

By Senator Torres

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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 to
14 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:

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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 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, a firm, a partnership,
40 an institution, a corporation, an association, or an entity
41 listed in s. 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. The term includes heat cramps, heat exhaustion, heat
51 syncope, and heat stroke.

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

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

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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 reduce an
64 employee's heat exposure and aid the employee in cooling down
65 and avoiding the signs or symptoms of heat illness.

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

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

68 (3) RESPONSIBILITIES.—

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

72 1. Train and inform supervisors and employees, including
73 farm labor contractors, about heat illness, how to recognize
74 heat illness in themselves and coworkers, and appropriate first
75 aid measures that can be used before medical attention arrives.

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

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

85 a. Ensure that effective communication by voice,
86 observation, or electronic means is maintained so that an
87 employee may contact a supervisor or an emergency medical

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88 services provider if necessary.

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

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

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

98 (b) An employee who regularly works, or who is in the
99 process of acclimatization, in an outdoor environment shall
100 participate in the training that is provided by the employer
101 pursuant to subsection (6). An employee is responsible for
102 monitoring his or her own personal risk factors for heat
103 illness.

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

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117 employee has at least one quart of drinking water per hour for
118 the employee's entire workday.

119 (5) ACCESS TO SHADE.—

120 (a) When the supervisor determines that the outdoor
121 environment temperature equals or exceeds 80 degrees Fahrenheit,
122 the employer must maintain one or more areas with shade that are
123 open to the air or offer ventilation or cooling at all times
124 where employees are working. The amount of shade present must be
125 able to accommodate the total number of employees participating
126 in a recovery period at one time without the employees having to
127 be in physical contact with each other.

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

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

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

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

148 1. The environmental risk factors for heat illness.

149 2. General awareness of personal risk factors for heat
150 illness.

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

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

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

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

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

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

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

170 1. Information required to be provided to employees.

171 2. Procedures a supervisor must follow to implement this
172 section.

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

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

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

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