What Is a Pre-Employment Physical?

By George A. Helm, III, Esquire

Section 112.18, F.S., commonly referred to as the Heart and Lung Bill, provides potentially valuable benefit(s) for firefighters, police officers and correctional officers, by providing workers’ compensation coverage for heart disease, hypertension, and tuberculosis.

For section 112.18 to apply, the employee must prove four elements. First, the employee must prove they are a member of the class of workers protected by section 112.18. Second, the employee must prove they suffered a condition or impairment of health caused by heart disease, hypertension or tuberculosis. Third, the employee must prove the condition of health resulted in total or partial disability or death. Finally, the employee must prove they successfully passed a physical examination upon entering into any such service as a firefighter, law enforcement officer or correctional officer, which examination failed to reveal any evidence of any such condition.

If the employee satisfies all four elements, the impairment or condition of health is presumed work related, see Punsky v. Clay County Sheriff’s Office, 18 So.3d 577 (Fla. 1st DCA 2009).

Although the 1986 case, Cumbie v. City of Milton, 496 So.2d 923 (Fla. 1st DCA 1986), made it very clear that for section 112.18 to apply, an employee must undergo a pre-employment physical that fails to reveal evidence of the protected condition later claimed, neither the statute nor any case defined “pre-employment physical”. In most cases, the trial courts and insurers were satisfied with a physical performed “pre-employment”, that is, before employment, that failed to reveal evidence of the protected condition later claimed whether it be hypertension, heart disease or tuberculosis.

In 2009 the First District Court of Appeal decided three cases which specifically defined “pre-employment physical”. In doing so, the court focused on the specific language of section 112.18, Florida Statutes which reads as follows:

112.18 Firefighters and law enforcement or correctional officers; special provisions relative to disability.—

(1)(a) Any condition or impairment of health of any Florida state, municipal, county, port authority, special tax district, or fire control district firefighter or any law enforcement officer, correctional officer, or correctional probation officer as defined in s. 943.10(1), (2), or (3) caused by tuberculosis, heart disease, or hypertension resulting in total or partial disability or death shall be presumed to have been accidental and to have been suffered in the line of duty unless the contrary be shown by competent evidence.
However, any such firefighter or law enforcement officer must have successfully passed a physical examination upon entering into any such service as a firefighter or law enforcement officer, which examination failed to reveal any evidence of any such condition.

Such presumption does not apply to benefits payable under or granted in a policy of life insurance or disability insurance, unless the insurer and insured have negotiated for such additional benefits to be included in the policy contract.

(emphasis added)

In doing so, the court added strict guidelines for defining pre-employment physical for the purposes of section 112.18.

In Hunter v. Seminole County Fire Rescue, 2009 WL 4030825; (Fla. 1st DCA 2009), a case that was not published in the permanent Florida Reporter, the First District Court of Appeal upheld the trial court’s decision that a firefighter was not entitled to the benefit of section 112.18 for his heart disease condition because the claimant did not undergo a valid pre-employment physical. In Hunter, the claimant passed a physical as part of the section 633, F.S. certification process, without any evidence of hypertension or heart disease. The claimant later obtained three fire fighting jobs and went through three pre-employment physicals the last of which revealed heart disease. The claimant filed a section 112.18 claim against the last employer and the judge ruled section 112.18 was not available because the claimant had evidence of heart disease on the last physical. In doing so, the judge ruled the certification physical required by section 633.35, F.S. was not a pre-employment physical. Instead, it was a physical that allowed the person to become certified. To the contrary, the section 112.18 physical must be performed upon the employee’s entering into a specific term of employment. The court interpreted the phrase “upon entering into employment” as meaning nothing other than a separate section 112.18 physical was required.

