marshal. To be eligible
28 for appointment as a fire chief member, firefighter officer
29 member, firefighter member, or a director or instructor of a
30 state-certified firefighting facility, a person shall have had
31 at least 4 years' experience in the firefighting profession.

1 The remaining member, who shall be appointed by the State Fire
2 Marshal, two members shall not be a member or representative
3 members of the firefighting profession or of any local
4 government. Members shall serve only as long as they continue
5 to meet the criteria under which they were appointed, or
6 unless a member has failed to appear at three consecutive and
7 properly noticed meetings unless excused by the chair.

8 (2) ~~Initially, the State Fire Marshal shall appoint~~
9 ~~three members for terms of 4 years, two members for terms of 3~~
10 ~~years, two members for terms of 2 years, and two members for~~
11 ~~terms of 1 year. Thereafter, Members shall be appointed for~~
12 4-year terms and in no event shall a member serve more than
13 two consecutive terms. Any vacancy shall be filled in the
14 manner of the original appointment for the remaining time of
15 the term.

16 (3) The State Fire Marshal, in making her or his
17 appointments, shall take into consideration representation by
18 geography, population, and other relevant factors, in order
19 that the membership on the council will be apportioned to give
20 representation to the state at large rather than to a
21 particular area.

22 (4) Membership on the council shall not disqualify a
23 member from holding any other public office or being employed
24 by a public entity, except that no member of the Legislature
25 shall serve on the council.

26 Section 12. Subsections (4) and (5) of section 633.33,
27 Florida Statutes, are amended to read:

28 633.33 Special powers; firefighter training.--The
29 council shall have special powers in connection with the
30 employment and training of firefighters to:

31 (4) Consult and cooperate with any employing agency,

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1 university, college, community college, the Florida State Fire
 2 College, or other educational institution concerning the
 3 employment and safety of firefighters, including, but not
 4 limited to, the safety of firefighters while at the scene of a
 5 fire or the scene of an incident related to the provision of
 6 emergency services to which a firefighter responds, and the
 7 development of firefighter training schools and programs of
 8 courses of instruction, including, but not limited to,
 9 education and training in the areas of firefighter employment,
 10 fire science, fire technology, fire administration, and all
 11 allied and supporting fields.

12 (5) Make or support studies on any aspect of
 13 firefighting employment, education, and training or
 14 recruitment.

15 Section 13. Paragraph (c) of subsection (3) of section
 16 383.3362, Florida Statutes, is amended to read:

17 383.3362 Sudden Infant Death Syndrome.--

18 (3) TRAINING.--

19 (c) The Department of Health, in consultation with the
 20 Emergency Medical Services Advisory Council, the Firefighters
 21 Employment, Standards, and Training Council, and the Criminal
 22 Justice Standards and Training Commission, shall develop and
 23 adopt, by rule, curriculum that, at a minimum, includes
 24 training in the nature of SIDS, standard procedures to be
 25 followed by law enforcement agencies in investigating cases
 26 involving sudden deaths of infants, and training in responding
 27 appropriately to the parents or caretakers who have requested
 28 assistance.

29 Section 14. Subsection (4) of section 633.30, Florida
 30 Statutes, is amended to read:

31 633.30 Standards for firefighting; definitions.--As

1 used in this chapter:

2 (4) "Council" means the Firefighters Employment,
3 Standards, and Training Council.

4 Section 15. Subsection (4) of section 633.32, Florida
5 Statutes, is amended to read:

6 633.32 Organization; meetings; quorum; compensation;
7 seal.--

8 (4) The council may adopt a seal for its use
9 containing the words "Firefighters Employment, Standards, and
10 Training Council."

11 Section 16. The Legislature determines and declares
12 that this act fulfills an important state interest.

13 Section 17. Paragraph (b) of subsection (4), paragraph
14 (a) of subsection (5), and paragraphs (a) and (c) of
15 subsection (6) of section 624.91, Florida Statutes, as amended
16 by section 20 of chapter 2001-377, Laws of Florida, are
17 amended to read:

18 624.91 The Florida Healthy Kids Corporation Act.--

19 (4) CORPORATION AUTHORIZATION, DUTIES, POWERS.--

20 (b) The Florida Healthy Kids Corporation shall phase
21 in a program to:

22 1. Organize school children groups to facilitate the
23 provision of comprehensive health insurance coverage to
24 children;

25 2. Arrange for the collection of any family, local
26 contributions, or employer payment or premium, in an amount to
27 be determined by the board of directors, to provide for
28 payment of premiums for comprehensive insurance coverage and
29 for the actual or estimated administrative expenses;

