A bill to be entitled
An act relating to workplace heat exposure
requirements; creating s. 448.106, F.S.; providing
definitions; preempting the regulation of heat
exposure requirements in the workplace to the state;
providing that certain local laws, ordinances,
resolutions, regulations, rules, codes, policies, and
amendments are void and prohibited; requiring the
Department of Commerce to adopt rules relating to
workplace heat exposure requirements if the
Occupational Safety and Health Administration has not
done so by a date certain; providing requirements for
such rules; prohibiting local governments from
mandating or imposing certain requirements or seeking
information from certain persons relating to certain
requirements; providing construction and
applicability; providing an effective date.

WHEREAS, the Occupational Safety and Health Act of 1970
requires employers to furnish their employees with a place of
employment that is "free from recognized hazards that are
causing or are likely to cause death or serious physical harm,"
and employees must also comply with all standards and
regulations under the act, and

WHEREAS, the Occupational Safety and Health Administration

CODING: Words stricken are deletions; words underlined are additions.
(OSHA) was created under the act to ensure safe working conditions for employees by setting and enforcing standards and providing training, outreach, education, and assistance to employers and employees, and

WHEREAS, OSHA standards and regulations apply to most private sector employers and employees, as well as some public sector employers and employees, in all 50 states and certain territories and jurisdictions under federal authority, and

WHEREAS, OSHA has imposed and enforced standards and regulations governing workplace heat exposure for more than two decades and currently creates and publishes best practices, guidance, advice, and educational materials about working in hot environments, and

WHEREAS, recognizing that preventing heat-related illnesses requires education and close collaboration between employers and employees, OSHA established the National Emphasis Program – Outdoor and Indoor Heat-Related Hazards in 2022, to create a targeted enforcement program, reiterate compliance assistance and outreach efforts, and encourage early intervention by employers during high heat working conditions, and

WHEREAS, local governments have started to adopt their own workplace heat exposure requirements, some of which apply only to specific industries, which ignore the individual responsibility of an employee to follow relevant guidelines and to protect himself or herself from heat-related illnesses, and
rly on fines and penalties assessed on employers to fund the
enforcement of such requirements, and

WHEREAS, OSHA is actively engaged in rulemaking to further
expand on its existing standards and regulations for workplace
heat exposure, which would preempt local regulations on the
subject, and

WHEREAS, having a patchwork of local workplace heat
exposure standards and regulations makes compliance difficult
and burdensome on employers and employees and may impede
commerce throughout the state, and

WHEREAS, based on the potential negative impacts of local
regulation on workplace heat exposure, the Legislature finds
that the powers of local government in this area must be
appropriately limited, NOW, THEREFORE,

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

Section 1. Section 448.106, Florida Statutes, is created
to read:

448.106 Workplace heat exposure requirements; preemption;
rulemaking.—

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

(a) "Contractor" means an employer contracting with, or
seeking to contract with, a local government to provide goods or
services to, for the benefit of, or on behalf of the local
government.

(b) "Employee" means a natural person, including a self-employed person, who receives any type of compensation or remuneration for providing services to an employer.

(c) "Employer" means a person who hires or contracts for the services of employees.

(d) "Heat exposure requirement" means a standard mandated or otherwise imposed on employers, employees, contractors, or subcontractors to control an employee's exposure to heat or sun, or to otherwise address or moderate the effects of such exposure. The term includes, but is not limited to, standards relating to all of the following:

1. Employee monitoring and protection.
2. Water consumption.
3. Cooling measures.
4. Acclimatization and recovery periods or practices.
5. Posting or distributing notices or materials relating to heat exposure which inform employees how to protect themselves from such exposure.
6. Implementation and maintenance of heat exposure programs or training.
7. Appropriate first-aid measures or emergency responses related to heat exposure.
8. Protections for employees who report that they have experienced excessive heat exposure.
9. Reporting and recordkeeping requirements.
   (e) "Local government" means a county, municipality, department, commission, district, board, or other public body, whether corporate or otherwise, created by or under state law.
   (f) "Subcontractor" has the same meaning as in s. 448.095(1).

   (2)(a) The regulation of workplace heat exposure requirements is preempted to the state. Any local law, ordinance, resolution, regulation, rule, code, policy, or charter amendment adopted before, on, or after the effective date of this act which conflicts with this section is void and prohibited.
   (b) If the Occupational Safety and Health Administration has not adopted by rule requirements regulating workplace heat exposure by July 1, 2028, the Department of Commerce must adopt by rule statewide workplace heat exposure requirements. Such rules must be consistent with the standards of the Occupational Safety and Health Administration in effect at the time the Department of Commerce adopts its rules, modified as necessary to reflect workplace heat exposure considerations specific to this state. The Legislature must ratify such rules before they take effect.

   (3) Except as otherwise provided in this section, a local government may not:
      (a) Mandate or otherwise impose heat exposure requirements
on an employer, an employee, a contractor, or a subcontractor.

(b) Consider or seek information relating to a contractor's or subcontractor's heat exposure requirements in any procurement for goods or services.

(4) This section does not limit the authority of a local government to mandate or impose workplace heat exposure requirements for the employees of the local government.

(5) This section does not apply if it is determined that compliance with this section will prevent the distribution of federal funds to a local government or would otherwise be inconsistent with federal requirements pertaining to receiving federal funds, but only to the extent necessary to allow a local government to receive federal funds or to eliminate the inconsistency with federal requirements.

Section 2. This act shall take effect upon becoming a law.