

HB 1029

2009

1                   A bill to be entitled  
2           An act relating to workplace safety; creating s. 440.1026,  
3           F.S.; providing definitions; requiring public employers to  
4           submit by a certain date injury and illness data to the  
5           Division of Workers' Compensation in the Department of  
6           Financial Services using a specified form; authorizing the  
7           division to adopt rules; requiring the division to compile  
8           data from the reports and make the data available on the  
9           division's website; requiring the employer to retain the  
10          reports for 7 years; requiring the division to establish a  
11          toll-free telephone number for public employees relating  
12          to workplace safety by a certain date; requiring the  
13          division to provide certain information on its website by  
14          a certain date; requiring all public employers to comply  
15          with certain federal Occupation Safety and Health  
16          Administration standards by a certain date; amending s.  
17          440.59, F.S.; revising the annual report submitted by the  
18          department to include an analysis and summary on public  
19          employers' work-related injuries and workers' compensation  
20          claims; requiring the report to be provided to public  
21          employers and related officials; providing an effective  
22          date.

23  
24   Be It Enacted by the Legislature of the State of Florida:

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26           Section 1. Section 440.1026, Florida Statutes, is created  
27   to read:

28           440.1026 Public employer workplace safety.--

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29 (1) As used in this section, the term:

30 (a) "OSHA" means the Occupation Safety and Health  
31 Administration in the Department of Labor.

32 (b) "Public employer" means any agency within state,  
33 county, or municipal government, including school districts,  
34 which employs individuals for salary, wages, or other  
35 remuneration.

36 (2) Effective October 1, 2009, all public employers shall  
37 collect and retain injury and illness data as incidents occur  
38 using OSHA Form 300, Log of Work-Related Injuries and Illnesses.

39 (a) Data from the report shall be collected and submitted  
40 to the division pursuant to procedures adopted by the division  
41 by rule.

42 1. Data from the report shall be compiled by the division  
43 and the employer and made available on the department's website.

44 2. The data shall be used to provide information needed  
45 for the annual department report submitted pursuant to s.  
46 440.59.

47 3. The reporting procedures must facilitate the state's  
48 participation in the United States Department of Labor's Bureau  
49 of Labor Statistics' injuries, illnesses, and fatalities  
50 database.

51 (b) The report shall be retained by the employer for 7  
52 years.

53 (3) Effective October 1, 2009, the division shall  
54 establish and publicize the availability of a toll-free  
55 telephone number for public employees to ask questions, request  
56 materials, seek assistance related to workplace safety, and

57 | report perceived unsafe workplace conditions.

58 | (4) Effective October 1, 2009, the division shall include  
 59 | on its website a safety information link that provides a list of  
 60 | professional resources that are available to assist public  
 61 | employers in enhancing safety in their workplaces.

62 | (5) Effective June 30, 2012, all public employers must  
 63 | comply with OSHA general industry standards C.F.R. part 1910,  
 64 | and construction standards C.F.R. part 1926, as applicable.

65 | Section 2. Section 440.59, Florida Statutes, is amended to  
 66 | read:

67 | 440.59 Reporting requirements.--The department shall  
 68 | annually prepare a report of the administration of this chapter  
 69 | for the preceding calendar year. ~~, including~~

70 | (1) The report must include:

71 | (a) A detailed statement of the receipts of and  
 72 | expenditures from the fund established in s. 440.50. ~~and~~

73 | (b) A statement of the causes of the accidents leading to  
 74 | the injuries for which the awards were made. ~~, together with~~

75 | (c) A comprehensive analysis and summary of public  
 76 | employers' work-related illnesses, injuries, fatalities, and  
 77 | compensation claims and costs.

78 | (d) Such recommendations as the department considers  
 79 | advisable.

80 | (2) On or before September 15 of each year, the department  
 81 | shall submit a copy of the report to the Governor, the President  
 82 | of the Senate, the Speaker of the House of Representatives, the  
 83 | Democratic and Republican Leaders of the Senate and the House of  
 84 | Representatives, and the chairs of the legislative committees

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85 having jurisdiction over workers' compensation. Each public  
86 employer and related governing official shall be provided with a  
87 copy of the analysis and summary described in paragraph (1)(c).  
88 The report may be provided electronically.

89 Section 3. This act shall take effect July 1, 2009.