30 3. Establish the administrative and accounting
31 procedures for the operation of the corporation;

1 4. Establish, with consultation from appropriate
2 professional organizations, standards for preventive health
3 services and providers and comprehensive insurance benefits
4 appropriate to children; provided that such standards for
5 rural areas shall not limit primary care providers to
6 board-certified pediatricians;

7 5. Establish eligibility criteria which children must
8 meet in order to participate in the program;

9 6. Establish procedures under which applicants to and
10 participants in the program may have grievances reviewed by an
11 impartial body and reported to the board of directors of the
12 corporation;

13 7. Establish participation criteria and, if
14 appropriate, contract with an authorized insurer, health
15 maintenance organization, or insurance administrator to
16 provide administrative services to the corporation;

17 8. Establish enrollment criteria which shall include
18 penalties or waiting periods of not fewer than 60 days for
19 reinstatement of coverage upon voluntary cancellation for
20 nonpayment of family premiums;

21 9. If a space is available, establish a special open
22 enrollment period of 30 days' duration for any child who is
23 enrolled in Medicaid or Medikids if such child loses Medicaid
24 or Medikids eligibility and becomes eligible for the Florida
25 Healthy Kids program;

26 10. Contract with authorized insurers or any provider
27 of health care services, meeting standards established by the
28 corporation, for the provision of comprehensive insurance
29 coverage to participants. Such standards shall include
30 criteria under which the corporation may contract with more
31 than one provider of health care services in program sites.

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1 Health plans shall be selected through a competitive bid
2 process. The selection of health plans shall be based
3 primarily on quality criteria established by the board. The
4 health plan selection criteria and scoring system, and the
5 scoring results, shall be available upon request for
6 inspection after the bids have been awarded;

7 11. Develop and implement a plan to publicize the
8 Florida Healthy Kids Corporation, the eligibility requirements
9 of the program, and the procedures for enrollment in the
10 program and to maintain public awareness of the corporation
11 and the program;

12 12. Secure staff necessary to properly administer the
13 corporation. Staff costs shall be funded from state and local
14 matching funds and such other private or public funds as
15 become available. The board of directors shall determine the
16 number of staff members necessary to administer the
17 corporation;

18 13. As appropriate, enter into contracts with local
19 school boards or other agencies to provide onsite information,
20 enrollment, and other services necessary to the operation of
21 the corporation;

22 14. Provide a report annually ~~on an annual basis~~ to
23 the Governor, Chief Financial Officer ~~Insurance Commissioner~~,
24 Commissioner of Education, Senate President, Speaker of the
25 House of Representatives, and Minority Leaders of the Senate
26 and the House of Representatives;

27 15. Each fiscal year, establish a maximum number of
28 participants by county, on a statewide basis, who may enroll
29 in the program without the benefit of local matching funds.
30 Thereafter, the corporation may establish local matching
31 requirements for supplemental participation in the program.

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1 The corporation may vary local matching requirements and
2 enrollment by county depending on factors which may influence
3 the generation of local match, including, but not limited to,
4 population density, per capita income, existing local tax
5 effort, and other factors. The corporation also may accept
6 in-kind match in lieu of cash for the local match requirement
7 to the extent allowed by Title XXI of the Social Security Act;
8 and

9 16. Establish eligibility criteria, premium and
10 cost-sharing requirements, and benefit packages which conform
11 to the provisions of the Florida Kidcare program, as created
12 in ss. 409.810-409.820; and

13 17. Notwithstanding the requirements of subparagraph
14 15. to the contrary, establish a local matching requirement of
15 \$0.00 for the Title XXI program in each county of the state
16 for the 2001-2002 fiscal year. This subparagraph shall take
17 effect upon becoming a law and shall operate retroactively to
18 July 1, 2001. This subparagraph expires July 1, 2002.

