

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 an exception;
 6 requiring certain employers to provide annual training
 7 for employees and supervisors; requiring the
 8 Department of Agriculture and Consumer Services, in
 9 conjunction with the Department of Health, to adopt
 10 specified rules; providing an effective date.

11
 12 Be It Enacted by the Legislature of the State of Florida:

13
 14 Section 1. Section 448.111, Florida Statutes, is created
 15 to read:

16 448.111 Heat illness prevention.—

17 (1) APPLICABILITY.—

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

22 (b) This section does not apply to an employee who is
 23 required to work in an outdoor environment for fewer than 15
 24 minutes per hour for every hour in the employee's entire
 25 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 related industry-specific
29 standards, an employer shall comply with the requirements of
30 this section.

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

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

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

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

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

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

51 protective clothing and equipment worn by an employee.

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

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

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

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

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

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

72 (3) RESPONSIBILITIES.—

73 (a) An employer of employees who regularly work in an
74 outdoor environment shall implement an outdoor heat exposure
75 safety program that has been approved by the Department of

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

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

84 2. 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 3. Implement the following high-heat procedures, to the
90 extent practicable, when an employer, manager, supervisor, or
91 contractor determines that the outdoor heat index equals or
92 exceeds 90 degrees Fahrenheit:

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

97 b. Provide a sufficient amount of cool or cold drinking
98 water at a location that is quickly and easily accessible from
99 the area where employees work to accommodate all employees
100 throughout the workday and remind employees throughout the

101 workday to consume such water.

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

107 d. Conduct a preshift meeting each workday to review the
108 high-heat procedures.

109 (b) An employee who regularly works, or who is in the
110 process of acclimatization, in an outdoor environment shall
111 participate in the training that is provided by the employer
112 under subsection (6). An employee is responsible for monitoring
113 his or her own personal risk factors for heat illness.

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

126 allow the employee access to drinking water as needed so the
127 employee has at least 1 quart of drinking water per hour for
128 every hour in the employee's entire workday.

129 (5) ACCESS TO SHADE.—

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

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

148 (c) If an employer can demonstrate that it is unsafe or
149 not feasible to provide an area with shade, the employer may
150 provide alternative cooling measures as long as the employer can

151 demonstrate that such measures are at least as effective as an
152 area with shade in reducing heat exposure.

153 (6) TRAINING.—An employer shall provide annual training
154 that has been approved by the Department of Agriculture and
155 Consumer Services and the Department of Health for all employees
156 and supervisors in the languages understood by a majority of the
157 employees and supervisors. Such training shall be made available
158 through the Department of Agriculture and Consumer Services and
159 the Department of Health. Training information shall be written
160 in English and translated into all languages understood by the
161 employees and supervisors. Supervisors shall make such written
162 materials available upon request.

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

165 1. The environmental risk factors for heat illness.

166 2. General awareness of personal risk factors for heat
167 illness.

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

172 4. The importance of frequent consumption of cool or cold
173 drinking water.

174 5. The concept, importance, and methods of
175 acclimatization.

176 6. The common signs and symptoms of heat illness,
177 including, but not limited to, neurological impairment,
178 confusion, or agitation.

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

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

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

189 1. Information that must be provided to employees.

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

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

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

198 (7) RULEMAKING.—The Department of Agriculture and Consumer
199 Services, in conjunction with the Department of Health, shall
200 adopt rules to implement this section, including, but not

HB 513

2020

201 | limited to, approved training programs, approved trainers, and a
202 | certification process to acknowledge an employer's compliance
203 | with training requirements.

204 | Section 2. This act shall take effect October 1, 2020.