

By Senator Rouson

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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.

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

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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 July 1, 2024.