

26 (OSHA) was created under the act to ensure safe working
27 conditions for employees by setting and enforcing standards and
28 providing training, outreach, education, and assistance to
29 employers and employees, and

30 WHEREAS, OSHA standards and regulations apply to most
31 private sector employers and employees, as well as some public
32 sector employers and employees, in all 50 states and certain
33 territories and jurisdictions under federal authority, and

34 WHEREAS, OSHA has imposed and enforced standards and
35 regulations governing workplace heat exposure for more than two
36 decades and currently creates and publishes best practices,
37 guidance, advice, and educational materials about working in hot
38 environments, and

39 WHEREAS, recognizing that preventing heat-related illnesses
40 requires education and close collaboration between employers and
41 employees, OSHA established the National Emphasis Program -
42 Outdoor and Indoor Heat-Related Hazards in 2022, to create a
43 targeted enforcement program, reiterate compliance assistance
44 and outreach efforts, and encourage early intervention by
45 employers during high heat working conditions, and

46 WHEREAS, local governments have started to adopt their own
47 workplace heat exposure requirements, some of which apply only
48 to specific industries, which ignore the individual
49 responsibility of an employee to follow relevant guidelines and
50 to protect himself or herself from heat-related illnesses, and

51 | rely on fines and penalties assessed on employers to fund the
 52 | enforcement of such requirements, and

53 | WHEREAS, OSHA is actively engaged in rulemaking to further
 54 | expand on its existing standards and regulations for workplace
 55 | heat exposure, which would preempt local regulations on the
 56 | subject, and

57 | WHEREAS, having a patchwork of local workplace heat
 58 | exposure standards and regulations makes compliance difficult
 59 | and burdensome on employers and employees and may impede
 60 | commerce throughout the state, and

61 | WHEREAS, based on the potential negative impacts of local
 62 | regulation on workplace heat exposure, the Legislature finds
 63 | that the powers of local government in this area must be
 64 | appropriately limited, NOW, THEREFORE,

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66 | Be It Enacted by the Legislature of the State of Florida:

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68 | Section 1. Section 448.106, Florida Statutes, is created
 69 | to read:

70 | 448.106 Workplace heat exposure requirements; preemption;
 71 | rulemaking.-

72 | (1) As used in this section, the term:

73 | (a) "Contractor" means an employer contracting with, or
 74 | seeking to contract with, a local government to provide goods or
 75 | services to, for the benefit of, or on behalf of the local

76 government.

77 (b) "Employee" means a natural person, including a self-
 78 employed person, who receives any type of compensation or
 79 remuneration for providing services to an employer.

80 (c) "Employer" means a person who hires or contracts for
 81 the services of employees.

82 (d) "Heat exposure requirement" means a standard mandated
 83 or otherwise imposed on employers, employees, contractors, or
 84 subcontractors to control an employee's exposure to heat or sun,
 85 or to otherwise address or moderate the effects of such
 86 exposure. The term includes, but is not limited to, standards
 87 relating to all of the following:

88 1. Employee monitoring and protection.

89 2. Water consumption.

90 3. Cooling measures.

91 4. Acclimatization and recovery periods or practices.

92 5. Posting or distributing notices or materials relating
 93 to heat exposure which inform employees how to protect
 94 themselves from such exposure.

95 6. Implementation and maintenance of heat exposure
 96 programs or training.

97 7. Appropriate first-aid measures or emergency responses
 98 related to heat exposure.

99 8. Protections for employees who report that they have
 100 experienced excessive heat exposure.

101 9. Reporting and recordkeeping requirements.

102 (e) "Local government" means a county, municipality,
 103 department, commission, district, board, or other public body,
 104 whether corporate or otherwise, created by or under state law.

105 (f) "Subcontractor" has the same meaning as in s.
 106 448.095(1).

107 (2)(a) The regulation of workplace heat exposure
 108 requirements is preempted to the state. Any local law,
 109 ordinance, resolution, regulation, rule, code, policy, or
 110 charter amendment adopted before, on, or after the effective
 111 date of this act which conflicts with this section is void and
 112 prohibited.

113 (b) If the Occupational Safety and Health Administration
 114 has not adopted by rule requirements regulating workplace heat
 115 exposure by July 1, 2028, the Department of Commerce must adopt
 116 by rule statewide workplace heat exposure requirements. Such
 117 rules must be consistent with the standards of the Occupational
 118 Safety and Health Administration in effect at the time the
 119 Department of Commerce adopts its rules, modified as necessary
 120 to reflect workplace heat exposure considerations specific to
 121 this state. The Legislature must ratify such rules before they
 122 take effect.

123 (3) Except as otherwise provided in this section, a local
 124 government may not:

125 (a) Mandate or otherwise impose heat exposure requirements

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126 on an employer, an employee, a contractor, or a subcontractor.

127 (b) Consider or seek information relating to a
128 contractor's or subcontractor's heat exposure requirements in
129 any procurement for goods or services.

130 (4) This section does not limit the authority of a local
131 government to mandate or impose workplace heat exposure
132 requirements for the employees of the local government.

133 (5) This section does not apply if it is determined that
134 compliance with this section will prevent the distribution of
135 federal funds to a local government or would otherwise be
136 inconsistent with federal requirements pertaining to receiving
137 federal funds, but only to the extent necessary to allow a local
138 government to receive federal funds or to eliminate the
139 inconsistency with federal requirements.

140 Section 2. This act shall take effect upon becoming a law.