19 (5) BOARD OF DIRECTORS.--

20 (a) The Florida Healthy Kids Corporation shall operate
21 subject to the supervision and approval of a board of
22 directors chaired by the Chief Financial Officer Insurance
23 ~~Commissioner~~ or her or his designee, and composed of 14 ~~12~~
24 other members selected for 3-year terms of office as follows:

25 1. One member appointed by the Commissioner of
26 Education from among three persons nominated by the Florida
27 Association of School Administrators;

28 2. One member appointed by the Commissioner of
29 Education from among three persons nominated by the Florida
30 Association of School Boards;

31 3. One member appointed by the Commissioner of

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- 1 Education from the Office of School Health Programs of the
 2 Florida Department of Education;
- 3 4. One member appointed by the Governor from among
 4 three members nominated by the Florida Pediatric Society;
- 5 5. One member, appointed by the Governor, who
 6 represents the Children's Medical Services Program;
- 7 6. One member appointed by the Chief Financial Officer
 8 ~~Insurance Commissioner~~ from among three members nominated by
 9 the Florida Hospital Association;
- 10 7. Two members, appointed by the Chief Financial
 11 Officer ~~Insurance Commissioner~~, who are representatives of
 12 authorized health care insurers or health maintenance
 13 organizations;
- 14 8. One member, appointed by the Chief Financial
 15 Officer ~~Insurance Commissioner~~, who represents the Institute
 16 for Child Health Policy;
- 17 9. One member, appointed by the Governor, from among
 18 three members nominated by the Florida Academy of Family
 19 Physicians;
- 20 10. One member, appointed by the Governor, who
 21 represents the Agency for Health Care Administration; ~~and~~
- 22 11. One member, appointed by the Chief Financial
 23 Officer from among three members nominated by the Florida
 24 Association of Counties, representing rural counties;
- 25 12. One member, appointed by the Governor from among
 26 three members nominated by the Florida Association of
 27 Counties, representing urban counties; and
- 28 ~~13.11.~~ The State Health Officer or her or his
 29 designee.
- 30 (6) LICENSING NOT REQUIRED; FISCAL OPERATION.--
- 31 (a) The corporation shall not be deemed an insurer.

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1 The officers, directors, and employees of the corporation
2 shall not be deemed to be agents of an insurer. Neither the
3 corporation nor any officer, director, or employee of the
4 corporation is subject to the licensing requirements of the
5 insurance code or the rules of the Department of Financial
6 Services Insurance. However, any marketing representative
7 utilized and compensated by the corporation must be appointed
8 as a representative of the insurers or health services
9 providers with which the corporation contracts.

10 (c) The Department of Financial Services Insurance
11 shall supervise any liquidation or dissolution of the
12 corporation and shall have, with respect to such liquidation
13 or dissolution, all power granted to it pursuant to the
14 insurance code.

15 Section 18. Effective June 30, 2002, paragraphs (a)
16 and (c) of subsection (1) and subsections (4), (5), (6), (7),
17 (8), and (9) of section 163.05, Florida Statutes, are amended
18 to read:

19 163.05 Small County Technical Assistance Program.--

20 (1) Among small counties, the Legislature finds that:

21 (a) The percentage of the population of small counties
22 residing in the unincorporated areas is relatively high based
23 on the United States Decennial Census of 2000 ~~and increased~~
24 ~~substantially between 1980 and 1990.~~

25 (c) Fiscal shortfalls persist even though 12 ~~13~~ of the
26 small counties levied the maximum ad valorem millage
27 authorized in their jurisdictions in 2001 ~~1990~~ and an
28 additional 15 ~~13~~ small counties levied between 8 and 10 mills.

29 (4) The Commissioner of Agriculture ~~Comptroller~~ shall
30 enter into contracts with program providers who shall:

31 (a) Be a foundation that meets the requirements for

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1 nonprofit status under s. 501(c)(3) of the Internal Revenue
2 Code with a governing board which includes in its membership
3 county commissioners and professional staff of the county
4 ~~public agency or private, nonprofit corporation, association,~~
5 ~~or entity.~~

6 (b) Have substantial and documented experience working
7 closely with county governments in providing both educational
8 and technical assistance.

9 (c)(b) Use existing resources, services, and
10 information that are available from state or local agencies,
11 universities, or the private sector.

12 (d)(c) Seek and accept funding from any public or
13 private source.

14 ~~(d) Annually submit information to assist the~~
15 ~~Legislative Committee on Intergovernmental Relations in~~
16 ~~preparing a performance review that will include an analysis~~
17 ~~of the effectiveness of the program.~~

18 (e) Assist small counties in developing alternative
19 revenue sources.

20 (f) Provide assistance to small counties in ~~the~~ areas
21 such as of financial management, accounting, investing,
22 purchasing, planning and budgeting, debt issuance, public
23 management, management systems, computers and information
24 technology, economic and community development, and public
25 safety management.

26 (g) Provide for an annual independent financial audit
27 of the program.

28 (h) In each county served, conduct a needs assessment
29 upon which the assistance provided for that county will be
30 designed.

