

By Senator Lynn

7-00177-12

2012214__

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 department'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:

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

7-00177-12

2012214

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, 2012, 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, 2012, 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, 2012, the division shall include

7-00177-12

2012214

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, 2015, 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).

7-00177-12

2012214__

88 The report may be provided electronically.

89 Section 3. This act shall take effect July 1, 2012.