

By Senator Rodriguez

39-00791A-22

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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 for certain  
5           employers and employees; providing an exception;  
6           requiring 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

39-00791A-22

2022732\_\_

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

39-00791A-22

2022732\_\_

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

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

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

87 (c) Implement the following high-heat procedures, to the

39-00791A-22

2022732\_\_

88 extent practicable, when an employer, manager, supervisor, or  
89 contractor determines that the outdoor heat index equals or  
90 exceeds 90 degrees Fahrenheit:

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

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

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

105 (4) DRINKING WATER.—An employer shall ensure that a  
106 sufficient quantity of cool or cold, clean drinking water is at  
107 all 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  
110 work. If drinking water is not plumbed or otherwise continuously  
111 supplied, an employer must supply a sufficient quantity of  
112 drinking water at the beginning of the workday so each employee  
113 has at least 1 quart of drinking water per hour for every hour  
114 in 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

39-00791A-22

2022732\_\_

117 allow the employee access to drinking water as needed so the  
118 employee has at least 1 quart of drinking water per hour for  
119 every hour in the employee's entire workday.

120 (5) ACCESS TO SHADE.—

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

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

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

144 (6) TRAINING.—An employer shall provide annual training  
145 that has been approved by the Department of Agriculture and

39-00791A-22

2022732\_\_

146 Consumer Services and the Department of Health for all employees  
147 and supervisors in the languages understood by a majority of the  
148 employees and supervisors. An employee who regularly works, or  
149 who is in the process of acclimatization, in an outdoor  
150 environment shall participate in the training that is provided  
151 by the employer. Such training shall be made available through  
152 the Department of Agriculture and Consumer Services and the  
153 Department of Health. Training information shall be written in  
154 English and translated into all languages understood by the  
155 employees and supervisors. Supervisors shall make such written  
156 materials available upon request.

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

159 1. The environmental risk factors for heat illness.

160 2. General awareness of personal risk factors for heat  
161 illness. An employee is responsible for monitoring his or her  
162 own personal risk factors for heat illness.

163 3. The importance of loosening clothing and loosening or  
164 removing heat-retaining protective clothing and equipment, such  
165 as nonbreathable chemical-resistant clothing and equipment,  
166 during all recovery and rest periods, breaks, and meal periods.

167 4. The importance of frequent consumption of cool or cold  
168 drinking water.

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

170 6. The common signs and symptoms of heat illness,  
171 including, but not limited to, neurological impairment,  
172 confusion, or agitation.

173 7. The importance of immediately reporting to the employer,  
174 directly or through a supervisor, signs or symptoms of heat

39-00791A-22

2022732\_\_

175 illness in the employee or a coworker, and the importance of  
176 immediately receiving medical attention if the employee or  
177 coworker exhibits any signs or symptoms of heat illness.

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

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

183 1. Information that must be provided to employees.

184 2. Procedures that must be followed to implement this  
185 section.

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

188 4. Procedures that must be followed when transporting an  
189 employee who exhibits or reports any signs or symptoms of heat  
190 illness to an emergency medical services provider in a timely  
191 manner.

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

198 Section 2. This act shall take effect October 1, 2022.