31 (5)(a) The Commissioner of Agriculture ~~Comptroller~~

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1 shall issue a request for proposals to provide assistance to
2 small counties. The request for proposals shall be required no
3 more frequently than every third year beginning with fiscal
4 year 2004-2005. All contracts in existence on the effective
5 date of this act between the Comptroller and any other party
6 with respect to the Small County Technical Assistance Program
7 may be accepted by the Commissioner of Agriculture as the
8 party in interest and said contracts shall remain in full
9 force and effect according to their terms. ~~At the request of~~
10 ~~the Comptroller, the Legislative Committee on~~
11 ~~Intergovernmental Relations shall assist in the preparation of~~
12 ~~the request for proposals.~~

13 (b) The Commissioner of Agriculture ~~Comptroller~~ shall
14 review each contract proposal submitted.

15 ~~(c) The Legislative Committee on Intergovernmental~~
16 ~~Relations shall review each contract proposal and submit to~~
17 ~~the Comptroller, in writing, advisory comments and~~
18 ~~recommendations, citing with specificity the reasons for its~~
19 ~~recommendations.~~

20 ~~(c)(d)~~ The Commissioner of Agriculture ~~Comptroller~~ and
21 ~~the council~~ shall consider the following factors in reviewing
22 contract proposals:

- 23 1. The demonstrated capacity of the provider to
24 conduct needs assessments and implement the program as
25 proposed.
- 26 2. The number of small counties to be served under the
27 proposal.
- 28 3. The cost of the program as specified in a proposed
29 budget.
- 30 4. The short-term and long-term benefits of the
31 assistance to small counties.

1 5. The form and extent to which existing resources,
2 services, and information that are available from state and
3 local agencies, universities, and the private sector will be
4 used by the provider under the contract.

5 (6) A decision of the Commissioner of Agriculture
6 ~~Comptroller~~ to award a contract under this section is final
7 and shall be in writing ~~with a copy provided to the~~
8 ~~Legislative Committee on Intergovernmental Relations.~~

9 ~~(7) The Comptroller may enter into contracts and~~
10 ~~agreements with other state and local agencies and with any~~
11 ~~person, association, corporation, or entity other than the~~
12 ~~program providers, for the purpose of administering this~~
13 ~~section.~~

14 ~~(7)(8)~~ The Commissioner of Agriculture ~~Comptroller~~
15 shall provide fiscal oversight to ensure that funds expended
16 for the program are used in accordance with the contracts
17 entered into pursuant to subsection (4) and shall conduct a
18 performance review of the program as may be necessary to
19 ensure that the goals and objectives of the program are being
20 met.

21 ~~(9) The Legislative Committee on Intergovernmental~~
22 ~~Relations shall annually conduct a performance review of the~~
23 ~~program. The findings of the review shall be presented in a~~
24 ~~report submitted to the Governor, the President of the Senate,~~
25 ~~the Speaker of the House of Representatives, and the~~
26 ~~Comptroller by January 15 of each year.~~

27 Section 19. Effective June 30, 2002, Specific
28 Appropriation 2252 in the 2002-2003 General Appropriations Act
29 is hereby repealed and an identical amount is hereby
30 appropriated to the Department of Agriculture and Consumer
31 Services from the General Revenue Fund for the purposes of

593-156AX-32

Bill No. HB 3-E

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

1 this act.

2 Section 20. Except as otherwise provided herein, this
3 act shall take effect upon becoming a law.

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 remove: the entire title,

9

10 and insert:

11

A bill to be entitled

12

An act relating to governmental reorganization;

13

amending s. 20.04, F.S.; providing an exception

14

to departmental structure requirements;

15

deleting reference to the Department of Banking

16

and Finance and substituting the Department of

17

Financial Services; creating s. 20.121, F.S.;

18

creating the Department of Financial Services;

19

specifying the Chief Financial Officer as the

20

head of the department; providing for

21

departmental structure; creating the Financial

22

Services Commission; providing commission

23

composition, structure, and powers;

24

establishing the Office of Insurance Regulation

25

and the Office of Financial Institutions and

26

Securities Regulation within the commission;

