

Amendment No.

## CHAMBER ACTION

SenateHouse

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Representative Harris offered the following:

**Amendment (with title amendment)**

Between lines 141 and 142, insert:

**Section 5. Section 450.166, Florida Statutes, is created to read:**

450.166 Heat illness prevention.—

(1) APPLICABILITY.—

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

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13        (b) This section does not apply to a minor employee  
14 required to work in an outdoor environment for less than 15  
15 minutes per hour for every hour in the minor employee's entire  
16 workday.

17        (c) This section is supplemental to all related industry-  
18 specific standards. When the requirements under this section  
19 offer greater protection than related industry-specific  
20 standards, an employer shall comply with the requirements of  
21 this section.

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

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

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

30        (c) "Employer" means an individual, a firm, a partnership,  
31 an institution, a corporation, or an association, or an entity  
32 listed in s. 121.021(10) which employs individuals.

33        (d) "Environmental risk factors for heat illness" means  
34 working conditions that create the possibility of heat illness,  
35 including air temperature; relative humidity; radiant heat from  
36 the sun and other sources; conductive heat from sources such as

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37 the ground, air movement, workload severity and duration; and  
38 protective clothing and equipment worn by an minor employee.

39 (e) "Heat illness" means a medical condition resulting  
40 from the body's inability to cope with a particular heat level.  
41 The term includes heat cramps, heat exhaustion, heat syncope,  
42 and heat stroke.

43 (f) "Minor employee" means a person who is 17 years of age  
44 or younger and who performs services for and under the control  
45 and direction of an employer for wages or other remuneration.  
46 The term includes an independent contractor and a farm labor  
47 contractor as defined in s. 450.28 if such persons are 17 years  
48 of age or younger.

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

55 (h) "Personal risk factors for heat illness" means factors  
56 specific to an individual, including his or her age; health;  
57 pregnancy; degree of acclimatization; water, alcohol, or  
58 caffeine consumption; use of prescription medications; or other  
59 physiological responses to heat.

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60 (i) "Recovery period" means a cool-down period to reduce a  
61 minor employee's heat exposure and aid the minor employee in  
62 cooling down and avoiding the signs or symptoms of heat illness.

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

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

65 (3) RESPONSIBILITIES.—An employer of minor employees who  
66 regularly work in an outdoor environment shall implement an  
67 outdoor heat exposure safety program that has been approved by  
68 the Department of Agriculture and Consumer Services and the  
69 Department of Health and which, at a minimum:

70 (a) Trains and informs supervisors and minor employees  
71 about heat illness, how to protect themselves and coworkers, how  
72 to recognize signs and symptoms of heat illness in themselves  
73 and coworkers, and appropriate first-aid measures that can be  
74 used before medical attention arrives in the event of a serious  
75 heat-related illness event.

76 (b) Provides preventive and first-aid measures, such as  
77 loosening clothing, loosening or removing heat-retaining  
78 protective clothing and equipment, accessing shade, applying  
79 cool or cold water to the body, and drinking cool or cold water,  
80 to address the signs or symptoms of heat illness.

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

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85        1. Make available an effective voice, observational, or  
86 electronic communication system that allows a minor employee to  
87 contact an employer, manager, supervisor, contractor, or  
88 emergency medical services provider if necessary.

89        2. Provide a sufficient amount of cool or cold drinking  
90 water at a location that is quickly and easily accessible from  
91 the area where minor employees work to accommodate all minor  
92 employees throughout the workday, and remind minor employees  
93 throughout the workday to consume such water.

94        3. Ensure that each minor employee takes a 10-minute  
95 recovery period every 2 hours that he or she is working in an  
96 outdoor environment under high-heat conditions. The recovery  
97 period may be concurrent with a meal period required by law if  
98 the timing of the recovery period coincides with a required meal  
99 period.

