

1 A bill to be entitled
 2 An act relating to heat illness prevention in outdoor
 3 environment industries; creating s. 448.111, F.S.;
 4 providing applicability; defining terms; providing
 5 responsibilities for certain employers and employees;
 6 providing an exception; requiring employers to provide
 7 annual training for employees and supervisors;
 8 requiring the Department of Agriculture and Consumer
 9 Services, in conjunction with the Department of
 10 Health, to adopt specified rules; providing an
 11 effective date.

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

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

17 448.111 Heat illness prevention.—

18 (1) APPLICABILITY.—

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

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

26 workday.

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

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

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

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

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

44 (d) "Employer" means an individual, a firm, a partnership,
45 an institution, a corporation, an association, or an entity
46 listed in s. 121.021(10) that employs individuals.

47 (e) "Environmental risk factors for heat illness" means
48 working conditions that create the possibility of heat illness,
49 including air temperature, relative humidity, radiant heat from
50 the sun and other sources, conductive heat from sources such as

51 the ground, air movement, workload severity and duration, and
52 protective clothing and equipment worn by an employee.

53 (f) "Heat illness" means a medical condition resulting
54 from the body's inability to cope with a particular heat level.
55 The term includes heat cramps, heat exhaustion, heat syncope,
56 and heat stroke.

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

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

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

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

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

73 (3) RESPONSIBILITIES.—An employer of employees who
74 regularly work in an outdoor environment shall implement an
75 outdoor heat exposure safety program that has been approved by

76 the Department of Agriculture and Consumer Services and the
77 Department of Health and that must, at a minimum:

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

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

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

93 1. Ensure that effective communication by voice,
94 observation, or electronic means is initiated and maintained so
95 that an employee may contact an employer, a manager, a
96 supervisor, a contractor, or an emergency medical services
97 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 shall 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 each employee
116 has at least 1 quart of drinking water per hour for every hour
117 in the employee's entire workday. An employer may supply a
118 smaller quantity of drinking water at the beginning of the
119 workday if the employer has adequate procedures in place to
120 allow the employee access to drinking water as needed so the
121 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 the 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 that 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 shade present must be able
129 to accommodate the total number of employees participating in a
130 recovery period at one time without the employees having to be
131 in physical contact with each other.

132 (b) An employee who exhibits mild to moderate signs or
133 symptoms of heat illness shall be relieved from duty, provided
134 with access to shade for at least 15 minutes or until such signs
135 or symptoms of heat illness have abated, and monitored to
136 determine whether medical attention is necessary. If such signs
137 or symptoms do not abate within such time period, an employer
138 shall seek medical attention in a timely manner for the
139 employee. If an employee exhibits serious signs or symptoms of
140 heat illness, an employer must seek medical attention
141 immediately for the employee and provide first-aid measures.

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

147 (6) TRAINING.—An employer shall provide annual training
148 that has been approved by the Department of Agriculture and
149 Consumer Services and the Department of Health for all employees
150 and supervisors in the languages understood by a majority of the

151 employees and supervisors. An employee who regularly works, or
152 who is in the process of acclimatization, in an outdoor
153 environment shall participate in the training that is provided
154 by the employer. Such training shall be made available through
155 the Department of Agriculture and Consumer Services and the
156 Department of Health. Training information shall be written in
157 English and translated into all languages understood by the
158 employees and supervisors. Supervisors shall make such written
159 materials available upon request.

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

162 1. The environmental risk factors for heat illness.

163 2. General awareness of personal risk factors for heat
164 illness. An employee is responsible for monitoring his or her
165 own personal risk factors for heat illness.

166 3. The importance of loosening clothing and loosening or
167 removing heat-retaining protective clothing and equipment, such
168 as nonbreathable chemical-resistant clothing and equipment,
169 during all recovery and rest periods, breaks, and meal periods.

170 4. The importance of frequent consumption of cool or cold
171 drinking water.

172 5. The concept, importance, and methods of
173 acclimatization.

174 6. The common signs and symptoms of heat illness,
175 including, but not limited to, neurological impairment,

176 confusion, or agitation.

177 7. The importance of immediately reporting to the
178 employer, directly or through a supervisor, signs or symptoms of
179 heat illness in the employee or a coworker, and the importance
180 of immediately receiving medical attention if the employee or
181 coworker exhibits any signs or symptoms of heat illness.

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 shall 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 this
189 section.

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 training
200 providers, and a certification process to acknowledge an

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201 | employer's compliance with training requirements.

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