

STATE OF FLORIDA

OFFICE OF THE GOVERNOR EXECUTIVE ORDER NUMBER 00-292

WHEREAS, in 1999, the Legislature enacted Chapter 99-240 which abolished the Division of Safety within the Department of Labor and Employment Security and repealed Chapter 442, Florida Statutes, the Florida Occupational Safety and Health Act, effective July 1, 2000; and

WHEREAS, the 2000 Legislature failed to approve Senate Bill 1206 which would have created the Florida Task Force on Workplace Safety to examine, among other issues, the workplace safety needs of public sector employees and authorized the Division of Workers' Compensation to implement the recommendations of the task force; and

WHEREAS, the expressed legislative intent of the Florida Occupational Safety and Health Act was to "enhance occupational and safety and health in this state through the implementation and maintenance of policies, procedures, practices, rules, and standards that reduce the incidence of employee accidents, occupational diseases, and fatalities compensable under Chapter 440;" and

WHEREAS, the federal Occupational Safety and Health Act is not self-executing on state agencies and political subdivisions; and

WHEREAS, following the repeal of Chapter 442, I designated the University of South Florida as the recipient of federal grants under the Occupational Safety and Health Act to assist private sector employers in enhancing workplace safety; and

WHEREAS, Chapter 20.057, Florida Statutes, authorizes the Governor to direct any department, the head of which is appointed by and serving at the pleasure of the Governor, to enter into interagency agreements for appropriate enforcement measures; and

WHEREAS, ensuring the safety of employees of the State is of paramount importance and a necessary precondition to the efficient operations of government and the faithful execution of Florida's laws.

NOW, THEREFORE, I, JEB BUSH, Governor of the State of Florida, by the powers vested in me by the Constitution and laws of the State of Florida, do hereby promulgate the following executive order, effective immediately:

Section 1.

- A. The Department of Business and Professional Regulation, the Department of Children and Families, the Department of Citrus, the Department of Community Affairs, the Department of Corrections, the Department of Elder Affairs, the Department of Environmental Protection, the Department of Health, the Agency for Health Care Administration, the Department of Juvenile Justice, the Department of Labor and Employment Security, the Department of Lottery, the Department of Management Services, and the Department of Transportation, (the "Departments") are

directed to review their existing policies, practices and procedures concerning workplace safety.

- B. The Departments are directed to voluntarily comply with Subparts C through T and Subpart Z of the Occupational Safety and Health (OSHO) Standards, 29 CFR Part 1910, as revised July 1, 1993, with the exception of those OSHA Standards pertaining to firefighters and fire departments inconsistent with any rules promulgated by the Department of Insurance.
- C. The Departments shall coordinate their safety review efforts and enter into interagency agreements as necessary to provide for appropriate enforcement measures.

Section 2.

- A. Each department and political subdivision of the State not specifically mentioned in Section 1 is requested to review its existing policies, practices and procedures concerning workplace safety and implement any policies, practices or procedures made necessary by the repeal of Chapter 442.

Section 3.

- A. Nothing in this Executive Order shall be construed to create a cause of action or any legal remedy not otherwise provided for by law.

B. This Executive Order shall continue in effect until superseded by action of the Florida Legislature.



IN TESTIMONY WHEREOF, I have hereunto set my hand and have caused the Great Seal of the State of Florida to be affixed at Tallahassee, The Capitol, this 25th day of September, 2000.

Jeb Bush

GOVERNOR

ATTEST:

Katherine Harris

SECRETARY OF STATE

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