

February 28, 2024

DELIVERED VIA EMAIL

President Kathleen Passidomo
Florida Senate
404 South Monroe Street
Tallahassee, FL 32399

Speaker Paul Renner
Florida House of Representatives
420 Capitol
Tallahassee, Florida 32399



**Re: ACLU FL Written Testimony in Opposition to SB 1492/HB 433 -
Employment Regulations**

Dear Senate President Passidomo and Speaker Renner:

4343 W. Flagler St.
Miami, FL
(786) 363-2700
aclufi.org

Kara Gross
Legislative Director

The ACLU of Florida submits this written testimony in opposition to SB 1492/HB 433. The ACLU of Florida supports equal rights and protections for all people in Florida and opposes this bill because of the impacts it would disproportionately have on marginalized communities doing outdoor work in Florida, among other reasons.

This bill would preempt local governments from creating certain employment regulations and specifically prohibits regulations and programs related to protecting workers from heat exposure that go beyond federal law, and regulates their contracting with local employers. The bill defines “heat exposure requirement” as a standard to control an employee’s exposure to heat or sun, or to otherwise moderate the effects of such exposure. Practices used to protect workers, which this bill prohibits local entities from regulating, include but are not limited to: employee monitoring and protection, water consumption, cooling measures, recovery periods, distributing educational materials, heat exposure programs and training, and emergency responses related to heat exposure. The bill also prohibits local governments from giving preference or inquiring about an employer’s heat exposure requirements for their workers.

Jeopardizing the Health and Safety of Floridians

First and foremost, heat exposure is dangerous and costs human lives. There is a breadth of data on the impacts of heat exposure on human lives and well being, and programs and practices that could help mitigate these threats. The United States Bureau of Labor Statistics reports nearly 40 workers die every year from

heat,¹ however advocacy groups estimate this is an undercount and the death rate could be more up to 2,000.² Heat is the leading weather-related killer in the United States, even though most heat-related deaths are preventable through outreach and intervention, which many heat related requirements seek to do.³ Heat-related illness and death can be prevented through specific programs,⁴ which this bill does not allow local governments to regulate or support.

With increasing extreme heat and industries that are supported by predominantly outdoor work, there is a real health and safety threat to outdoor workers. Florida has seen a remarkable warming trend over the past decade, and July and August of 2023 each set a new all-time monthly temperature record for Florida.⁵ Extreme heat days, defined as days at or above 95°F, are projected to rise in Florida. Employers in Florida have already been penalized for exposing workers to heat-stress related health hazards.⁶ To protect people, local governments should have the ability to pass policies that adapt to these changes and address the increasing threat of heat exposure to outdoor workers. This bill prohibits local governments from doing so and thus further endangers Floridians.

Impacts on Marginalized Communities

The threats of heat exposure and the inability for local governments to protect outdoor workers disproportionately impacts marginalized communities, such as migrant workers and people who are Black and Brown. Farmworkers die of heat stress at 35 times higher rate than the rest of the U.S. workforce and the majority of agriculture workers are foreign born.⁷ Latinos are three times more likely to die of heat on the job than non-Latinos.⁸ There are an estimated 100,000 to 250,000 farmworkers in Florida each year.⁹ These trends are similar in other industries, such as construction, so immigrant and Latino communities are more at risk due to a lack of protections than other people because they are overrepresented in these industries and because of other factors and predispositions.

In a State where 1 in 5 people are immigrants, it is essential to think about how these groups and other marginalized communities are impacted by a bill that seeks to limit protections for outdoor workers. There is a reason that communities in

¹ See <https://www.bls.gov/opub/ted/2023/36-work-related-deaths-due-to-environmental-heat-exposure-in-2021.htm>

² See <https://www.citizen.org/article/hot-take/>

³ See <https://www.epa.gov/climate-indicators/climate-change-indicators-heat-related-deaths>

⁴ See <https://www.osha.gov/heat-exposure>

⁵ See <https://climatecenter.fsu.edu/topics/climate-change#:~:text=2-.Climate%20Trends%20in%20Florida,average%20global%20increase%20since%201895>

⁶ See https://www.osha.gov/ords/imis/establishment.violation_detail?id=1495595.015&citation_id=02001

⁷ See <https://www.ncfh.org/facts-about-agricultural-workers-fact-sheet.html>

⁸ See <https://www.citizen.org/article/hot-take/>

⁹ See <https://www.floridahealth.gov/environmental-health/migrant-farmworker-housing/index.html#:~:text=150%2C000%20to%20200%2C000%20migrant%20and,travel%20and%20work%20in%20Florida.>

Florida have tried to pass local heat protections¹⁰ - because they have identified that they have a uniquely large population that needs the protection and the health and safety of their community depends on it. There should not be any family in Florida that worries unnecessarily about the safety of a loved one when they leave for work for the day and the policies we put in place should mitigate these fears, not exacerbate them.

Undermining Florida's Economy

The success of Florida's economy is dependent on a healthy workforce. Our industries and corporations do not thrive if their workers are not protected or feel that they are being targeted. This is why an anti-immigrant bill that passed last session resulted in workers leaving the state,¹¹ undermining our vital industries. Similarly, this bill poses a threat because it is more difficult for people who are not protected to continue to contribute to our state's economy. Florida's agriculture and food system supports over \$270 billion in sales revenue and over \$2 million jobs throughout the state's economy. Agriculture production, much of which is made up of outdoor labor, generates \$11.28 billion in sales revenue.¹² Construction is another industry in Florida supported by outdoor labor that makes significant contributions to our state economy. In Florida, construction has contributed over \$50 billion to our state's Gross Domestic Product (GDP).¹³ In short, ensuring the workers that support industries like these are safe, ensures the continued prosperity of our state.

For these reasons, the ACLU of Florida urges you to vote "No" on SB 1492/HB 433. Please do not hesitate to contact me at (786) 363-4436 or kgross@aclufl.org if you have any questions or would like any additional information.

Sincerely,



Kara Gross
Legislative Director &
Senior Policy Counsel

¹⁰ See https://www.miamitimesonline.com/news/local/miami-dade-and-joe-biden-try-to-save-workers-from-extreme-heat/article_42d8c00a-3108-11ee-a7ca-f776105a8864.html

¹¹ See <https://www.npr.org/2023/05/30/1177657218/florida-anti-immigration-law-1718-desantis>

¹² See <https://branding.ifas.ufl.edu/downloads/uploads/Extension%20Brochures/IFAS/Florida-Agriculture-Food-System-Fast-Facts.pdf>

¹³ See <https://www.agc.org/sites/default/files/Files/Construction%20Data/FL.pdf>