In Miami-Dade County v. William Davis, 26 So.3d 13 (Fla. 1st DCA 2009), the claimant worked for one fire department, left for a period of time, then obtained employment with another fire department, Miami-Dade County. The claimant’s pre-employment physical with Miami-Dade County showed evidence of heart disease. At trial, the claimant argued that since he passed his first pre-employment physical at the beginning of his career/occupation, he was not required to pass the subsequent pre-employment physical, without evidence of the protected condition. In Davis, the First District Court reasoned that Miami-Dade County complied with the requirements of section 633.34, Florida Statutes (1995) by requiring the claimant to submit to a pre-employment physical examination even though he was a certified firefighter when he applied for employment. Because that pre-employment examination revealed heart disease, section 112.18(1) was not applicable.

In Volusia County Fire Services v. Taaffe, 27 So.3d 81 (Fla. 1st DCA 2009), the claimant passed a pre-employment physical and started his employment as a firefighter in 1992 with the Cedar Hammock Fire Department. Subsequently, the claimant left the employ of Cedar Hammock and went to work for Volusia County Fire Services, where he underwent a pre-employment physical which noted hypertension, but found him “fit for duty”. The claimant sought compensability of a section 112.18 hypertension claim against Volusia County and the employer asserted the claimant had evidence of hypertension on their pre-employment physical, so section 112.18 was not applicable. The trial court ruled the appropriate pre-employment physical for consideration was the one the claimant underwent at the beginning of his career with the Cedar Hammock Fire Department. Following the analysis set forth in Miami-Dade v. Davis and Hunter v. Seminole County Fire Rescue the First District Court of Appeal reversed the trial court’s decision and remanded to the court for entry of an order consistent with those opinions.

The aforementioned cases make it clear that a proper section 112.18 investigation requires a detailed analysis of the pre-employment physical issue. Furthermore, when the physical was performed is a key element. What is “upon entering into any such service”? The author asserts this language refers to the classes of employees protected by section 112.18(1)(a).

Therefore, if the physical is performed at any other time, it is not a pre-employment physical performed upon entering into any such service as a protected class member.
For example, if the employee underwent a pre-employment physical upon entering into full time employment as a paramedic or part time firefighter, that physical would not be “upon entering into service as a full time certified firefighter.” The same analysis applies to law enforcement officers and correctional officers. Section 112.18 does not cover part time or auxiliary law enforcement officers defined in section 943.10(6) and (8), F.S., nor does it cover part time or auxiliary correctional officers defined in section 943.10(7) and (9), F.S. Accordingly, undergoing a pre-employment physical upon entering into service in one of these classes will not satisfy the requirement of undergoing a pre-employment physical upon entering into service as a full time certified law enforcement officer, correctional officer or correctional probation officer.

A section 112.18(1)(a) pre-employment physical is not just any physical performed prior to employment. Instead, it must be performed when the employee is hired to work (upon entering into service) as one of the employee classes protected by section 112.18(1)(a), F.S. If not, the valuable benefits provided by section 112.18 are not available to the employee.

George A. Helm, III is a Board Certified Workers’ Compensation attorney and is AV rated by Martindale Hubbell. Mr. Helm has been practicing workers’ compensation defense since 1988, and since 2001, specifically focusing on the defense of municipal workers’ compensation claims. He received his Bachelor's Degree from the University of Florida with high honors in 1985 and graduated from the University of Florida College of Law in 1988. Mr. Helm has lectured at various seminars regarding workers’ compensation issues and is an accredited lecturer through the State of Florida for insurance certification classes.

Leadership - What Do You See When You Look in the Mirror?
By Gina L. Hall, SPHR - Gina Hall HR Consulting

To begin, leadership is about behaviors first and skills second. Leadership does involve management skills, but generally as a secondary or backseat function of true leadership. Leadership relies more directly on less tangible things like trust, inspiration, decision-making and personal character. These are elements of humanity and are directed predominantly by the leader’s character.

Many of us are searching for leaders… in our companies, our government, our organizations, whether it be it civic, religious, or professional. In order to find good leaders, we need to know what we are looking for, so let’s explore some of the qualities of a good leader.

