

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Harris offered the following:

2
3 **Amendment (with title amendment)**

4 Between lines 73 and 74, insert:

5 Section 2. Section 450.166, Florida Statutes, is created
6 to read:

7 450.166 Heat illness prevention.-

8 (1) APPLICABILITY.-

9 (a) This section applies to employers in industries where
10 minor employees regularly perform work in an outdoor
11 environment, including, but not limited to, agriculture,
12 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 fewer 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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134 employer must immediately seek medical attention for the minor
135 employee and provide first-aid measures.

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

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

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

157 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 6 and insert:
201 restrictions apply; creating s. 450.166, F.S.;
202 providing applicability; providing definitions;
203 requiring certain employers to implement an outdoor
204 heat exposure safety program that has been approved by
205 specified agencies; specifying requirements for the
206 safety program; providing responsibilities for certain
207 employers and minor employees; providing an exception;

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208 | requiring specified annual training on heat illness
209 | and providing requirements for such training;
210 | requiring the Department of Agriculture and Consumer
211 | Services, in conjunction with the Department of
212 | Health, to adopt specified rules; amending s. 877.25,
213 | F.S.;

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