

1 A bill to be entitled
2 An act relating to labor regulations; amending s.
3 447.303, F.S.; providing that all employee
4 organizations that are certified as a bargaining
5 agent, and not just those representing certain
6 employees, may deduct dues and assessments from the
7 salaries of certain employees; amending s. 447.305,
8 F.S.; removing a provision requiring certain employee
9 organizations to petition for recertification;
10 creating s. 448.1065, F.S.; providing applicability;
11 providing definitions; requiring certain employers to
12 implement an outdoor heat exposure safety program that
13 has been approved by specified departments; specifying
14 requirements for the safety program; providing
15 responsibilities for certain employers and employees;
16 providing exceptions; requiring specified annual
17 training on heat illness and providing requirements
18 for such training; requiring the Department of
19 Agriculture and Consumer Services, in conjunction with
20 the Department of Health, to adopt specified rules;
21 creating s. 448.112, F.S.; providing definitions;
22 requiring certain contracting agents to contribute
23 funds to qualified benefit providers for the benefit
24 of the workers of the contracting agent; providing
25 applicability; providing the contribution amount;

26 | authorizing the contribution amount to be added to an
 27 | invoice or other form of billing; requiring such
 28 | contributions to be made within a certain time period;
 29 | providing requirements for such contributions;
 30 | providing duties of qualified benefit providers;
 31 | authorizing a qualified benefit provider to use a
 32 | specified percentage of contributions for
 33 | administrative functions; requiring a worker to select
 34 | a qualified benefit provider; authorizing a worker to
 35 | change his or her qualified benefit provider annually;
 36 | requiring contracting agents to provide certain
 37 | information to its workers; providing requirements for
 38 | an organization to become a qualified benefit
 39 | provider; requiring the Department of Commerce to
 40 | adopt specified rules; providing a cause of action;
 41 | providing construction; amending s. 447.207, F.S.;
 42 | conforming a cross-reference; repealing s. 542.335,
 43 | F.S., relating to valid restraints of trade or
 44 | commerce; providing an effective date.

45 |
 46 | Be It Enacted by the Legislature of the State of Florida:

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 48 | **Section 1. Section 447.303, Florida Statutes, is amended**
 49 | **to read:**

50 | 447.303 Dues; deduction and collection.—

51 ~~(1) Except as authorized in subsection (2) or subject to a~~
52 ~~waiver granted pursuant to s. 447.207(12) (a), an employee~~
53 ~~organization that has been certified as a bargaining agent may~~
54 ~~not have its dues and uniform assessments deducted and collected~~
55 ~~by the employer from the salaries of those employees in the~~
56 ~~unit. A public employee may pay dues and uniform assessments~~
57 ~~directly to the employee organization that has been certified as~~
58 ~~the bargaining agent.~~

59 (1)~~(2)(a)~~ An employee organization that has been certified
60 as a bargaining agent ~~to represent a bargaining unit the~~
61 ~~majority of whose employees eligible for representation are~~
62 ~~employed as law enforcement officers, correctional officers, or~~
63 ~~correctional probation officers as those terms are defined in s.~~
64 ~~943.10(1), (2), or (3), respectively; firefighters as defined in~~
65 ~~s. 633.102; 911 public safety telecommunicators as defined in s.~~
66 ~~401.465(1) (a); or emergency medical technicians or paramedics as~~
67 ~~defined in s. 401.23 has the right to have its dues and uniform~~
68 ~~assessments for that bargaining unit deducted and collected by~~
69 ~~the employer from the salaries of those employees who authorize~~
70 ~~the deduction and collection of said dues and uniform~~
71 ~~assessments. However, such authorization is revocable at the~~
72 ~~employee's request upon 30 days' written notice to the employer~~
73 ~~and employee organization. Said deductions shall commence upon~~
74 ~~the bargaining agent's written request to the employer.~~

75 (2)~~(b)~~ Reasonable costs to the employer of said deductions

76 is a proper subject of collective bargaining.

77 (3)~~(e)~~ Such right to deduction, unless revoked under s.
78 447.507, is in force for so long as the employee organization
79 remains the certified bargaining agent for the employees in the
80 unit.

81 (4)~~(3)~~ The public employer is expressly prohibited from
82 any involvement in the collection of fines, penalties, or
83 special assessments.

