A bill to be entitled  
An act relating to heat illness prevention; creating  
s. 448.111, F.S.; providing applicability; providing  
definitions; providing responsibilities of certain  
employers and employees; providing an exception;  
requiring certain employers to provide annual training  
for certain employees and supervisors; requiring the  
Department of Agriculture and Consumer Services to  
adopt 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 less than 15  
minutes per hour for every hour in the employee's 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.

(d) "Employer" means an individual, a firm, a partnership, an institution, a corporation, an association, or an 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 serious medical condition resulting from the body's inability to cope with a particular
heat. 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, 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; degree of acclimatization; health; 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 blocked from direct sunlight.

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

(3) RESPONSIBILITIES.—

(a) An employer of employees who regularly work in an outdoor environment shall create an outdoor heat exposure safety program, which must, at a minimum:

1. Train and inform supervisors and employees, including farm labor contractors, about heat illness, how to recognize heat illness in themselves and coworkers, and appropriate first
aid measures that can be used before medical attention arrives.

2. Provide preventative and first aid measures, such as loosening clothing, loosening or removing heat-retaining protective clothing and equipment, accessing shade or a place to rest, or drinking water, to address the signs or symptoms of heat illness.

3. Implement the following high-heat procedures, to the extent practicable, when a supervisor determines that the outdoor environment temperature equals or exceeds 95 degrees Fahrenheit:
   a. Ensure that effective communication by voice, observation, or electronic means is maintained so that an employee may contact a supervisor or an emergency medical services provider if necessary.
   b. Remind employees throughout the workday to consume drinking water.
   c. Ensure that each employee takes a 10-minute recovery period every 2 hours that the employee is working in an outdoor environment. 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.
   d. Conduct a preshift meeting each workday to review the high-heat procedures.

(b) 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 pursuant to subsection (6). An employee is responsible for monitoring his or her own personal risk factors for heat illness.

(4) DRINKING WATER.—An employer shall ensure that a sufficient quantity of cool, 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 are working. If drinking water is not plumbed or otherwise continuously supplied, an employer shall supply a sufficient quantity of drinking water at the beginning of the workday so each employee has at least one quart of drinking water per hour for 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 one quart of drinking water per hour for the employee's entire workday.

(5) ACCESS TO SHADE.—

(a) When the supervisor determines that the outdoor environment temperature 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 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 signs or symptoms of heat illness shall be relieved from duty, provided with access to shade for at least 15 minutes or until the 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 this time, an employer shall seek medical attention in a timely manner for the employee.

(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 to all employees and supervisors in the languages understood by a majority of the employees and supervisors. 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.

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 drinking water.

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

6. The common signs and symptoms of heat illness.

7. The importance of an employee immediately reporting to the employer, directly or through a supervisor, signs or symptoms of heat illness in himself or herself or a coworker, and the importance of immediate medical attention if there are any signs or symptoms of neurological impairment, confusion, or agitation.

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 the supervisor is authorized to supervise employees who work in an outdoor environment:

1. Information required to be provided to employees.

2. Procedures a supervisor must follow to implement this section.

3. Procedures a supervisor must follow when an employee
exhibits or reports signs or symptoms of heat illness.

4. Procedures for transporting to an emergency medical services provider an employee who exhibits or reports signs or symptoms of heat illness in a swift and timely manner if necessary.

(7) RULEMAKING.—The Department of Agriculture and Consumer Services shall adopt rules to implement this section.

Section 2. This act shall take effect October 1, 2019.