

By Senator Rodriguez

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1                                   A bill to be entitled  
 2       An act relating to heat illness prevention; creating  
 3       s. 448.112, F.S.; providing applicability; defining  
 4       terms; requiring certain employers to implement an  
 5       outdoor heat exposure safety program that has been  
 6       approved by specified agencies; specifying  
 7       requirements for the safety program; providing  
 8       responsibilities for certain employers and employees;  
 9       providing an exception; requiring specified annual  
 10      training on heat illness and providing requirements  
 11      for such training; requiring the Department of  
 12      Agriculture and Consumer Services, in conjunction with  
 13      the Department of Health, to adopt specified rules;  
 14      providing an effective date.

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

18       Section 1. Section 448.112, Florida Statutes, is created to  
 19 read:

20       448.112 Heat illness prevention.-

21       (1) APPLICABILITY.-

22       (a) This section applies to employers in industries where  
 23 employees regularly perform work in an outdoor environment,  
 24 including, but not limited to, agriculture, construction, and  
 25 landscaping.

26       (b) This section does not apply to an employee required to  
 27 work in an outdoor environment for fewer than 15 minutes per  
 28 hour for every hour in the employee's entire workday.

29       (c) This section is supplemental to all related industry-

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30 specific standards. When the requirements under this section  
31 offer greater protection than related industry-specific  
32 standards, an employer shall comply with the requirements of  
33 this section.

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

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

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

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

45 (d) "Employer" means an individual, a firm, a partnership,  
46 an institution, a corporation, or an association, or an entity  
47 listed in s. 121.021(10) which employs individuals.

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

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

58 (g) "Outdoor environment" means a location where work

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59 activities are conducted outside. The term includes locations  
60 such as sheds, tents, greenhouses, or other structures where  
61 work activities are conducted inside, but the temperature is not  
62 managed by devices that reduce heat exposure and aid in cooling,  
63 such as air conditioning systems.

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

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

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

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

74 (3) RESPONSIBILITIES.—An employer of employees who  
75 regularly work in an outdoor environment shall implement an  
76 outdoor heat exposure safety program that has been approved by  
77 the Department of Agriculture and Consumer Services and the  
78 Department of Health and which, at a minimum:

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

85 (b) Provides preventive and first-aid measures, such as  
86 loosening clothing, loosening or removing heat-retaining  
87 protective clothing and equipment, accessing shade, applying

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88 cool or cold water to the body, and drinking cool or cold water,  
89 to address the signs or symptoms of heat illness.

90 (c) Implements the following high-heat procedures, to the  
91 extent practicable, when an employer, manager, supervisor, or  
92 contractor determines that the outdoor heat index equals or  
93 exceeds 90 degrees Fahrenheit:

94 1. Make available an effective voice, observational, or  
95 electronic communication system that allows an employee to  
96 contact an employer, manager, supervisor, contractor, or  
97 emergency medical services provider if necessary.

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

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

108 (4) DRINKING WATER.—An employer shall ensure that a  
109 sufficient quantity of cool or cold, clean drinking water is at  
110 all times readily accessible and free of charge to employees who  
111 work in an outdoor environment. Such drinking water must be  
112 located as close as practicable to the areas where employees  
113 work. If drinking water is not plumbed or otherwise continuously  
114 supplied, an employer must supply a sufficient quantity of  
115 drinking water at the beginning of the workday so that each  
116 employee has at least 1 quart of drinking water per hour for

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117 every hour in the employee's entire workday. An employer may  
118 supply a smaller quantity of drinking water at the beginning of  
119 the workday if the employer has adequate procedures in place to  
120 allow the employee access to drinking water as needed so that  
121 the employee has at least 1 quart of drinking water per hour for  
122 every hour in the employee's entire workday.

123 (5) ACCESS TO SHADE.-

124 (a) When a supervisor determines that the outdoor heat  
125 index equals or exceeds 80 degrees Fahrenheit, the employer must  
126 maintain one or more areas with shade which are open to the air  
127 or offer ventilation or cooling at all times in the area where  
128 employees are working. The amount of available shade must be  
129 able to accommodate all of the employees participating in a  
130 given recovery period in a manner that does not place them in  
131 physical contact with one another.

132 (b) If an employee exhibits mild to moderate signs or  
133 symptoms of heat illness, the employer must relieve the employee  
134 from duty, provide him or her with access to shade for at least  
135 15 minutes or until such signs or symptoms of heat illness have  
136 abated, and monitor to determine whether medical attention is  
137 necessary. If such signs or symptoms do not abate within such  
138 time period, the employer must seek medical attention for the  
139 employee in a timely manner. If an employee exhibits serious  
140 signs or symptoms of heat illness, the employer must immediately  
141 seek medical attention for the employee and provide first-aid  
142 measures.

143 (c) If an employer can demonstrate that it is unsafe or not  
144 feasible to provide an area with shade, the employer may provide  
145 alternative cooling measures as long as the employer can

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146 demonstrate that such measures are at least as effective as an  
147 area with shade in reducing heat exposure.

148 (6) TRAINING.—An employer shall provide annual training on  
149 heat illness that has been approved by the Department of  
150 Agriculture and Consumer Services and the Department of Health  
151 to all employees and supervisors in the languages understood by  
152 a majority of the employees and supervisors. Each employee who  
153 regularly works in, or who is in the process of acclimatization  
154 to, an outdoor environment must participate in the training  
155 provided by the employer. Such training must be approved through  
156 the Department of Agriculture and Consumer Services and the  
157 Department of Health. Training information must be written and  
158 available in English and in all languages understood by the  
159 employees and supervisors. Supervisors shall make such written  
160 materials available upon request.

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

163 1. The environmental risk factors for heat illness.

164 2. General awareness of personal risk factors for heat  
165 illness and how an employee can monitor his or her own personal  
166 risk factors for heat 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 an employee immediately reporting to  
178 the employer, directly or through a supervisor, if the employee  
179 or a coworker exhibits signs or symptoms of heat illness, and  
180 the importance of receiving immediate medical attention for  
181 those signs or symptoms.

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 must 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 an outdoor  
189 heat exposure safety program.

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 the training requirements imposed by this section.

202 Section 2. This act shall take effect October 1, 2023.