84 **Section 2. Subsections (7) through (11) of section**
85 **447.305, Florida Statutes, are renumbered as subsections (6)**
86 **through (10), respectively, and present subsections (6) and (9)**
87 **of that section are amended, to read:**

88 447.305 Registration of employee organization.—

89 ~~(6) Notwithstanding the provisions of this chapter~~
90 ~~relating to collective bargaining, an employee organization~~
91 ~~certified as a bargaining agent to represent a bargaining unit~~
92 ~~for which less than 60 percent of the unit employees have~~
93 ~~submitted membership authorization forms without subsequent~~
94 ~~revocation and paid dues to the organization during its last~~
95 ~~registration period must petition the commission pursuant to s.~~
96 ~~447.307(2) and (3) for recertification as the exclusive~~
97 ~~representative of all employees in the bargaining unit within 30~~
98 ~~days after the date on which the employee organization applies~~
99 ~~for renewal of registration pursuant to subsection (2). The~~
100 ~~certification of an employee organization that does not comply~~

101 ~~with this section is revoked.~~

102 (8)~~(9)~~ An employee organization is exempt from the
103 requirements of subsections (3)-(7) ~~(3)-(8)~~ only with respect to
104 the circumstances of each bargaining unit the majority of whose
105 employees eligible for representation are employed as law
106 enforcement officers, correctional officers, or correctional
107 probation officers as those terms are defined in s. 943.10(1),
108 (2), or (3), respectively; firefighters as defined in s.
109 633.102; 911 public safety telecommunicators as defined in s.
110 401.465(1)(a); or emergency medical technicians or paramedics as
111 defined in s. 401.23.

112 **Section 3. Section 448.1065, Florida Statutes, is created**
113 **to read:**

114 448.1065 Heat illness prevention.—

115 (1) APPLICABILITY.—

116 (a) This section applies to employers in industries where
117 employees regularly perform work in an outdoor environment,
118 including, but not limited to, agriculture, construction, and
119 landscaping.

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

123 (c) This section is supplemental to all related industry-
124 specific standards. When the requirements under this section
125 offer greater protection than related industry-specific

126 standards, an employer shall comply with the requirements of
127 this section.

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

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

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

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

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

143 (e) "Environmental risk factors for heat illness" means
144 working conditions that create the possibility of heat illness,
145 including air temperature, relative humidity, radiant heat from
146 the sun and other sources, conductive heat from sources such as
147 the ground, air movement, workload severity and duration, and
148 protective clothing and equipment worn by an employee.

149 (f) "Heat illness" means a medical condition resulting
150 from the body's inability to cope with a particular heat level.

151 The term includes heat cramps, heat exhaustion, heat syncope,
152 and heat stroke.

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

159 (h) "Personal risk factors for heat illness" means factors
160 specific to an individual, including his or her age; health;
161 pregnancy; degree of acclimatization; water, alcohol, or
162 caffeine consumption; use of prescription medications; or other
163 physiological responses to heat.

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

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

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

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

174 (a) Trains and informs supervisors and employees about
175 heat illness, how to protect themselves and coworkers, how to

176 recognize signs and symptoms of heat illness in themselves and
177 coworkers, and appropriate first-aid measures that can be used
178 before medical attention arrives in the event of a serious heat-
179 related illness event.

180 (b) Provides preventive and first-aid measures, such as
181 loosening clothing, loosening or removing heat-retaining
182 protective clothing and equipment, accessing shade, applying
183 cool or cold water to the body, and drinking cool or cold water,
184 to address the signs or symptoms of heat illness.

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

189 1. Make available an effective voice, observational, or
190 electronic communication system that allows an employee to
191 contact an employer, a manager, a supervisor, a contractor, or
192 an emergency medical services provider if necessary.

193 2. Provide a sufficient amount of cool or cold drinking
194 water at a location that is quickly and easily accessible from
195 the area where employees work to accommodate all employees
196 throughout the workday, and remind employees throughout the
197 workday to consume such water.

198 3. Ensure that each employee takes a 10-minute recovery
199 period every 2 hours that the employee is working in an outdoor
200 environment under high-heat conditions. The recovery period may

201 be concurrent with a meal period required by law if the timing
202 of the recovery period coincides with a required meal period.

203 (4) DRINKING WATER.—An employer shall ensure that a
204 sufficient quantity of cool or cold, clean drinking water is at
205 all times readily accessible and free of charge to employees who
206 work in an outdoor environment. The drinking water must be
207 located as close as practicable to the areas where employees
208 work. If drinking water is not plumbed or otherwise continuously
209 supplied, an employer must supply a sufficient quantity of
210 drinking water at the beginning of the workday so that each
211 employee has at least 1 quart of drinking water per hour for
212 every hour in the employee's entire workday. An employer may
213 supply a smaller quantity of drinking water at the beginning of
214 the workday if the employer has adequate procedures in place to
215 allow the employee access to drinking water as needed so that
216 the employee has at least 1 quart of drinking water per hour for
217 every hour in the employee's entire workday.

