HIGH HEAT, HIGHER RESPONSIBILITY: The Sunshine State Must Enact Policies to Protect Working Floridians

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July 2024
Executive Summary

While sunshine and warm weather draw Florida visitors and residents alike, excessive heat is a looming threat to the nearly half a million Floridians who work outdoors.¹ These Floridians work in myriad roles — as landscapers, amusement park attendants, construction workers, and agricultural workers, to name a few.² Given a lack of state and federal mandates, plus a new law blocking cities and counties from implementing their own, the choice to protect working Floridians from heat-related illness is ultimately up to employers. Plus, unions face increasing challenges in negotiating better conditions for working Floridians.³ As such, Florida’s workers have little reprieve from the extreme heat.

Florida Policy Institute (FPI) analyzed U.S. Bureau of Labor Statistics, Census Bureau, and Centers for Disease Control and Prevention data and found:

- An estimated 490,710 Floridians work in outdoor jobs.
- Florida's top three outdoor industries are construction, amusement and recreation, and landscaping.
- 5,750,273 Floridians (26.2 percent) are highly vulnerable to extreme heat. In 20 counties, more than a third of residents are.
- Florida has the highest numbers of heat-related illness in the U.S., with the most recent data showing 31,011 emergency room visits and hospitalizations between 2018 and 2022.

Therefore, statewide policy intervention is paramount. To protect working Floridians and keep businesses operating smoothly, Florida must spread awareness about heat-related illness, stop the preemption of local heat exposure ordinances, and pass a statewide law that covers all outdoor workers.
Heat-Related Illness is a Growing Concern in Florida

*Heat-related illness* (HRI) is an umbrella term for people’s different responses when their bodies cannot regulate internal temperature and cool down. These responses range from heat rash to heat exhaustion to heat stroke, which can be fatal. (See Glossary for complete definitions.)

There is strong scientific consensus that, since the Industrial Revolution, there has been a significant rise in heat-trapping gas ("greenhouse gas") in Earth’s atmosphere, causing warmer temperatures and other abnormal weather events. While individual consumption contributes to climate change nominally, research shows that approximately 80 corporations — mainly oil companies — are responsible for over 70 percent of the world’s fossil fuel and related emissions. These emissions are the most significant drivers of greenhouse gas and, subsequently, climate change. Meanwhile, last year, Earth experienced its hottest days in recorded history. In the United States, 2023 was the fifth hottest year, and in Florida, the third hottest (since 1895). Worse, in every month in 2023, the state experienced above-average temperatures. (See Figure 1.)

**Figure 1. For Most of 2023, Florida’s Average Temperatures Were 2+ Degrees Above Normal**

Deviation from 1901-2022 monthly averages (in degrees Fahrenheit)

In Florida’s major cities, record heat was especially pronounced during the summer, as they experienced above-average temperatures in July (85.7 degrees Fahrenheit) and August (86.5 degrees Fahrenheit). Moreover, Key West, Tampa, Miami, Orlando, and Tallahassee surpassed their July and August averages by 2-3 degrees, while Pensacola did so by more than 5.3 degrees in August. Miami continued to break weather records with 46 consecutive days at a heat index (i.e., how hot it feels from both temperature and relative humidity) above 100 degrees Fahrenheit. For context, even a one-degree increase in temperature can have widespread impacts. In Florida, a one-degree increase can impact crops, predispose the state to more frequent storms and extreme heat, and further sea level rise and coastal erosion. Furthermore, when the heat index exceeds 90 degrees Fahrenheit, the chances of heat cramps, exhaustion, and stroke increase.

Glossary of Heat and Heat-Related Illness (HRI) Terms

- **Excessive Heat Warning**: National Weather Service (NWS) issues when the heat index is expected to be 105 degrees Fahrenheit or higher for two or more days
- **Heat Advisory**: NWS issues when the heat index is expected to be 100 degrees Fahrenheit or higher for two or more days
- **Heat Cramps**: Sweating-induced fluid and salt loss that leads to painful muscle spasms or general abdominal, arm, and leg pain
- **Heat Exhaustion**: Sweat-induced fluid and salt loss that leads to headache, nausea or vomiting, dizziness and light-headedness, weakness, irritability, thirst, rapid heart rate, and cool, moist skin
- **Heat Index**: What the temperature “feels like” to the human body when considering relative humidity and air temperature
- **Heat Rash**: Cluster of red skin bumps (often on neck and upper chest) that appears when sweat does not evaporate off the skin
- **Heat Stroke**: Most life-threatening form of heat-related illness and is a medical emergency; occurs when the body can no longer regulate its core temperature and sweating stops, leading to confusion, loss of consciousness, and seizures