First and foremost, have a vision – It is really hard to get others to do what you want if you don’t know what you want, so having a vision and direction helps a leader to navigate direction.

Tell people what you want done not how to do it - Most successful leaders are smart in the traditional channels of education and work experience. However, smart leaders know what they know and what they don’t know. Good leaders surround themselves with individuals that know more than they do on many subjects. They build a team around folks who are encouraged to think, to innovate and be creative. The leaders’ talent is in blending this group of people into a cohesive team that generates successful results.

Lead by example - A good leader inspires individuals to work to their capabilities and potential. A leader expects folks on the team to work hard and to be committed to the team goals. A leader may not expect the team to do as much or as well as he or she does, yet insists that team members do as much and as well as they possibly can.

Takes care of people – Leaders know the people on the team; their strengths, weaknesses, aspirations and fears. He/she takes the criticism from outside the group yet compliments individual employees on what and how they contribute.

Honest and truthful – Leaders are dependable…when they give their word you can always count on it. They don’t cheat or try to find an easy way out of a tough situation. They don’t waffle on principles. They are not inflexible; there are simply boundaries they will not cross. They have and demonstrate integrity, ethics and possess a strong sense of right and wrong.

Having articulated characteristics of a good leader and leadership qualities, look around…..is there a leader looking back at you?

Gina Hall of Gina Hall HR Consulting provides human resource consulting to public and private companies as well as individuals. Gina worked in corporate America for more than 25 years and thus applies her experiences in her consulting practice to customize realistic solutions for each client. Gina has been an active member of the Society for Human Resource Management (SHRM) since 1990. In addition to serving on a national level as Florida State Director, she is past president of the Central Florida Human Resource Association (CFHRA, the local SHRM chapter) and currently on the CFHRA Board of Directors. Gina received her PHR, Professional in Human Resources in 1990 and her SPHR, Senior Professional in Human Resources from SHRM in 1998. She has a B.A. in Communications from Auburn University.
2011 Claims Bill Update

By Joseph D. Tessitore, Esquire

Statistically, very few cases in the State of Florida conclude with a judgment above a sovereign immune entity’s statutory cap resulting in the filing of a claim bill. Of the claim bills which are filed with the Legislature, only a small percentage are actually passed by the Legislature and signed into law by the Governor.

Within the last two years, our firm has seen an increase in the number of cases where Plaintiff’s attorneys adamantly contend that their case warrants a claim bill and are convinced they will easily obtain passage should they prevail. We have also seen more cases where the Plaintiff’s attorney is not interested in settling the case for the statutory cap and is content to pursue the case through a verdict, in the apparent belief that they will successfully obtain passage of a claim bill. We have analyzed this recent trend in order to determine whether the Legislature and/or Governor have become more receptive to claim bills or whether, instead, this is merely a reflection of a new strategy by the plaintiff’s bar seeking to negotiate higher settlement offers from governmental defendants.

After compiling and surveying the statistics since 1999, we have concluded that there is no significant statistical change in the number of claim bills signed into law which would warrant the belief that Plaintiffs are more likely to obtain a claim bill today, as compared to past years. In fact, the table set forth below reflects that the total number of claim bills signed into law over the last three years have actually declined:

<table>
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<th>Governor</th>
<th>Year</th>
<th>Total # Claims Filed</th>
<th>Signed Into Law</th>
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<td>Bush</td>
<td>1999</td>
<td>27</td>
<td>12</td>
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<td>2000</td>
<td>19</td>
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</tr>
<tr>
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<td>2011</td>
<td>22</td>
<td>3</td>
</tr>
</tbody>
</table>

Projecting the future passage of claim bills, given the purely political nature of the process, is a tenuous proposition. However, a brief review of the facts and circumstances involved in the three claim bills which passed this year, may provide some insight into future proceedings. Those claim bills which passed are as follows:

1) Relief of Angela Isham by the City of Ft. Lauderdale  CS/SB 34 HB 185

2) Relief of L. Harris, Jr., M. Harris, and L. Harris, Sr. by North Broward Hospital District  SB16/HB609

3) Relief of Estate of Cesar Solomon by Jacksonville Transportation Authority  SB 22/HB 629
ISHAM

The Isham claim arose out of a police chase by the Fort Lauderdale Police Department in an unmarked police car. The fleeing vehicle struck Mr. Isham’s vehicle killing him. Prior to trial the parties stipulated the economic damages were $1.27 million. After a five (5) day trial the jury found the City 50% liable for Mr. Isham’s death. The jury awarded the decedent’s wife $600,000 in non-economic damages. This resulted in a net verdict against the City of $1.4 million. The City paid its sovereign immune limits of $200,000, leaving $1.2 million unpaid. The City initially contested the granting of a claim bill for the $1.2 million in unpaid damages. The Special Master found the jury verdict proper based on the evidence and the amount of damages reasonable. He also found the City had $2.1 million in reserves to pay the claim, which in his opinion would not adversely affect the City’s operations. The Special Master recommended passage of the claim bill with a limit of attorneys’ fees and costs to 25% of the amount paid. However, since the City contested passage of the claim bill it was not passed into law by the Legislature in 2009 or 2010. Subsequently the parties reached a settlement reducing the amount of the claim bill to $600,000. After the agreed reduction the City withdrew its objection to the granting of the bill. Since the bill for $600,000 was unopposed, the Legislature passed the bill and the Governor signed the bill into law on June 2, 2011.

HARRIS

The Harris claim arose out of a medical malpractice claim against North Broward Hospital District when Baby Harris suffered a catastrophic brain injury in utero due to Defendant’s failure to diagnose the mother had a placental abruption. As a result Baby Harris will need lifelong care. The case went to trial in 2009, but after jury selection and opening statements, the parties agreed to mediate the case. At mediation the Hospital District agreed to entry of a consent judgment in the amount of $2.2 million. The Hospital District paid its statutory cap of $200,000 and agreed not to oppose Plaintiff’s pursuit of a claim bill for $2 million. In addition to the $200,000 from the Hospital District, the Plaintiffs received approximately an additional $5 million from Codefendants. From the gross recovery the Plaintiffs paid their attorneys $2.3 million and medical bills of $200,000. The Plaintiffs’ net recovery prior to the claim bill was $2.6 million.

The Special Master found that in order for Harris to realize the full benefit of the settlement agreement reached with the Hospital District, it would require passage of a claim bill. Further, the $2.2 million agreement with the Hospital District was a relatively small percentage of the total amount of economic damages Baby Harris would incur if he survives to adulthood. It was estimated the total economic damages could exceed $20 million. Based on this analysis the Special Master recommended passage of the claim bill for $2 million. Additionally, attorneys’ fees were limited to 25%, leaving Harris with $1.5 million. The legislature passed the bill and Governor Scott signed the bill into law on June 21, 2011.

SOLOMON

The Solomon claim arose out of a motor vehicle accident where a Jacksonville Transportation Authority bus struck a City of Jacksonville lift truck while Solomon was standing on a platform in an intersection effecting repairs to a traffic light. Solomon was thrown from the platform and killed. A review of the bus’s event data recorder showed no braking before the collision. The traffic accident investigation showed no obstructions to the view of the bus driver. The bus driver claimed loss of memory and could offer no explanation as to why the accident happened.

After filing of an Amended Complaint the parties entered into a Stipulated Final Judgment of $1.25 million, with 100% of the liability assessed against the bus driver. Additionally, the Jacksonville Transit Authority agreed not to contest the claim bill. The Jacksonville Transportation Authority paid its sovereign immune limits of $200,000, leaving an unpaid amount on the judgment of $1.05 million.

