

By Senator Torres

15-01663A-18

20181766

1 A bill to be entitled

2 An act relating to heat illness prevention; creating
3 s. 448.111, F.S.; providing applicability; providing
4 definitions; providing responsibilities of certain
5 employers and employees; providing requirements for
6 certain employers to provide drinking water to
7 employees; requiring certain employers to provide
8 shade to employees under certain conditions; providing
9 an exception; providing training requirements for
10 certain employees and supervisors; providing an
11 effective date.

12

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

14

15 Section 1. Section 448.111, Florida Statutes, is created to
16 read:

17 448.111 Heat illness prevention.—

18 (1) APPLICABILITY.—

19 (a) This section applies to employers in industries in
20 which employees regularly perform work in an outdoor
21 environment, including, but not limited to, agriculture,
22 construction, and landscaping.

23 (b) This section does not apply to an employee who is
24 required to work in an outdoor environment for less than 15
25 minutes per hour for every hour in the employee's workday.

26 (c) This section is supplemental to all related industry-
27 specific standards. When the requirements under this section
28 offer greater protection than industry-specific standards, an
29 employer shall comply with the requirements of this section.

15-01663A-18

20181766

30 (2) DEFINITIONS.—As used in this section, the term:

31 (a) "Acclimatization" means temporary adaptation of a
32 person to work in the heat that occurs when a person is
33 gradually exposed to heat.

34 (b) "Drinking water" means potable water. The term includes
35 electrolyte-replenishing beverages that do not contain caffeine.

36 (c) "Employee" means a person who performs services for and
37 under the control and direction of an employer for wages or
38 other remuneration. The term includes an independent contractor.

39 (d) "Employer" means an individual, firm, partnership,
40 institution, corporation, association, or an entity listed in s.
41 121.021(10) that employs individuals.

42 (e) "Environmental risk factors for heat illness" means
43 working conditions that create the possibility of heat illness,
44 including air temperature, relative humidity, radiant heat from
45 the sun and other sources, conductive heat from sources such as
46 the ground, air movement, workload severity and duration, and
47 protective clothing and equipment worn by an employee.

48 (f) "Heat illness" means a serious medical condition
49 resulting from the body's inability to cope with a particular
50 heat, and includes heat cramps, heat exhaustion, heat syncope,
51 and heat stroke.

52 (g) "Outdoor environment" means a location where work
53 activities are conducted outside. The term includes work
54 environments that are inside but the temperature is not managed
55 by devices that reduce heat exposure and aid in cooling, such as
56 air conditioning, including, but not limited to, sheds, tents,
57 or other structures.

58 (h) "Personal risk factors for heat illness" means factors

15-01663A-18

20181766

59 specific to an individual, including his or her age; degree of
60 acclimatization; health; water, alcohol, or caffeine
61 consumption; use of prescription medications; or other
62 physiological responses to heat.

63 (i) "Recovery period" means a cool down period to allow an
64 employee to prevent heat illness.

65 (k) "Shade" means an area blocked from direct sunlight.

66 (3) RESPONSIBILITIES.—

67 (a) An employer of employees who regularly work in an
68 outdoor environment shall create an outdoor heat exposure safety
69 program, which must, at a minimum:

70 1. Train and inform employees of the warning signs and
71 symptoms of heat illness, the importance of frequently consuming
72 drinking water and regular recovery periods, and the right to
73 seek medical care if necessary.

74 2. Provide for first aid and training on other remedial
75 methods, such as loosening clothing, access to shade, drinking
76 water, or a place to rest, to address symptoms of heat illness.

77 3. Implement the following high-heat procedures, to the
78 extent practicable, when a supervisor monitors that the
79 temperature at the work area equals or exceeds 95 degrees
80 Fahrenheit:

81 a. Ensure that effective communication by voice,
82 observation, or electronic means is maintained so that an
83 employee may contact a supervisor or an emergency medical
84 service provider if necessary.

85 b. Remind employees throughout the workday to consume
86 drinking water.