100        (4) DRINKING WATER.—An employer shall ensure that a  
101 sufficient quantity of cool or cold, clean drinking water is at  
102 all times readily accessible and free of charge to minor  
103 employees who work in an outdoor environment. Such drinking  
104 water must be located as close as practicable to the areas where  
105 minor employees work. If drinking water is not plumbed or  
106 otherwise continuously supplied, an employer must supply a  
107 sufficient quantity of drinking water at the beginning of the  
108 workday so that each minor employee has at least 1 quart of  
109 drinking water per hour for every hour in the minor employee's

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110 entire workday. An employer may supply a smaller quantity of  
111 drinking water at the beginning of the workday if the employer  
112 has adequate procedures in place to allow the minor employee  
113 access to drinking water as needed so that the minor employee  
114 has at least 1 quart of drinking water per hour for every hour  
115 in the minor employee's entire workday.

116 (5) ACCESS TO SHADE.—

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

125 (b) If a minor employee exhibits mild to moderate signs or  
126 symptoms of heat illness, the employer must relieve the minor  
127 employee from duty, provide him or her with access to shade for  
128 at least 15 minutes or until such signs or symptoms of heat  
129 illness have abated, and monitor to determine whether medical  
130 attention is necessary. If such signs or symptoms do not abate  
131 within such time period, the employer must seek medical  
132 attention for the minor employee in a timely manner. If a minor  
133 employee exhibits serious signs or symptoms of heat illness, the

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employer must immediately seek medical attention for the minor employee and provide first-aid measures.

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

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

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

1. The environmental risk factors for heat illness.

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158        2. General awareness of personal risk factors for heat  
159 illness and how a minor employee can monitor his or her own  
160 personal risk factors for heat illness.

161        3. The importance of loosening clothing and loosening or  
162 removing heat-retaining protective clothing and equipment, such  
163 as nonbreathable chemical-resistant clothing and equipment,  
164 during all recovery and rest periods, breaks, and meal periods.

165        4. The importance of frequent consumption of cool or cold  
166 drinking water.

167        5. The concept, importance, and methods of  
168 acclimatization.

169        6. The common signs and symptoms of heat illness,  
170 including, but not limited to, neurological impairment,  
171 confusion, or agitation.

172        7. The importance of a minor employee immediately  
173 reporting to the employer, directly or through a supervisor, if  
174 the minor employee or a coworker exhibits signs or symptoms of  
175 heat illness, and the importance of receiving immediate medical  
176 attention for those signs or symptoms.

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

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

182        1. Information that must be provided to minor employees.

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183        2. Procedures that must be followed to implement an  
184 outdoor heat exposure safety program.

185        3. Procedures that must be followed when a minor employee  
186 exhibits or reports any signs or symptoms of heat illness.

187        4. Procedures that must be followed when transporting a  
188 minor employee who exhibits or reports any signs or symptoms of  
189 heat illness to an emergency medical services provider in a  
190 timely manner.

191        (7) RULEMAKING.—The Department of Agriculture and Consumer  
192 Services, in conjunction with the Department of Health, shall  
193 adopt rules to implement this section, including, but not  
194 limited to, approved training programs, approved trainers, and a  
195 certification process to acknowledge an employer's compliance  
196 with the training requirements imposed by this section.

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198  
199                    **T I T L E   A M E N D M E N T**

200        Remove line 20 and insert:

201        waiver of employment restrictions; creating s.  
202        450.166, F.S.; providing applicability; providing  
203        definitions; requiring certain employers to implement  
204        an outdoor heat exposure safety program that has been  
205        approved by specified agencies; specifying  
206        requirements for the safety program; providing  
207        responsibilities for certain employers and minor

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208 employees; providing an exception; requiring specified  
209 annual training on heat illness and providing  
210 requirements for such training; requiring the  
211 Department of Agriculture and Consumer Services, in  
212 conjunction with the Department of Health, to adopt  
213 specified rules; providing effective

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