The Special Master found the Plaintiff had received $357,000 in payments from other sources. He found clear liability against the Jacksonville Transportation Authority. Based on the amount of projected economic damages of $1.2 million to $1.4 million, the stipulated judgment was reasonable. Plaintiff’s counsel agreed to limit attorneys’ fees to 25%. Finally, the Jacksonville Transit Authority had reserves in the amount of $1.8 million. Based on all of the foregoing he recommended passage of the claim bill in the amount of $1.05 million. The Legislature passed the bill and Governor Scott signed the bill into law on June 21, 2011.
LEGISLATIVE UPDATE

ANALYSIS

The rationale articulated the Special Masters in favor of passage is instructive for the defense of claim bills in the future. All three entities for the bills passed this year were self-insured. The Special Masters commented in their respective reports to the Legislature that the entities had reserves in excess of the amount of the claim bills, therefore passage of the bills would not “harm” or “adversely affect” the entities. This conclusion suggests a basic lack of understanding regarding governmental financing by these individuals, and would further suggest that the true import of such a drastic diminution in an entity’s reserves should be explained more fully during the claims bill process.

Unfortunately there is precedent for a Special Master to disregard the potential impact of the claim bill on an entity and recommend passage of the bill, nonetheless. In the matter of Vincent Merriweather by Palm Beach County School Board, the claim bill was unopposed but the School Board did inform the Special Master that payment of the claim from their self-insured fund would adversely impact its ability to fund needed educational programs. In spite of this adverse impact the Special Master recommended passage of the bill. It was eventually passed and signed into law in 2009 by Governor Crist.

In the Isham matter the City of Fort Lauderdale had $2.1 million in reserves. If a claim bill for $1.2 million had been passed, the City’s reserves would have been only $900,000. In the Solomon matter, the Hospital District had $1.8 million in reserves. After payment of the claim bill of $1.05 million the Hospital District’s reserves were only $750,000. Clearly the Special Masters’ opinions that depletion of the entities’ reserves would not “adversely affect” the entities is unrealistic. Such a drastic diminution in overall reserves clearly places an entity at risk for future catastrophic claims. Based on this precedent, we recommend that entities and their attorneys when defending a claim bill, take care to educate the Special Master as to the very real adverse financial effects which the entity would face if the claim bill were passed.

SUMMARY

From a macro perspective it is clear that there has not been an increase in the total number of claim bills considered or the total number of claim bills signed into law over the last three years. In fact, there has been a decrease in the total number of claim bills signed into law since the first two years of Governor Crist’s tenure. Based on the statistical data at hand, one would not expect to see an increase in the number of claim bills signed into law in the foreseeable future. However, it will be extremely important that entities properly inform Special Masters of those adverse financial consequences attendant with passage of a claim bill. Additionally, the three claim bills signed into law this year were uncontested. This is consistent with our understanding of the history of the passage of claim bills in Florida and suggests this will continue to be the policy into the foreseeable future.

Mr. Tessitore was admitted to the Florida Bar in 1993 and is admitted to the United States District Court, Middle, Southern, and Northern Districts of Florida, Eleventh Circuit Court of Appeals, and the United States Supreme Court. Mr. Tessitore received his B.S. in 1983 from Florida State University and his J.D. in 1992 from the University of Miami. He is a member of the Defense Research Institute and Florida Defense Lawyers Association. Mr. Tessitore practices in the areas of civil litigation, including public entity law, personal injury, wrongful death, insurance and medical negligence. In addition to practicing law, Mr. Tessitore is an adjunct professor at the University of Central Florida.

Preferred would like to welcome the following new members...

Duette Fire Rescue
Florida Charter School Foundation d.b.a. Franklin Academy
Florida International University Board of Trustees
Key Marco Community Development District
One Room School House Project
RAMZ Academy, Inc.