The U.S. Census Bureau estimates that more than one in four Floridians (26.2 percent) possess three or more “components of social vulnerability” to extreme heat. Example components include having a
disability, lacking health insurance, or living in low-quality housing. These components make it difficult for people and families to cope, straining local communities. In 20 of Florida’s counties, more than one-third of residents have three or more components, making them highly vulnerable to Florida’s hot climate. (See Figure 2.)

Figure 2. In 20 Florida Counties, Over One-Third of Residents Are Highly Vulnerable* to Extreme Heat

Florida could exceed last year’s excessive summer temperatures in 2024, with the average June temperature 2 degrees higher than June 2023. Numerous counties in South Florida issued the year’s first heat advisories as early as mid-May, alerting residents to dangerous heat conditions that can result
in HRI and death.\textsuperscript{18} By July, much of the state fell under advisory, with threats of 110-degree heat indices.\textsuperscript{19}

The U.S. Centers for Disease Control and Prevention (CDC) reports emergency room (ER) visits, hospitalizations, and deaths from heat and HRI by state.\textsuperscript{20} Florida leads the United States in ER visits and hospitalizations for HRI. Between 2018 and 2022, there were over 26,000 ER visits and almost 5,000 hospitalizations in Florida from HRI. (See \textit{Figure 3}.) An estimated 150 Florida residents died due to the condition between 2017 and 2021. Compared to other states, Florida ranks sixth in deaths from HRI, with Arizona first.\textsuperscript{21}

![Figure 3. Florida Tops the Nation for Heat-Related Illness](image-url)

The prevalence of HRI is likely underestimated, especially among working people who fear retaliation or lack of meaningful follow-through if they report to their supervisors (e.g., immigrants and temporary workers). This is concerning because once someone experiences a heat-related incident, their body’s ability to tolerate heat is often significantly reduced, making repeat heat-related illness even more likely.\textsuperscript{22}

**Nearly Half a Million Working Floridians Are Vulnerable to Heat-Related Illness**

According to the U.S. Bureau of Labor Statistics, 490,710 Floridians work outdoor-dominant jobs.\textsuperscript{23} Among these, construction, landscaping, and amusement and recreation are the top outdoor industries in the state. (See \textit{Figure 4}.) Therefore, HRI is of particular concern for these working Floridians.
Figure 4. Most Floridians Working Outdoors are in Amusement, Construction, and Landscaping Roles

Number of Floridians employed in outdoor occupations with 5,000 or more workers

Refuse and recyclable material collectors
Recreation and self-enrichment workers*
Postal service mail carriers
Painters, construction and maintenance
Lifeguards, ski patrol, and other recreational protective service workers
Landscaping and groundskeeping workers
First line supervisors of construction trades and extraction workers
Farmworkers*
Electrical power line installers and repairers
Crossing guards and flaggers
Construction managers
Construction laborers
Coaches and scouts
Civil engineers
Animal caretakers
Amusement and recreation attendants
Aircraft mechanics and service technicians

Source: FPI analysis of detailed occupations from U.S. Bureau of Labor Statistics (BLS), May 2023 State Occupational Employment and Wage Estimates (OEWS), Florida. OEWS data does not include self-employed workers and builds on this BLS list of outdoor occupations. *These categories were combined from more detailed occupations (see Methodology for more information).
Labor inequality research shows that overall, Latina/o and Black people die at work at much higher rates than other people. Considering gender, men are three times more likely to suffer from heat-related incidents at work than women. Overall, men tend to work in more dangerous occupations, compounding their risk for injury. People under 30 are also twice as likely to experience HRI than older working people. Other risk factors for HRI include prior health conditions, lack of regular medical care access, and immigration status. Regardless of the person, those without access to air-conditioned resting or living spaces are also more likely to suffer HRI on the job. Especially for those working in lower-wage positions, dealing with heat-related illness can wreak havoc on people’s finances, health, and job security.