87 c. Ensure that each employee takes a 10 minute recovery

15-01663A-18

20181766

88 period every 2 hours that the employee is working in an outdoor
89 environment. The recovery period may be concurrent with a meal
90 or rest period required by law if the timing of the recovery
91 period coincides with a required meal or rest period.

92 d. Conduct a preshift meeting each workday to review the
93 high-heat procedures.

94 (b) An employee who regularly works in an outdoor
95 environment shall participate in training that is provided by
96 the employer pursuant to subsection (6). An employee is
97 responsible for monitoring his or her own personal risk factors
98 for heat illness.

99 (4) DRINKING WATER.—An employer shall ensure that a
100 sufficient quantity of cool, clean drinking water is at all
101 times readily accessible and free of charge to employees who
102 work in an outdoor environment. Such drinking water shall be
103 located as close as practicable to the areas where employees are
104 working. If drinking water is not plumbed or otherwise
105 continuously supplied, an employer shall provide a sufficient
106 quantity of drinking water at the beginning of the workday to
107 provide one quart per employee per hour for the entire workday.
108 An employer may supply a smaller quantity of drinking water to
109 an employee at the beginning of the workday if the employer has
110 adequate procedures to allow the employee to replenish drinking
111 water as needed to allow an employee one quart or more per hour
112 for the entire workday.

113 (5) ACCESS TO SHADE.—

114 (a) When the outdoor temperature, as monitored by a
115 supervisor, in the work area exceeds 80 degrees Fahrenheit, an
116 employer must maintain one or more areas with shade that are

15-01663A-18

20181766

117 open to the air or offer ventilation or cooling at all times
118 while employees are working. The amount of shade present must be
119 able to accommodate the total number of employees on recovery
120 periods at one time without the employees having to be in
121 physical contact with each other.

122 (b) An employee who exhibits signs or symptoms of heat
123 illness shall be relieved from duty, provided with access to
124 shade for at least 15 minutes or until the signs or symptoms of
125 heat illness have abated, and monitored to determine whether
126 medical attention is necessary. If such signs or symptoms do not
127 abate within this time, an employer shall seek medical attention
128 in a timely manner for the employee.

129 (c) If an employer can demonstrate that it is unsafe or not
130 feasible to provide a shade structure, or otherwise to have
131 shade present on a continuous basis, the employer may provide
132 alternative cooling measures as long as the employer can
133 demonstrate that such measures are at least as effective as
134 shade in reducing heat exposure.

135 (6) TRAINING.—An employer shall provide annual training to
136 all employees and supervisors in the languages understood by a
137 majority of the employees and supervisors. Training information
138 shall be written in English and translated into all languages
139 understood by the employees and supervisors. Supervisors shall
140 make such written materials available upon request.

141 (a) Training on the following topics shall be provided to
142 all employees who work in an outdoor environment:
143 1. The environmental risk factors for heat illness.
144 2. General awareness of personal risk factors for heat
145 illness.

15-01663A-18

20181766

146 3. The importance of removing heat-retaining personal
147 protective equipment such as nonbreathable chemical-resistant
148 clothing during all breaks.

149 4. The importance of frequent consumption of drinking
150 water.

151 5. The concept, importance, and methods of acclimatization.

152 6. The common signs and symptoms of heat illness.

153 7. The importance of an employee immediately reporting to
154 the employer, directly or through a supervisor, signs or
155 symptoms of heat illness in himself or herself or a coworker.

156 8. The employer's outdoor heat exposure safety program and
157 related high-heat procedures.

158 (b) Training on the following topics shall be provided to
159 all supervisors before supervising employees who work in an
160 outdoor environment:

161 1. Information required to be provided to employees.

162 2. Procedures a supervisor must follow to implement this
163 section.

164 3. Procedures a supervisor must follow when an employee
165 exhibits or reports signs or symptoms of heat illness.

166 4. Procedures for transporting to an emergency medical
167 service provider an employee who exhibits or reports signs or
168 symptoms of heat illness in a swift and timely manner, if
169 necessary.

170 Section 2. This act shall take effect July 1, 2018.