1. September 5, 1882 in the City of New York, 2. October 12, 1492 on the Santa Maria, 3. 1921 in Anoka, Minnesota, 4. 1863 by President Abraham Lincoln
CSB Declares Florida’s Failure to Adopt CSB Recommendation on Protecting Public Workers “Unacceptable”; Chairperson Rafael Moure-Eraso asks State to Reconsider Legislation

Washington, DC, July 18, 2011 – The U.S. Chemical Safety Board (CSB) today announced it has declared Florida’s inaction and failure to adopt a CSB recommendation to provide federal-level workplace protections for state and municipal public workers an “Unacceptable Response.” It is the first time that a CSB recommendation issued to a state and its legislature has been closed due to an unacceptable response by the recipient. At the same time, CSB Chairman Rafael Moure-Eraso called on the state to reconsider legislation that would provide adequate workplace protection for public employees.

The recommendation was originally issued by the CSB presidentially-appointed board in 2007 following an extensive investigation into a January 11, 2006, methanol fire and explosion at the Bethune Wastewater Treatment plant in Daytona Beach that killed two public employees and seriously injured a third. Sparks from a welding torch used by Daytona Beach city workers above a tank of methanol ignited vapors that exploded. The CSB found that if the city had implemented hot work and hazardous communication (HAZCOM) programs conforming to Occupational Safety and Health Administration (OSHA) safety standards, “the hazards of using a torch in proximity to the methanol tank would likely have been identified and possibly prevented.” In Florida, OSHA safety and health protections apply to private employees, but not public employees, even though many such workers perform potentially hazardous work.

In a letter to Florida Governor Rick Scott, CSB Chairman Rafael Moure-Eraso noted that in recent years, proposed legislation to provide workplace protections for public workers had been strongly supported by a broad coalition of trade groups, businesses, and unions but failed to pass in 2009 and 2010. “Since no bill to secure health and safety protections for Florida’s public employees was introduced during the 2011 legislative sessions, the Board has concluded that neither you nor the State Legislature intend to take action to implement the CSB’s recommendations.”

Chairman Moure-Eraso urged state officials to take up the recommendation anew, saying in the letter to Governor Scott, “The Board maintains that implementation of these recommendations is necessary to secure the health and safety of Florida’s public employees. We therefore strongly encourage you and your colleagues in the state legislature to reconsider the CSB’s recommendations.”

Chairman Moure-Eraso said, “Florida’s inaction is unacceptable as it means public employees doing potentially hazardous work have inadequate workplace protections – which they would have if they were private-sector workers. The CSB has found that currently 27 states and jurisdictions operate safety and health programs for their public employees. There can be little doubt that these basic workplace standards help prevent accidents and save lives in those states.”

The CSB’s Bethune investigation found that in addition to the accident that occurred at the wastewater treatment plant in Daytona Beach, 33 other chemical-related incidents had occurred in Florida from 2003 to 2007. These incidents all involved chemicals that would be covered by the federal OSHA hazard communication regulations.

The CSB is an independent federal agency charged with investigating industrial chemical accidents. The agency’s board members are appointed by the president and confirmed by the Senate. CSB investigations look into all aspects of chemical accidents, including physical causes such as equipment failure as well as inadequacies in regulations, industry standards, and safety management systems.

The Board does not issue citations or fines but does make safety recommendations to plants, industry organizations, labor groups, and regulatory agencies such as OSHA and EPA. Visit our website, www.csb.gov.

For more information, contact Hillary Cohen 202.446.8094, Bridget Serchak 202.261.7610 or Sandy Gilmour, 202-261-7614, cell 202-251-5496.