HRI also hurts businesses and the economy by reducing labor productivity. For example, at 77 degrees Fahrenheit with 30 percent humidity, the average person can work at 95 percent capacity; at 95 degrees Fahrenheit with 50 percent humidity, work capacity drops to 68 percent. In Florida, two of the top three outdoor jobs are key drivers of its economy — construction along with amusement and recreation. (See Figure 4.) Because of HRI, Florida loses an estimated $11 billion annually in productivity.

Finally, compelling data suggests that people with minimum- and other low-wage jobs are particularly prone to HRI. The Institute of Labor Economics finds that working people in the bottom 20 percent of wages suffer five times as many heat-related injuries as those in the highest 20 percent. This is partly because those working in lower-wage jobs may lack other promising job prospects, giving them less negotiating power to demand safety measures from their employers.

Furthermore, the Occupational Safety and Health Administration (OSHA) is limited in countering HRIs, though its investigations have increased significantly since 2022. OSHA has a Heat-Related Illness Campaign advising employers on what to do, and it can fine them in egregious cases where injuries and death occur. Still, neither Florida nor federal law mandates specific heat exposure standards nor requires employers to train or educate workers on its signs. While OSHA is working toward an enforceable HRI standard, this is a multi-step process, and as of this report, OSHA has only just proposed a new rule, which still has to be finalized with public input.

The risks are compounded for those who are not acclimatized — or accustomed to — working in the heat. OSHA underscores that unacclimatized workers are at risk for heat-related illness even at temperatures as low as 77 degrees Fahrenheit. At higher temperatures, this HRI can become deadly. In April 2022, for instance, the heat index reached 89 degrees, and a 35-year-old farmworker lost his life on his second day on the job. OSHA fined the Wauchula, Florida farm contractor $29,000 for failing to implement a heat illness prevention plan for new hires. That December, OSHA fined an Okeechobee labor contractor $15,625 related to the death of a 28-year-old Mexican immigrant who suffered from an apparent heat stroke on his first day in agriculture work when the heat index reached 90 degrees. The employer failed to take preemptive measures and ignored the young Floridian’s complaints of cramps and fatigue — clear signs of heat exhaustion.
As a best practice, outdoor workers are often advised to limit sun exposure with personal protective equipment (PPE) like hats, light-colored articles, and long sleeves. Unfortunately, some of this clothing can still trap heat and contribute to HRI, depending on the material.\textsuperscript{36} Working people may also reject certain PPE because of cultural norms and affordability (when their employer does not provide it).\textsuperscript{37}

Admittedly, many outdoor workers eventually become accustomed to laboring under higher temperatures and direct sun exposure. Still, even the most acclimatized workers are not immune to HRI during heat waves, especially people returning from time off or who are less physically fit.\textsuperscript{38} Plus, Florida has been issuing heat advisories earlier and more frequently, so even acclimatized workers face increasing risks.

While all of Florida’s outdoor workers are at risk of heat-related illness, a handful of industries stand out — construction, amusement and recreation, landscaping, and agricultural (or farm) work. All except farmwork employ the most Floridians in the state, so these are crucial roles to underscore given the sheer number who occupy them. (See Figure 4). While their numbers may be smaller (less than 20,000 employed), farmworkers remain at risk, as the immigrants and independent contractors who do much of this work lack full workplace rights.

**Construction**

Those working in construction perform a variety of roles, including on large-scale engineering projects (e.g., highways) and new and existing residential and commercial buildings.\textsuperscript{39} The construction industry is physically demanding, no matter where people work. Still, in Florida, prolonged hours under direct sunlight and high humidity make the work all the more dangerous. Research shows that heat exposure limits the ability to think and make decisions. This is a major hazard in work environments characterized by “heavy machinery, moving vehicles and objects, or working on elevated surfaces.”\textsuperscript{40}

Nationally, small construction firms (i.e., with revenue under $1 million) represent at least 79 percent of heat-related cases OSHA investigates. In general, smaller firms cite fewer resources and staff and limited knowledge to mitigate against heat. Some are also under the false impression that addressing the issue is not frequent enough to justify the cost to prevent it.\textsuperscript{41} In Florida, the most recent U.S. Census data shows 62,809 construction businesses, 44,089 of which (70.2 percent) have less than $1 million in annual sales.\textsuperscript{42} Thus, most of Florida’s construction workers are at small companies and are more likely to experience heat-related illness.

