A bill to be entitled
An act relating to heat illness prevention; creating
s. 448.111, F.S.; providing applicability; defining
terms; providing responsibilities for certain
employers and employees; providing an exception;
requiring employers to provide annual training for
employees and supervisors; requiring the Department of
Agriculture and Consumer Services, in conjunction with
the Department of Health, to adopt specified rules;
providing an effective date.

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

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

448.111 Heat illness prevention.—
(1) APPLICABILITY.—
(a) This section applies to employers in industries where
employees regularly perform work in an outdoor environment,
including, but not limited to, agriculture, construction, and
landscaping.
(b) This section does not apply to an employee who is
required to work in an outdoor environment for fewer than 15
minutes per hour for every hour in the employee’s entire
workday.
(c) This section is supplemental to all related industry-
specific standards. When the requirements under this section
offer greater protection than related industry-specific
standards, an employer shall comply with the requirements of
this section.

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

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

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

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

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

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

(f) “Heat illness” means a medical condition resulting from the body’s inability to cope with a particular heat level. The term includes heat cramps, heat exhaustion, heat syncope, and heat stroke.

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

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

(i) “Recovery period” means a cool-down period to reduce an employee’s heat exposure and aid the employee in cooling down and avoiding the signs or symptoms of heat illness.

(j) “Shade” means an area that is not in direct sunlight.

(k) “Supervisor” has the same meaning as in s. 448.101.

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

(a) Train and inform supervisors and employees about heat illness, how to protect themselves and coworkers, how to recognize signs and symptoms of heat illness in themselves and coworkers, and appropriate first-aid measures that can be used before medical attention arrives in the event of a serious heat-related illness event.

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

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

1. Ensure that effective communication by voice, observation, or electronic means is initiated and maintained so that an employee may contact an employer, manager, supervisor, contractor, or emergency medical services provider if necessary.

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

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

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

(5) ACCESS TO SHADE.—
(a) When the supervisor determines that the outdoor heat index equals or exceeds 80 degrees Fahrenheit, the employer must maintain one or more areas with shade that are open to the air or offer ventilation or cooling at all times in the area where employees are working. The amount of shade present must be able to accommodate the total number of employees participating in a recovery period at one time without the employees having to be in physical contact with each other.

(b) An employee who exhibits mild to moderate signs or symptoms of heat illness shall be relieved from duty, provided with access to shade for at least 15 minutes or until such signs or symptoms of heat illness have abated, and monitored to determine whether medical attention is necessary. If such signs or symptoms do not abate within such time period, an employer shall seek medical attention in a timely manner for the employee. If an employee exhibits serious signs or symptoms of heat illness, an employer must seek medical attention immediately for the 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 that has been approved by the Department of Agriculture and
Cons
umer Services and the Department of Health for all employees and supervisors in the languages understood by a majority of the employees and supervisors. An employee who regularly works, or who is in the process of acclimatization, in an outdoor environment shall participate in the training that is provided by the employer. Such training shall be made available through the Department of Agriculture and Consumer Services and the Department of Health. Training information shall be written in English and translated into all languages understood by the employees and supervisors. Supervisors shall make such written materials available upon request.

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

1. The environmental risk factors for heat illness.
2. General awareness of personal risk factors for heat illness. An employee is responsible for monitoring his or her own personal risk factors for heat illness.
3. The importance of loosening clothing and loosening or removing heat-retaining protective clothing and equipment, such as nonbreathable chemical-resistant clothing and equipment, during all recovery and rest periods, breaks, and meal periods.
4. The importance of frequent consumption of cool or cold drinking water.
5. The concept, importance, and methods of acclimatization.
6. The common signs and symptoms of heat illness, including, but not limited to, neurological impairment, confusion, or agitation.
7. The importance of immediately reporting to the employer, directly or through a supervisor, signs or symptoms of heat illness.
illness in the employee or a coworker, and the importance of immediately receiving medical attention if the employee or coworker exhibits any signs or symptoms of heat illness.

8. The employer’s outdoor heat exposure safety program and related high-heat procedures.

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

   1. Information that must be provided to employees.

   2. Procedures that must be followed to implement this section.

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

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

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

Section 2. This act shall take effect October 1, 2022.