Original article released by the CSB (Chemical Safety Board) News Room on 7/18/2011
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SAFETY SOURCE

AED PROGRAM TIPS

Cardiovascular disease is the leading cause of death in the United States, and is responsible for 1 million deaths in our country each year. Of these deaths, almost half are due to cardiac arrest, a sudden unexpected loss of heart function. The Occupational Safety & Health Administration (OSHA) estimates that 15% of all workplace fatalities are caused by sudden cardiac arrest. Of these victims, it is estimated that 40% could have possibly been saved by an Automated External Defibrillator (AED) within the first 5 minutes following sudden cardiac arrest.

It has been proven that AED’s along with an effective policy governing use thereof is an effective way to manage this impending cause of workplace morbidity and mortality. Therefore, here are some important key items to consider in implementing an effective AED program.

1. Review the workplace environment and determine areas where a sudden cardiac arrest may most likely occur. Place AED’s as close as possible to areas where the general public is more likely to gather, such as main reception areas, near elevators, cafeterias, or main corridors.

2. Identify individuals who would be the likely responders in the event of a sudden cardiac arrest and provide proper training to each. Potential candidates to consider per responder role may include security personnel, Human Resource staff, or facility maintenance staff.

3. Once established notify local emergency medical services (EMS) and communicate where AED’s have been stationed in order to promote quick response and save critical minutes during an emergency.

4. Enlist local medical professionals, such as emergency medical physicians, occupational health nurses, or local/State EMS professionals to promote and advertise the AED program.

5. Establish and conduct AED maintenance checks on a routine basis in order to prevent AED malfunction or breakdown. It is recommended that the following items be covered thoroughly during routine inspection of a AED’s.

   • Electrodes - inspect electrode packaging, if open, inspect electrodes for possible adhesive dry out or damage due to air or contaminant exposure. Electrodes expire, so check for expiration date…throw out and replace with new if expired, dried out, or other damage is present.

   • Electrode Cables – This is cable that established connection between the AED unit and the electrodes. Check the cables for damage and replace if needed. Cables should be stored properly and should never be wound tightly.

   • Primary Battery – Test the AED’s primary battery by utilizing the unit’s self-check diagnostic function. This can be accomplished by locating and pressing the unit’s “TEST” button. Immediately replace or recharge battery if unit power meter/gauge is not in the green.

   • Secondary Battery – Ensure that secondary battery is stored with device. Test the secondary battery by removing the primary battery and replacing with secondary battery and repeat same testing procedure performed on primary battery. Immediately replace or recharge battery if unit power meter/gauge is not in the green.

   • DC Charging Cable – Check recharge cord and plugs for wear and/or damage.

   • It is highly recommended that the manufacturers of the AED’s being utilized within your establishment be contacted as part of the routine inspection process to ensure that there have been no recalls issued on those unit(s) being utilized since purchased or last inspected. All AED inspections should be properly recorded / documented in case needed for future reference.
The City of St. Augustine Earns a Gold Award as a Healthy Workplace
Submitted by Mike Marinan, Director of Member Services - Public Risk Underwriters of Florida, Inc.

Congratulations to the City of St. Augustine for earning a “Gold Award” in the “2011 First Coast Healthiest Companies” competition; sponsored by First Coast Worksite Wellness Council. Donna Hayes, in the City’s Human Resources Division spearheaded the yearlong Employee Wellness Initiative.

The goal of the program was to bring all employees together to engage in becoming healthier and happier both at work and at home. The initiative encouraged employees to take responsibility for their personal health and focus on prevention and education through participation in the Wellness Program.

Donna explained that throughout the year employees had the opportunity to earn points through participation in various wellness activities. The points are weighted based on the amount of time and involvement in each program. The Programs included: Physical Activity, prevention, On-site Educational Programs. Employees were competing not only within their own department, also with other departments in an effort to improve their overall health.

The City Commission recognized the Human Resources Division for their efforts in making the program a success, but congratulations to all.

Seacoast Utility Authority Wins Florida Water Environmental Association Second Place Safety Award for Class A Wastewater Treatment Plants

Congratulations to Seacoast Utility Authority’s PGA Wastewater Treatment Plant in earning Second Place in the 2011 FWEA Safety Award Program for Class A Wastewater Treatment Plants, which was recently presented on May 3, 2011 during the Florida Water Resource Conference at the FWEA’s Award Luncheon.