**Amusement and Recreation**

Florida would not be the state it is today without tourism and recreation, including the international appeal of its famous amusement parks. While many more work in the broader hospitality industry, an estimated 48,000 amusement and recreation attendants (see Figure 4) are outdoors most of the day, attending to rides, working concessions, or maintaining equipment for sporting events, among other duties.\textsuperscript{43}
Although these working Floridians are exposed to dangerous heat, addressing heat-related illness is ultimately up to the companies for which they work. One of the largest employers of amusement and recreation workers in Florida and beyond is Walt Disney World, and unionized workers have succeeded in getting the company to agree to water, sunscreen, and modified performances in cases of extreme heat. Still, two actors passed out on the job this summer, citing employer delays in repairing a faulty air conditioner.

Yet, in the 2024 legislative session, Florida lawmakers — with support from a large-business group — passed a measure that now blocks local governments from requiring private employers to implement protections against heat-related illness.

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**Working Floridians’ Experiences with Heat-Related Illness**

“I worked for more than 15 years (in a nursery) and we women were exposed a lot on the job, because we had to complete our production quotas daily, and to fulfill our production, we waited to drink water so that we didn’t have to go to the bathroom so often.” – Maria

“[W]hen someone is feeling bad, you need to sit for 5, 10 minutes to refresh yourself and that is so that you don’t get dizzy from the heat, but, we don’t because people have fear of retaliation from the bosses…” –Anonymous

“I have been working in agriculture for 16 years. Once in 2003 when I was picking tomatoes in a place called Quincy, it was very hot. I just couldn’t take it anymore and I fainted. There was no one working around me and no one noticed. I came to sometime later, and didn’t receive any assistance…If I would like it if we received more protection, but the supervisors demand more production from us to look good with their superiors.” – Elena

“I came here seventeen years ago [to work]. For the last two years approximately, we have been working in a nursery and honestly the hardest part is the overwhelming heat...conditions of the field are truly difficult.” - Jesús


**Landscapers and Groundskeepers**

The top outdoor occupation in Florida is landscaping and groundskeeping, employing an estimated 82,770 people. (See Figure 4.) These Floridians perform physically demanding work like mowing lawns, trimming hedges, and installing and maintaining land on residential and commercial properties.
Excessive heat and high physical exertion make landscapers and groundskeepers particularly vulnerable to heat-related illness.

For example, in 2019, the federal government fined a landscaping company in Sarasota County $16,102 for the heat-related death of an employee caused by the company’s failure to ensure workplace safety.49 Recently, OSHA made this industry one of its target groups for outreach on heat-related illness.50

**Agricultural Workers**

People working in agriculture tend to popular crops like oranges and strawberries, operate farm machinery, and care for livestock, among other duties.51 Agriculture is also one of the most dangerous professions in the country.52 Farmworkers in particular often have little power to mitigate safety concerns, as they tend to be independent contractors or seasonal workers with few legal rights or undocumented immigrants with even fewer.53

When most of the country’s labor laws were first enacted, farmworkers were explicitly left out to appease wealthy Southern landowners.54 Advocates have made significant strides since then in securing protections for farmworkers. However, there are still numerous ways they are excluded from labor laws, including the right to join a union and, in some instances, safety regulations under OSHA.55 Many farmworkers are immigrants — especially in Florida — so they are less likely to acclimate to new seasonal jobs. They may also have language barriers that keep them from advocating for a reprieve from the elements.56

For these same reasons, reliable farm and agricultural employment estimates remain elusive. Still, the U.S. Bureau of Labor Statistics estimates that at least 12,540 farmworkers are employed outdoors in Florida (see Figure 4 and Methodology). However, the Florida Department of Health puts this number as high as 200,000 when considering seasonal workers and independent contractors.57

**Florida Can Mitigate Heat-Related Illness with Smart Policy Changes**

Although extreme heat is becoming commonplace in the Sunshine State, heat-related illness should not be when there are commonsense solutions to prevent it. For years, farmworkers have advocated that all employers heed these concerns statewide, to little avail.58 The Florida Legislature recognized the dangers when it unanimously passed the Zachary Martin Act to protect student-athletes from heat-related illness in 2020.59 Now, all Floridians who work outdoors deserve the same.

There are three broad ways for state legislators to ensure Florida’s outdoor workers are protected from HRI:

- **Educate employers and working Floridians on the dangers of working in the heat.** There are numerous ways to mitigate heat-related illness; however, central to every approach are three
Florida's farmworkers also echo the need for water and shade in particular. The National Institute for Occupational Safety and Health implores businesses to train all staff to monitor hot weather advisories and administer first aid, learn the overall signs of HRI, and understand how to acclimatize employees gradually to hot and demanding environments.

