

## CHAPTER 98-126

### Committee Substitute for Senate Bill No. 1346

An act relating to rulemaking authority with respect to occupational safety and health (RAB); amending s. 442.006, F.S.; authorizing rules for the Division of Safety investigations of public-sector employers; amending s. 442.008, F.S.; authorizing rules for the Division of Safety relating to recordkeeping responsibilities for public-sector employers; amending s. 442.011, F.S.; eliminating an annual report; amending s. 442.20, F.S.; authorizing rulemaking for the Division of Safety for the adoption of federal standards; providing that specified references to federal officials in adopted federal standards refer to specified state officials for the purpose of state law; amending s. 627.0915, F.S.; authorizing rulemaking for the Division of Safety for workplace-safety programs for clients of help-supply services companies; providing an effective date.

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

Section 1. Subsection (3) is added to section 442.006, Florida Statutes, to read:

442.006 Investigations by the division; refusal to admit; penalty.—

(3) The division by rule may adopt procedures for conducting investigations of public-sector employers under this chapter.

Section 2. Subsection (4) is added to section 442.008, Florida Statutes, to read:

442.008 Division authority.—The division shall:

(4) Adopt rules prescribing recordkeeping responsibilities for public-sector employers, which may include rules for maintaining a log and summary of occupational injuries, diseases, and illnesses and for producing on request a notice of injury and employee accident investigation records, and rules prescribing a retention schedule for such records.

Section 3. Section 442.011, Florida Statutes, is amended to read:

442.011 Carrier consultations.—Each insurance carrier writing workers' compensation insurance in this state, each employer qualifying as an individual self-insurer under s. 440.38, each self-insurance fund under s. 624.461, and each assessable mutual insurer under s. 628.6011 must provide safety consultations to each of its policyholders who requests such consultations. Each such carrier or self-insurer must inform its policyholders of the availability of such consultations ~~and must report annually on its safety and health programs and consultations to the division in such form and at such time as the division prescribes.~~ The division is responsible for approving all safety and health programs. The division shall aid all insur-

ance carriers and self-insurers in establishing their safety and health programs by setting out criteria in an appropriate format.

Section 4. Subsection (2) of section 442.20, Florida Statutes, is amended and subsection (5) is added to that section to read:

442.20 Workplace safety.—

(2) The Division of Safety shall have the authority to adopt rules for the purpose of assuring safe working conditions for all workers by authorizing the enforcement of effective standards, assisting and encouraging employers to maintain safe working conditions, and by providing for education and training in the field of safety. For public-sector employers, the division may by rule adopt Subparts C through T and Subpart Z of 29 C.F.R. Part 1910; Subparts C through Z of 29 C.F.R. Part 1926; Subparts A through D, Subpart I, and Subpart M of 29 C.F.R. Part 1928; Subparts A through G of 29 C.F.R. Part 1917; Subparts A through L and Subpart Z of 29 C.F.R. Part 1915; Subparts A through J of 29 C.F.R. Part 1918, as revised July 1, 1993, provided that 29 C.F.R. 1910.156 applies to volunteer firefighters and fire departments operated by the state of political subdivisions; the National Fire Protection Association, Inc., Standard 1500, paragraph 5-7 (Personal Alert Safety System) (1992 edition); and ANSI A 10.4-1990.

(5) All references to the Assistant Secretary of the Occupational Safety and Health Administration and to the Director of the National Institute for Occupational Safety and Health and their authorized representatives in the adopted federal Occupational Safety and Health Administration standards shall, for purposes of this section mean, the Director of the Division of Safety of the Department of Labor and Employment Security or his or her authorized representatives.

Section 5. Section 627.0915, Florida Statutes, is amended to read:

627.0915 Rate filings; workers' compensation, drug-free workplace, and safe employers.—The Department of Insurance shall approve rating plans for workers' compensation insurance that give specific identifiable consideration in the setting of rates to employers that either implement a drug-free workplace program pursuant to rules adopted by the Division of Workers' Compensation of the Department of Labor and Employment Security or implement a safety program approved by the Division of Safety pursuant to rules adopted by the Division of Safety of the Department of Labor and Employment Security or implement both a drug-free workplace program and a safety program. The Division of Safety may by rule require that the client of a help-supply-services company comply with the essential requirements of a workplace-safety program as a condition for receiving a premium credit. The plans must take effect January 1, 1994, must be actuarially sound, and must state the savings anticipated to result from such drug-testing and safety programs.

Section 6. This act shall take effect upon becoming a law.

Became a law without the Governor's approval May 22, 1998.

Filed in Office Secretary of State May 21, 1998.