

By Senator Torres

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1                   A bill to be entitled  
2       An act relating to heat illness prevention; creating  
3       s. 448.111, F.S.; providing applicability; providing  
4       definitions; providing responsibilities of certain  
5       employers and employees; providing requirements for  
6       certain employers to provide drinking water to  
7       employees; requiring certain employers to provide  
8       shade to employees under certain conditions; providing  
9       an exception; providing training requirements for  
10      certain employees and supervisors; providing an  
11      effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

14  
15       Section 1. Section 448.111, Florida Statutes, is created to  
16      read:

17       448.111 Heat illness prevention.-

18       (1) APPLICABILITY.-

19       (a) This section applies to employers in industries in  
20 which employees regularly perform work in an outdoor  
21 environment, including, but not limited to, agriculture,  
22 construction, and landscaping.

23       (b) This section does not apply to an employee who is  
24 required to work in an outdoor environment for less than 15  
25 minutes per hour for every hour in the employee's workday.

26       (c) This section is supplemental to all related industry-  
27 specific standards. When the requirements under this section  
28 offer greater protection than industry-specific standards, an  
29 employer shall comply with the requirements of this section.

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

31 (a) "Acclimatization" means temporary adaptation of a  
32 person to work in the heat that occurs when a person is  
33 gradually exposed to heat.

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

36 (c) "Employee" means a person who performs services for and  
37 under the control and direction of an employer for wages or  
38 other remuneration. The term includes an independent contractor.

39 (d) "Employer" means an individual, firm, partnership,  
40 institution, corporation, association, or an entity listed in s.  
41 121.021(10) that employs individuals.

42 (e) "Environmental risk factors for heat illness" means  
43 working conditions that create the possibility of heat illness,  
44 including air temperature, relative humidity, radiant heat from  
45 the sun and other sources, conductive heat from sources such as  
46 the ground, air movement, workload severity and duration, and  
47 protective clothing and equipment worn by an employee.

48 (f) "Heat illness" means a serious medical condition  
49 resulting from the body's inability to cope with a particular  
50 heat, and includes heat cramps, heat exhaustion, heat syncope,  
51 and heat stroke.

52 (g) "Outdoor environment" means a location where work  
53 activities are conducted outside. The term includes work  
54 environments that are inside but the temperature is not managed  
55 by devices that reduce heat exposure and aid in cooling, such as  
56 air conditioning, including, but not limited to, sheds, tents,  
57 or other structures.

58 (h) "Personal risk factors for heat illness" means factors

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59 specific to an individual, including his or her age; degree of  
60 acclimatization; health; water, alcohol, or caffeine  
61 consumption; use of prescription medications; or other  
62 physiological responses to heat.

63 (i) "Recovery period" means a cool down period to allow an  
64 employee to prevent heat illness.

65 (k) "Shade" means an area blocked from direct sunlight.

66 (3) RESPONSIBILITIES.—

67 (a) An employer of employees who regularly work in an  
68 outdoor environment shall create an outdoor heat exposure safety  
69 program, which must, at a minimum:

70 1. Train and inform employees of the warning signs and  
71 symptoms of heat illness, the importance of frequently consuming  
72 drinking water and regular recovery periods, and the right to  
73 seek medical care if necessary.

74 2. Provide for first aid and training on other remedial  
75 methods, such as loosening clothing, access to shade, drinking  
76 water, or a place to rest, to address symptoms of heat illness.

77 3. Implement the following high-heat procedures, to the  
78 extent practicable, when a supervisor monitors that the  
79 temperature at the work area equals or exceeds 95 degrees  
80 Fahrenheit:

81 a. Ensure that effective communication by voice,  
82 observation, or electronic means is maintained so that an  
83 employee may contact a supervisor or an emergency medical  
84 service provider if necessary.

85 b. Remind employees throughout the workday to consume  
86 drinking water.

