

By Senator Torres

15-01179-20

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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; defining  
4       terms; providing responsibilities of certain employers  
5       and employees; providing an exception; requiring  
6       certain employers to provide annual training for  
7       employees and supervisors; requiring the Department of  
8       Agriculture and Consumer Services, in conjunction with  
9       the Department of Health, to adopt specified rules;  
10      providing an effective date.

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

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

16       448.111 Heat illness prevention.-

17       (1) APPLICABILITY.-

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

22       (b) This section does not apply to an employee who is  
23 required to work in an outdoor environment for fewer than 15  
24 minutes per hour for every hour in the employee's entire  
25 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 related industry-specific  
29 standards, an employer shall comply with the requirements of

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30 this section.

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

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

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

38 (c) "Employee" means a person who performs services for and  
39 under the control and direction of an employer for wages or  
40 other remuneration. The term includes an independent contractor  
41 and a farm labor contractor as defined in s. 450.28.

42 (d) "Employer" means an individual, firm, partnership,  
43 institution, corporation, association, or entity listed in s.  
44 121.021(10) that employs individuals.

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

51 (f) "Heat illness" means a medical condition resulting from  
52 the body's inability to cope with a particular heat level. The  
53 term includes heat cramps, heat exhaustion, heat syncope, and  
54 heat stroke.

55 (g) "Outdoor environment" means a location where work  
56 activities are conducted outside. The term includes locations  
57 such as sheds, tents, greenhouses, or other structures where  
58 work activities are conducted inside but the temperature is not

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59 managed by devices that reduce heat exposure and aid in cooling  
60 such as air conditioning systems.

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

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

69 (j) "Shade" means an area that is not in direct sunlight.

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

71 (3) RESPONSIBILITIES.—

72 (a) An employer of employees who regularly work in an  
73 outdoor environment shall implement an outdoor heat exposure  
74 safety program that has been approved by the Department of  
75 Agriculture and Consumer Services and the Department of Health  
76 and that must, at a minimum:

77 1. Train and inform supervisors and employees about heat  
78 illness, how to protect themselves and coworkers, how to  
79 recognize signs and symptoms of heat illness in themselves and  
80 coworkers, and appropriate first-aid measures that can be used  
81 before medical attention arrives in the event of a serious heat-  
82 related illness event.

83 2. Provide preventative and first-aid measures, such as  
84 loosening clothing, loosening or removing heat-retaining  
85 protective clothing and equipment, accessing shade, applying  
86 cool or cold water to the body, and drinking cool or cold water,  
87 to address the signs or symptoms of heat illness.

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88 3. Implement the following high-heat procedures, to the  
89 extent practicable, when an employer, manager, supervisor, or  
90 contractor determines that the outdoor heat index equals or  
91 exceeds 90 degrees Fahrenheit:

92 a. Ensure that effective communication by voice,  
93 observation, or electronic means is initiated and maintained so  
94 that an employee may contact an employer, manager, supervisor,  
95 contractor, or emergency medical services provider if necessary.

96 b. Provide a sufficient amount of cool or cold drinking  
97 water at a location that is quickly and easily accessible from  
98 the area where employees work to accommodate all employees  
99 throughout the workday and remind employees throughout the  
100 workday to consume such water.

101 c. Ensure that each employee takes a 10-minute recovery  
102 period every 2 hours that the employee is working in an outdoor  
103 environment under high-heat conditions. The recovery period may  
104 be concurrent with a meal period required by law if the timing  
105 of the recovery period coincides with a required meal period.

106 d. Conduct a preshift meeting each workday to review the  
107 high-heat procedures.

108 (b) An employee who regularly works, or who is in the  
109 process of acclimatization, in an outdoor environment shall  
110 participate in the training that is provided by the employer  
111 under subsection (6). An employee is responsible for monitoring  
112 his or her own personal risk factors for heat illness.