218 (5) ACCESS TO SHADE.—

219 (a) When a supervisor determines that the outdoor heat
220 index equals or exceeds 80 degrees Fahrenheit, the employer must
221 maintain one or more areas with shade which are open to the air
222 or offer ventilation or cooling at all times in the area where
223 employees are working. The amount of available shade must be
224 able to accommodate all of the employees participating in a
225 given recovery period in a manner that does not place them in

226 physical contact with one another.

227 (b) If an employee exhibits mild to moderate signs or
228 symptoms of heat illness, the employer must relieve the employee
229 from duty, provide him or her with access to shade for at least
230 15 minutes or until such signs or symptoms of heat illness have
231 abated, and monitor the employee to determine whether medical
232 attention is necessary. If such signs or symptoms do not abate
233 within such time period, the employer must seek medical
234 attention for the employee in a timely manner. If an employee
235 exhibits serious signs or symptoms of heat illness, the employer
236 must immediately seek medical attention for the employee and
237 provide first-aid measures.

238 (c) If an employer can demonstrate that it is unsafe or
239 not feasible to provide an area with shade, the employer may
240 provide alternative cooling measures as long as the employer can
241 demonstrate that such measures are at least as effective as an
242 area with shade in reducing heat exposure.

243 (6) TRAINING.—An employer shall provide annual training on
244 heat illness that has been approved by the Department of
245 Agriculture and Consumer Services and the Department of Health
246 to all employees and supervisors in the languages understood by
247 a majority of the employees and supervisors. Each employee who
248 regularly works in, or who is in the process of acclimatization
249 to, an outdoor environment must participate in the training
250 provided by the employer. Training materials must be written and

251 available in English and in all languages understood by the
252 employees and supervisors. Supervisors shall make such written
253 materials available upon request.

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

256 1. The environmental risk factors for heat illness.

257 2. General awareness of personal risk factors for heat
258 illness and how an employee can monitor his or her own personal
259 risk factors for heat illness.

260 3. The importance of loosening clothing and loosening or
261 removing heat-retaining protective clothing and equipment, such
262 as nonbreathable chemical-resistant clothing and equipment,
263 during all recovery and rest periods, breaks, and meal periods.

264 4. The importance of frequent consumption of cool or cold
265 drinking water.

266 5. The concept, importance, and methods of
267 acclimatization.

268 6. The common signs and symptoms of heat illness,
269 including, but not limited to, neurological impairment,
270 confusion, or agitation.

271 7. The importance of an employee immediately reporting to
272 the employer, directly or through a supervisor, if the employee
273 or a coworker exhibits signs or symptoms of heat illness, and
274 the importance of receiving immediate medical attention for
275 those signs or symptoms.

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

278 (b) Training on all of the following topics must be
279 provided to all supervisors before they are authorized to
280 supervise employees who work in an outdoor environment:

281 1. Information that must be provided to employees.

282 2. Procedures that must be followed to implement an
283 outdoor heat exposure safety program.

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

286 4. Procedures that must be followed when transporting an
287 employee who exhibits or reports any signs or symptoms of heat
288 illness to an emergency medical services provider in a timely
289 manner.

290 (7) RULEMAKING.—The Department of Agriculture and Consumer
291 Services, in conjunction with the Department of Health, shall
292 adopt rules to implement this section, including, but not
293 limited to, approved training programs, approved trainers, and a
294 certification process to acknowledge an employer's compliance
295 with the training requirements imposed by this section.

296 **Section 4. Section 448.112, Florida Statutes, is created**
297 **to read:**

298 448.112 Employment benefits for independent contractors.—

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

300 (a) "Contracting agent" means a business, an organization,

301 a corporation, a limited liability company, a partnership, a
302 sole proprietor, or any other entity that facilitates the
303 provision of services to consumers seeking such services and
304 makes payments to the workers providing such services, where the
305 provision of services is taxed as an independent contractor and
306 reported using federal form 1099 of the federal Internal Revenue
307 Service.

308 (b) "Department" means the Department of Commerce.

309 (c) "Qualified benefit provider" means a nonprofit benefit
310 provider that is eligible to provide benefits to workers of
311 contracting agents.

312 (d) "Worker" means a person who provides services to
313 consumers through a contracting agent.

314 (2) A contracting agent that has facilitated the provision
315 of services by at least 50 individual workers in a consecutive
316 12-month period shall contribute funds to qualified benefit
317 providers to provide benefits to the workers of the contracting
318 agent. This requirement only applies if the services are
319 provided to consumers located in this state.

320 (3) (a) A contracting agent must contribute 25 percent of
321 the total fee collected from the consumer for each transaction
322 of services provided or \$6 for every hour that a worker provides
323 services to the consumer, whichever is less. If the contribution
324 amount is determined per hour, then the determination must be
325 prorated per minute.