In being considered for the FWEA Safety Award, Seacoast Utility Authority had to meet certain criteria pertaining to workplace safety as set forth by the FWEA Safety Committee, and in accordance with OSHA’s General Industry Standards.

Preferred Governmental Insurance Trust would like to congratulate Seacoast Utility Authority on a job well done in placing Second Place for the 2011 FWEA Safety Award Program and for its constant demonstration and commitment in promoting a safe work environment through its safe work practices.
City of North Miami Manages Accident Reduction Through Use of General Accident Review Board


Congratulations to the City of North Miami for doing an outstanding job of managing their accident reduction technique through the use of their General Accident Review Board.

The Board is comprised of four voting members from City Management who determines if the respective employee is at fault which, once determined, the City implements their Progressive Discipline Program to provide accountability for the accident.

The most impressive part of the program is that each employee who has an accident is required to make a recorded statement to the Board, which has a rather pronounced effect, i.e. creating safety culture, on how accidents are perceived by employees.

Lake Worth Drainage District Earns 2011 FASD Safety Award


The Lake Worth Drainage District (LWDD) was recently presented with the Florida Association of Special Districts (FASD) Safety Award for their excellence in creating a safe workplace as a result of protecting their personnel and property.

This program was initiated three years ago to recognize fellow members for their safety initiatives by presenting them with the District Safety Award. Each year nominations are submitted by all members of FASD and reviewed by the Nominating Committee to determine a winner for this prestigious award.

Preferred Governmental Insurance Trust applauds the Lake Worth Drainage District for their laudatory efforts in safety by being the current recipient of this safety award while at the same time working to help reclaim land within its boundaries for the purpose of providing water control and water supply for settlements and agriculture.

BE IN THE MEMBER SPOTLIGHT

We would like to share your best practices, risk management expertise, success stories, and the accomplishments of your entity and employees with fellow members in our next newsletter.

If interested, please contact:

Mike Stephens
Safety & Risk Management Consultant
Email: mstephens@publicrisk.com
Phone: 321-832-1658
KEY STAFF CONTACTS:

As a member of Preferred your first call should always be to your agent, if however you need help beyond your agent please feel free to contact us as indicated below:

**Marketing:**
marketing@publicrisk.com  
321-832-1455  
Kurt Heyman

**Operations:**
ahansen@publicrisk.com  
321-832-1510  
Ann Hansen

**Loss Control:**
mstephens@publicrisk.com  
321-832-1658  
Mike Stephens

**Claims:**
claims@pgcs-tpa.com  
866-683-7710  
Julius Hajas

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**FLORIDA AUTUMN WORD SEARCH**

**SOURCE WORDS**

BROWN  
CAMPING  
CHANGE  
COOL  
CORNUCOPIA  
EQUINOX  
FALL  
FEAST  
FESTIVAL  
FIREPIT  
FOOTBALL  
HALLOWEEN  
HARVEST  
HUNTING  
LEAVES  
MIGRATION  
NOVEMBER  
OCTOBER  
ORANGE  
PUMPKIN  
RAKE  
RED  
SCENIC  
SCHOOL  
SEPTEMBER  
THANKSGIVING  
TURKEY  
YELLOW

**AUTUMN HOLIDAY TRIVIA:**

1. On what date and in what U.S. city was the first recorded Labor Day celebrated?
2. On what date and on what ship was Columbus on when he first discovered the Americas?
3. In what year and in what U.S. city did the first official U.S. Halloween celebration take place?
4. In what year and by which U.S. President was Thanksgiving Day first proclaimed to be a national day of thanks to be celebrated on the last Thursday of November?

Autumn Holiday Trivia answer key located at bottom of page 6