

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-
 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
 40 includes electrolyte-replenishing beverages that do not contain
 41 caffeine.

42 (c) "Employee" means a person who performs services for
 43 and under the control and direction of an employer for wages or
 44 other remuneration. The term includes an independent contractor
 45 and a farm labor contractor as defined in s. 450.28(1).

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

49 (e) "Environmental risk factors for heat illness" means
 50 working conditions that create the possibility of heat illness,

51 including air temperature, relative humidity, radiant heat from
52 the sun and other sources, conductive heat from sources such as
53 the ground, air movement, workload severity and duration, and
54 protective clothing and equipment worn by an employee.

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

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

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

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

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

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

75 (3) RESPONSIBILITIES.—An employer of employees who

76 regularly work in an outdoor environment shall implement an
 77 outdoor heat exposure safety program that has been approved by
 78 the Department of Agriculture and Consumer Services and the
 79 Department of Health and which, at a minimum:

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

86 (b) Provides preventive and first-aid measures, such as
 87 loosening clothing, loosening or removing heat-retaining
 88 protective clothing and equipment, accessing shade, applying
 89 cool or cold water to the body, and drinking cool or cold water,
 90 to address the signs or symptoms of heat illness.

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

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

99 2. Provide a sufficient amount of cool or cold drinking
 100 water at a location that is quickly and easily accessible from

101 the area where employees work to accommodate all employees
102 throughout the workday, and remind employees throughout the
103 workday to consume such water.

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

109 (4) DRINKING WATER.—An employer shall ensure that a
110 sufficient quantity of cool or cold, clean drinking water is at
111 all times readily accessible and free of charge to employees who
112 work in an outdoor environment. Such drinking water must be
113 located as close as practicable to the areas where employees
114 work. If drinking water is not plumbed or otherwise continuously
115 supplied, an employer must supply a sufficient quantity of
116 drinking water at the beginning of the workday so that each
117 employee has at least 1 quart of drinking water per hour for
118 every hour in the employee's entire workday. An employer may
119 supply a smaller quantity of drinking water at the beginning of
120 the workday if the employer has adequate procedures in place to
121 allow the employee access to drinking water as needed so that
122 the employee has at least 1 quart of drinking water per hour for
123 every hour in the employee's entire workday.

124 (5) ACCESS TO SHADE.—

125 (a) When a supervisor determines that the outdoor heat

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

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

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

149 (6) TRAINING.—An employer shall provide annual training on
150 heat illness that has been approved by the Department of

151 Agriculture and Consumer Services and the Department of Health
152 to all employees and supervisors in the languages understood by
153 a majority of the employees and supervisors. Each employee who
154 regularly works in, or who is in the process of acclimatization
155 to, an outdoor environment must participate in the training
156 provided by the employer. Training materials must be written and
157 available in English and in all languages understood by the
158 employees and supervisors. Supervisors shall make such written
159 materials available upon request.

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

162 1. The environmental risk factors for heat illness.
163 2. General awareness of personal risk factors for heat
164 illness and how an employee can monitor his or her own personal
165 risk factors for heat illness.

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

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

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

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

HB 903

2023

201 | with the training requirements imposed by this section.

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