27

providing powers, duties, and responsibilities

28

of such offices; requiring the commission to

29

establish certain additional organizational

30

structure of such offices; providing for

31

appointment and specifying qualifications of

593-156AX-32

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

1 directors of such offices; providing for
2 administrative support for such offices;
3 transferring certain programs, including
4 employees and equipment, from the Department of
5 Banking and Finance and the Department of
6 Insurance to the Department of Financial
7 Services, the Office of Insurance Regulation,
8 and the Office of Financial Institutions and
9 Securities Regulation; transferring certain
10 trust funds from the Department of Banking and
11 Finance and the Department of Insurance to the
12 Department of Financial Services, the Office of
13 Insurance Regulation, and the Office of
14 Financial Institutions and Securities
15 Regulation; specifying that certain statutory
16 appointment responsibilities vested by law in
17 certain officers are the responsibility of the
18 Chief Financial Officer; specifying that rules
19 of the Department of Banking and Finance and
20 the Department of Insurance become rules of the
21 Department of Financial Services or the
22 Financial Services Commission; providing for
23 preservation of validity of judicial or
24 administrative actions involving such
25 departments; providing for substitution of
26 certain parties in interest in such actions;
27 creating the Committee of Transition
28 Management; providing for independent function;
29 providing for treatment for administrative
30 purposes as an office of the Executive Office
31 of the Governor; providing for appointment of

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Bill No. HB 3-E

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

1 committee members; specifying powers and duties
2 of the committee; requiring certain reports,
3 proposed organizational plans, and written
4 recommendations to the Financial Services
5 Commission and the Legislature; providing
6 additional legislative intent relating to
7 statutory responsibility for certain
8 appointments becoming the responsibility of the
9 Chief Financial Officer or the Financial
10 Services Commission; providing for conforming
11 legislation; providing for assistance of
12 certain legislative substantive committees by
13 the Division of Statutory Revision for certain
14 purposes; creating s. 11.125, F.S.; authorizing
15 the President of the Senate or the Speaker of
16 the House of Representatives to contract with
17 private entities for certain administrative
18 services under certain circumstances; creating
19 ss. 633.801, 633.802, 633.803, 633.804,
20 633.805, 633.806, 633.807, 633.808, 633.809,
21 633.810, 633.811, 633.812, 633.813, 633.814,
22 633.815, 633.816, 633.817, 633.818, 633.819,
23 633.820, and 633.821, F.S.; providing a short
24 title; providing definitions; providing
25 legislative intent; authorizing the Division of
26 State Fire Marshal of the Department of
27 Insurance to adopt rules related to firefighter
28 safety inspections; requiring the division to
29 conduct a study of firefighter occupational
30 diseases; authorizing representatives of the
31 division to enter and inspect any place of

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

1 firefighter employment; requiring firefighter
2 employers to provide safe employment
3 conditions; authorizing the division to adopt
4 rules that prescribe means for preventing
5 accidents in places of firefighter employment
6 and establish standards for construction,
7 repair, and maintenance; requiring the division
8 to inspect places of firefighter employment and
9 to develop safety and health programs for those
10 firefighter employers whose employees have a
11 high frequency or severity of work-related
12 injuries; requiring certain firefighter
13 employers to establish workplace safety
14 committees and to maintain certain records;
15 providing penalties for firefighter employers
16 who violate provisions of the act; providing
17 exemptions; providing a penalty for the failure
18 to implement a safety and health program and
19 cancellations; providing for expenses of
20 administration; providing penalties for refusal
21 to admit division; specifying firefighter
22 employee rights and responsibilities; providing
23 division remedies for failure to comply;
24 providing penalties for firefighter employers
25 who make false statements to the division or to
26 an insurer; providing criminal penalties for
27 false, malicious, or fraudulent statements and
28 representatives; specifying applicability to
29 volunteer firefighters and fire departments;
30 providing for workplace safety and to authorize
31 the division to adopt rules including federal

1 standards for assuring safe working conditions
2 for all firefighter employees; amending s.
3 633.31, F.S.; changing the name of and
4 expanding and diversifying the Firefighters
5 Standards and Training Council; amending s.
6 633.33, F.S.; providing additional duties of
7 the council; amending ss. 383.3362, 633.330,
8 and 633.32, F.S.; conforming language;
9 providing a declaration of important state
10 interest; amending s. 624.91, F.S.; revising
11 provisions of the Florida Healthy Kids
12 Corporation Act; /vbnding s. 163.05, F.S.;
13 revising legislative findings; providing
14 criteria for contracts between the Commissioner
15 of Agriculture and program providers; deleting
16 responsibilities of the Comptroller and the
17 Legislative Committee on Intergovernmental
18 Relations; authorizing the Commissioner of
19 Agriculture to award contracts to provide
20 assistance to small counties; requiring the
21 Commissioner of Agriculture to provide fiscal
22 oversight and performance reviews; providing an
23 appropriation; providing effective dates.

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