87 c. Ensure that each employee takes a 10 minute recovery

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88 period every 2 hours that the employee is working in an outdoor  
89 environment. The recovery period may be concurrent with a meal  
90 or rest period required by law if the timing of the recovery  
91 period coincides with a required meal or rest period.

92 d. Conduct a preshift meeting each workday to review the  
93 high-heat procedures.

94 (b) An employee who regularly works in an outdoor  
95 environment shall participate in training that is provided by  
96 the employer pursuant to subsection (6). An employee is  
97 responsible for monitoring his or her own personal risk factors  
98 for heat illness.

99 (4) DRINKING WATER.—An employer shall ensure that a  
100 sufficient quantity of cool, clean drinking water is at all  
101 times readily accessible and free of charge to employees who  
102 work in an outdoor environment. Such drinking water shall be  
103 located as close as practicable to the areas where employees are  
104 working. If drinking water is not plumbed or otherwise  
105 continuously supplied, an employer shall provide a sufficient  
106 quantity of drinking water at the beginning of the workday to  
107 provide one quart per employee per hour for the entire workday.  
108 An employer may supply a smaller quantity of drinking water to  
109 an employee at the beginning of the workday if the employer has  
110 adequate procedures to allow the employee to replenish drinking  
111 water as needed to allow an employee one quart or more per hour  
112 for the entire workday.

113 (5) ACCESS TO SHADE.—

114 (a) When the outdoor temperature, as monitored by a  
115 supervisor, in the work area exceeds 80 degrees Fahrenheit, an  
116 employer must maintain one or more areas with shade that are

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117 open to the air or offer ventilation or cooling at all times  
118 while employees are working. The amount of shade present must be  
119 able to accommodate the total number of employees on recovery  
120 periods at one time without the employees having to be in  
121 physical contact with each other.

122 (b) An employee who exhibits signs or symptoms of heat  
123 illness shall be relieved from duty, provided with access to  
124 shade for at least 15 minutes or until the signs or symptoms of  
125 heat illness have abated, and monitored to determine whether  
126 medical attention is necessary. If such signs or symptoms do not  
127 abate within this time, an employer shall seek medical attention  
128 in a timely manner for the employee.

129 (c) If an employer can demonstrate that it is unsafe or not  
130 feasible to provide a shade structure, or otherwise to have  
131 shade present on a continuous basis, the employer may provide  
132 alternative cooling measures as long as the employer can  
133 demonstrate that such measures are at least as effective as  
134 shade in reducing heat exposure.

135 (6) TRAINING.—An employer shall provide annual training to  
136 all employees and supervisors in the languages understood by a  
137 majority of the employees and supervisors. Training information  
138 shall be written in English and translated into all languages  
139 understood by the employees and supervisors. Supervisors shall  
140 make such written materials available upon request.

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

- 143 1. The environmental risk factors for heat illness.
- 144 2. General awareness of personal risk factors for heat  
145 illness.

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146       3. The importance of removing heat-retaining personal  
147 protective equipment such as nonbreathable chemical-resistant  
148 clothing during all breaks.

149       4. The importance of frequent consumption of drinking  
150 water.

151       5. The concept, importance, and methods of acclimatization.

152       6. The common signs and symptoms of heat illness.

153       7. The importance of an employee immediately reporting to  
154 the employer, directly or through a supervisor, signs or  
155 symptoms of heat illness in himself or herself or a coworker.

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

158       (b) Training on the following topics shall be provided to  
159 all supervisors before supervising employees who work in an  
160 outdoor environment:

161       1. Information required to be provided to employees.

162       2. Procedures a supervisor must follow to implement this  
163 section.

164       3. Procedures a supervisor must follow when an employee  
165 exhibits or reports signs or symptoms of heat illness.

166       4. Procedures for transporting to an emergency medical  
167 service provider an employee who exhibits or reports signs or  
168 symptoms of heat illness in a swift and timely manner, if  
169 necessary.

170       Section 2. This act shall take effect July 1, 2018.