326 (b) The contribution amount may be added to the invoice or
327 billing submitted to the consumer for the services.

328 (4) A contracting agent must provide such contributions to
329 a qualified benefit provider within 15 days after the end of the
330 month in which the services were provided.

331 (5) Contributions must indicate the assigned amount per
332 worker per transaction, according to the following:

333 (a) If a single worker provided services for a
334 transaction, the entire contribution is assigned to that worker;
335 or

336 (b) If multiple workers provided services for a
337 transaction, the contribution is assigned proportionately to
338 those workers.

339 (6) A qualified benefit provider must ensure that benefits
340 are provided to workers as set forth in this subsection.

341 (a) A qualified benefit provider must provide workers'
342 compensation insurance to those workers entitled to benefits
343 based on contributions made under this section.

344 (b) A qualified benefit provider shall solicit input from
345 each worker on his or her benefits and allow a worker to choose
346 from available benefits or allocate the contributions among all
347 of the following benefits:

348 1. Health insurance, including, but not limited to,
349 subsidies to purchase health insurance.

350 2. Paid time off.

351 3. Retirement benefits.

352 4. Other benefits as determined by the qualified benefit
353 provider on behalf of the workers.

354 (c) A qualified benefit provider may use up to 5 percent
355 of the contributed funds for the administration of benefits.

356 (7) A worker entitled to benefits must select a qualified
357 benefit provider and may change the selected qualified benefit
358 provider once per year. The worker's contracting agent must
359 provide to the worker information regarding available qualified
360 benefit providers in a format that allows him or her to easily
361 select a provider.

362 (8) The department shall adopt rules in order for an
363 organization to become a qualified benefit provider. At a
364 minimum, an organization must meet all of the following
365 criteria:

366 (a) The organization must be a nonprofit organization,
367 exempt from federal income taxation under 26 U.S.C. s.
368 501(c)(3).

369 (b) At least one-half of the organization's board of
370 directors must be comprised of workers or representatives of
371 bona fide independent organizations of such workers.

372 (c) The organization must be independent from all business
373 entities, organizations, corporations, or persons that would
374 pursue a financial interest in conflict with that of the
375 workers.

376 (d) All actions of the organization regarding the
377 provision of benefits must be for the sole purpose of maximizing
378 benefits to covered workers.

379 (e) The board of directors of the organization hold a
380 fiduciary duty to the workers with respect to the provision of
381 benefits.

382 (f) The organization must demonstrate adequate viability
383 and financial sufficiency as determined by the department. At a
384 minimum, the organization must have all of the following:

385 1. Cash reserves in a sufficient amount as determined by
386 the department.

387 2. Liability coverage in an amount determined by the
388 department.

389 3. Access to bonding.

390 4. Other demonstrated competencies as determined by the
391 department.

392 (9) The department shall establish rules and regulations
393 to implement and administer this section, including all of the
394 following:

395 (a) Monitoring compliance of contracting agents.

396 (b) Monitoring qualified benefit providers, including the
397 ability to remove providers that are out of compliance with the
398 criteria established in this section.

399 (c) Administering workers' compensation coverage for
400 workers under this section.

401 (d) Providing procedures for workers to select a qualified
402 benefit provider, to change their selection annually, and to
403 receive notices of the right to select a different qualified
404 benefit provider.

405 (10) In addition to any administrative remedies provided
406 by the department, a worker may bring a cause of action against
407 a contracting agent for the contracting agent's failure to
408 comply with the contribution requirements in this section.

409 (11) The requirements under this section may not be
410 considered in determining a worker's employment status or a
411 contracting agent's employment relationship to the worker.

412 **Section 5. Paragraph (c) of subsection (12) of section**
413 **447.207, Florida Statutes, is amended to read:**

414 447.207 Commission; powers and duties.—

415 (12) Upon a petition by a public employer after it has
416 been notified by the Department of Labor that the public
417 employer's protective arrangement covering mass transit
418 employees does not meet the requirements of 49 U.S.C. s. 5333(b)
419 and would jeopardize the employer's continued eligibility to
420 receive Federal Transit Administration funding, the commission
421 may waive, to the extent necessary for the public employer to
422 comply with the requirements of 49 U.S.C. s. 5333(b), any of the
423 following for an employee organization that has been certified
424 as a bargaining agent to represent mass transit employees:

425 (c) The revocation of certification provided in s.

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426 | 447.305 (6) ~~and (7)~~.

427 | **Section 6.** Section 542.335, Florida Statutes, is repealed.

428 | **Section 7.** This act shall take effect October 1, 2025.