

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 an exception;
 6 requiring certain employers to provide annual training
 7 for certain employees and supervisors; requiring the
 8 Department of Agriculture and Consumer Services to
 9 adopt rules; providing an effective date.

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

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 13 Section 1. Section 448.111, Florida Statutes, is created
 14 to read:

15 448.111 Heat illness prevention.—

16 (1) APPLICABILITY.—

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

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

24 (c) This section is supplemental to all related industry-
 25 specific standards. When the requirements under this section

26 offer greater protection than related industry-specific
27 standards, an employer shall comply with the requirements of
28 this section.

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

30 (a) "Acclimatization" means temporary adaptation of a
31 person to work in the heat that occurs when a person is
32 gradually exposed to heat over a 2-week period at a 20-percent
33 increase in heat exposure per day.

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

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

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

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

49 (f) "Heat illness" means a serious medical condition
50 resulting from the body's inability to cope with a particular

51 heat. The term includes heat cramps, heat exhaustion, heat
52 syncope, and heat stroke.

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

59 (h) "Personal risk factors for heat illness" means factors
60 specific to an individual, including his or her age; degree of
61 acclimatization; health; water, alcohol, or caffeine
62 consumption; use of prescription medications; or other
63 physiological responses to heat.

64 (i) "Recovery period" means a cool down period to reduce
65 an employee's heat exposure and aid the employee in cooling down
66 and avoiding the signs or symptoms of heat illness.

67 (j) "Shade" means an area blocked from direct sunlight.

68 (k) "Supervisor" has the same meaning as in s. 448.101.

69 (3) RESPONSIBILITIES.—

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

73 1. Train and inform supervisors and employees, including
74 farm labor contractors, about heat illness, how to recognize
75 heat illness in themselves and coworkers, and appropriate first

76 aid measures that can be used before medical attention arrives.

77 2. Provide preventative and first aid measures, such as
78 loosening clothing, loosening or removing heat-retaining
79 protective clothing and equipment, accessing shade or a place to
80 rest, or drinking water, to address the signs or symptoms of
81 heat illness.

82 3. Implement the following high-heat procedures, to the
83 extent practicable, when a supervisor determines that the
84 outdoor environment temperature equals or exceeds 95 degrees
85 Fahrenheit:

86 a. Ensure that effective communication by voice,
87 observation, or electronic means is maintained so that an
88 employee may contact a supervisor or an emergency medical
89 services provider if necessary.

90 b. Remind employees throughout the workday to consume
91 drinking water.

92 c. Ensure that each employee takes a 10-minute recovery
93 period every 2 hours that the employee is working in an outdoor
94 environment. The recovery period may be concurrent with a meal
95 period required by law if the timing of the recovery period
96 coincides with a required meal period.

97 d. Conduct a preshift meeting each workday to review the
98 high-heat procedures.

99 (b) An employee who regularly works, or who is in the
100 process of acclimatization, in an outdoor environment shall

101 participate in the training that is provided by the employer
102 pursuant to subsection (6). An employee is responsible for
103 monitoring his or her own personal risk factors for heat
104 illness.

105 (4) DRINKING WATER.—An employer shall ensure that a
106 sufficient quantity of cool, clean drinking water is at all
107 times readily accessible and free of charge to employees who
108 work in an outdoor environment. Such drinking water shall be
109 located as close as practicable to the areas where employees are
110 working. If drinking water is not plumbed or otherwise
111 continuously supplied, an employer shall supply a sufficient
112 quantity of drinking water at the beginning of the workday so
113 each employee has at least one quart of drinking water per hour
114 for the employee's entire workday. An employer may supply a
115 smaller quantity of drinking water at the beginning of the
116 workday if the employer has adequate procedures in place to
117 allow the employee access to drinking water as needed so the
118 employee has at least one quart of drinking water per hour for
119 the employee's entire workday.

120 (5) ACCESS TO SHADE.—

121 (a) When the supervisor determines that the outdoor
122 environment temperature equals or exceeds 80 degrees Fahrenheit,
123 the employer must maintain one or more areas with shade that are
124 open to the air or offer ventilation or cooling at all times
125 where employees are working. The amount of shade present must be

126 able to accommodate the total number of employees participating
127 in a recovery period at one time without the employees having to
128 be in physical contact with each other.

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

136 (c) If an employer can demonstrate that it is unsafe or
137 not feasible to provide an area with shade, the employer may
138 provide alternative cooling measures as long as the employer can
139 demonstrate that such measures are at least as effective as an
140 area with shade in reducing heat exposure.

141 (6) TRAINING.—An employer shall provide annual training to
142 all employees and supervisors in the languages understood by a
143 majority of the employees and supervisors. Training information
144 shall be written in English and translated into all languages
145 understood by the employees and supervisors. Supervisors shall
146 make such written materials available upon request.

147 (a) Training on the following topics shall be provided to
148 all employees who work in an outdoor environment:

- 149 1. The environmental risk factors for heat illness.
150 2. General awareness of personal risk factors for heat

151 illness.

152 3. The importance of loosening clothing and loosening or
153 removing heat-retaining protective clothing and equipment, such
154 as nonbreathable chemical-resistant clothing and equipment,
155 during all recovery and rest periods, breaks, and meal periods.

156 4. The importance of frequent consumption of drinking
157 water.

158 5. The concept, importance, and methods of
159 acclimatization.

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

161 7. The importance of an employee immediately reporting to
162 the employer, directly or through a supervisor, signs or
163 symptoms of heat illness in himself or herself or a coworker,
164 and the importance of immediate medical attention if there are
165 any signs or symptoms of neurological impairment, confusion, or
166 agitation.

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

169 (b) Training on all of the following topics shall be
170 provided to all supervisors before the supervisor is authorized
171 to supervise employees who work in an outdoor environment:

172 1. Information required to be provided to employees.

173 2. Procedures a supervisor must follow to implement this
174 section.

175 3. Procedures a supervisor must follow when an employee

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176 exhibits or reports signs or symptoms of heat illness.

177 4. Procedures for transporting to an emergency medical
178 services provider an employee who exhibits or reports signs or
179 symptoms of heat illness in a swift and timely manner if
180 necessary.

181 (7) RULEMAKING.—The Department of Agriculture and Consumer
182 Services shall adopt rules to implement this section.

183 Section 2. This act shall take effect October 1, 2019.