113 (4) DRINKING WATER.—An employer shall ensure that a  
114 sufficient quantity of cool or cold, clean drinking water is at  
115 all times readily accessible and free of charge to employees who  
116 work in an outdoor environment. Such drinking water shall be

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117 located as close as practicable to the areas where employees  
118 work. If drinking water is not plumbed or otherwise continuously  
119 supplied, an employer shall supply a sufficient quantity of  
120 drinking water at the beginning of the workday so each employee  
121 has at least 1 quart of drinking water per hour for every hour  
122 in the employee's entire workday. An employer may supply a  
123 smaller quantity of drinking water at the beginning of the  
124 workday if the employer has adequate procedures in place to  
125 allow the employee access to drinking water as needed so the  
126 employee has at least 1 quart of drinking water per hour for  
127 every hour in the employee's entire workday.

128 (5) ACCESS TO SHADE.—

129 (a) When the supervisor determines that the outdoor heat  
130 index equals or exceeds 80 degrees Fahrenheit, the employer must  
131 maintain one or more areas with shade that are open to the air  
132 or offer ventilation or cooling at all times in the area where  
133 employees are working. The amount of shade present must be able  
134 to accommodate the total number of employees participating in a  
135 recovery period at one time without the employees having to be  
136 in physical contact with each other.

137 (b) An employee who exhibits mild to moderate signs or  
138 symptoms of heat illness shall be relieved from duty, provided  
139 with access to shade for at least 15 minutes or until such signs  
140 or symptoms of heat illness have abated, and monitored to  
141 determine whether medical attention is necessary. If such signs  
142 or symptoms do not abate within such time period, an employer  
143 shall seek medical attention in a timely manner for the  
144 employee. If an employee exhibits serious signs or symptoms of  
145 heat illness, an employer must seek medical attention

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146 immediately for the employee and provide first-aid measures.

147 (c) If an employer can demonstrate that it is unsafe or not  
148 feasible to provide an area with shade, the employer may provide  
149 alternative cooling measures as long as the employer can  
150 demonstrate that such measures are at least as effective as an  
151 area with shade in reducing heat exposure.

152 (6) TRAINING.—An employer shall provide annual training  
153 that has been approved by the Department of Agriculture and  
154 Consumer Services and the Department of Health for all employees  
155 and supervisors in the languages understood by a majority of the  
156 employees and supervisors. Such training shall be made available  
157 through the Department of Agriculture and Consumer Services and  
158 the Department of Health. Training information shall be written  
159 in English and translated into all languages understood by the  
160 employees and supervisors. Supervisors shall make such written  
161 materials available upon request.

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

164 1. The environmental risk factors for heat illness.

165 2. General awareness of personal risk factors for heat  
166 illness.

167 3. The importance of loosening clothing and loosening or  
168 removing heat-retaining protective clothing and equipment, such  
169 as nonbreathable chemical-resistant clothing and equipment,  
170 during all recovery and rest periods, breaks, and meal periods.

171 4. The importance of frequent consumption of cool or cold  
172 drinking water.

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

174 6. The common signs and symptoms of heat illness,

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175 including, but not limited to, neurological impairment,  
176 confusion, or agitation.

177 7. The importance of immediately reporting to the employer,  
178 directly or through a supervisor, signs or symptoms of heat  
179 illness in the employee or a coworker, and the importance of  
180 immediately receiving medical attention if the employee or  
181 coworker exhibits any signs or symptoms of heat illness.

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

184 (b) Training on all of the following topics shall be  
185 provided to all supervisors before they are authorized to  
186 supervise employees who work in an outdoor environment:

187 1. Information that must be provided to employees.

188 2. Procedures that must be followed to implement this  
189 section.

190 3. Procedures that must be followed when an employee  
191 exhibits or reports any signs or symptoms of heat illness.

192 4. Procedures that must be followed when transporting an  
193 employee who exhibits or reports any signs or symptoms of heat  
194 illness to an emergency medical services provider in a timely  
195 manner.

196 (7) RULEMAKING.—The Department of Agriculture and Consumer  
197 Services, in conjunction with the Department of Health, shall  
198 adopt rules to implement this section, including, but not  
199 limited to, approved training programs, approved trainers, and a  
200 certification process to acknowledge an employer's compliance  
201 with training requirements.

202 Section 2. This act shall take effect October 1, 2020.