

By Senator Lynn

7-01066-09

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

25  
26 Be It Enacted by the Legislature of the State of Florida:  
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28           Section 1. Section 440.1026, Florida Statutes, is created  
29           to read:

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30 440.1026 Public employer workplace safety.-

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

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

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

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

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

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

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

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

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

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

58 (4) Effective October 1, 2009, the division shall include

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59 on its website safety information link a list of professional  
60 resources that are available to assist public employers in  
61 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  
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).

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88 The report may be provided electronically.

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