State agencies must proactively spread awareness on the dangers of — and solutions to — working in high heat. Instead, this task unfairly falls on immigrant-driven grassroots groups and unions to negotiate.

- **Stop state preemption.** The Florida Legislature has a history of preempting (or blocking) local governments from passing inclusive worker protections. In 2024, this manifested in HB 433, which blocks local governments from passing ordinances that require companies to mitigate heat exposure for their employees. Without a statewide law to protect all Floridians who work outdoors, legislators should not prevent cities and states (some of which may experience hotter days than others) from passing policies that serve their residents best.

  The Legislature should repeal HB 433 and reject further attempts to preempt local governments.

- **Pass and enforce statewide heat illness prevention standards.** The federal government has many informational campaigns and resources for workers and employers to avoid HRI. Still, given the growing threat and Florida's high numbers of HRI, a fully enforceable standard (i.e., law) is needed.

  Besides limiting the preemption of local approaches, the Florida Legislature should pass legislation like the Zachary Martin Act that extends protections to all working people. Such a law would require staff training, heat-illness prevention protocols, and enforcement capacity to support its mandates. While it lacks strict enforcement language, advocates have gotten the Legislature to file — yet not pass — a bill requiring outdoor employers to mitigate heat illness nearly every year since 2018.

  Finally, Florida should consider joining the 22 states with a state-approved OSHA plan, including Southern neighbors Kentucky, Tennessee, Virginia, and North and South Carolina. A state-approved plan would ensure that Florida's public workers are covered when OSHA develops a heat-related illness standard. Without such a plan, OSHA only protects Floridians working in the private sector (i.e., for corporations and nonprofits).
Methodology

County-Level Heat Vulnerability

The U.S. Census Bureau released its 2022 experimental Community Resilience Estimates (CRE) for Heat in July 2024. FPI analyzed this data to identify which counties’ residents were most vulnerable to extreme heat. This analysis showed that 20 of Florida’s 67 counties have over 33.3 percent shares of highly vulnerable residents, with 13 being in North Florida. North Florida is not a strict geographic region. The 13 counties FPI references in Figure 3 are Calhoun, Columbia, Dixie, Franklin, Gadsden, Gulf, Hamilton, Jackson, Jefferson, Lafayette, Levy, Madison, and Putnam.

In Figure 3, “highly vulnerable” is a term FPI employs to describe CRE variables of individuals with three or more of the Census’ 11 components of social vulnerability (i.e., PRED3_E and PRED3_PE). For ease of visualization, FPI did not display the margins of errors for these estimates. See the CRE full county-level dataset for this information and a complete list of variables.

Outdoor Employment

According to BLS May 2023 State Occupational Employment and Wage Estimates (OEWS), the number of employed Floridians in these roles totals 490,710. To determine this total number of outdoor working Floridians, FPI built on the Bureau of Labor Statistics’ 2017 list of outdoor careers by setting, adding the eight underlined roles to the BLS list to include the following occupations. While this list is not comprehensive, it represents the occupations most likely to work outdoors for a large share of time. Not all workers in these categories are outdoors consistently:

*Jobs on the Water*
- Captains, mates, and pilots of water vessels
- Commercial divers
- Rotary drill operators, oil and gas
- Motorboat operators
- Roustabouts, oil and gas
- Sailors and marine oilers
- Ship engineers

*Jobs in the Woods*
- Conservation scientists
- Fallers
- Forest and conservation technicians
- Forest fire inspectors and prevention specialists
Foresters
Logging equipment operators
Tree trimmers and pruners

*Jobs With People*

Amusement and recreation attendants
Athletes and sports competitors
Coaches and scouts
Crossing guards and flaggers
Lifeguards, ski patrol, and other recreational protective service workers
Recreation workers
Self-enrichment teachers
Tour and travel guides
Umpires, referees, and other sports officials

*Jobs With Plants and Animals*

Agricultural equipment operators
Agricultural inspectors
Agricultural workers, all others
Animal caretakers
Farmers, ranchers, and other agricultural managers
Farmworkers and laborers, crop, nursery, and greenhouse
Farmworkers, farm, ranch, and aquacultural animals
Fish and game wardens
Landscaping and groundskeeping workers
Zoologists and wildlife biologists

*Jobs In Cities and Towns*

Aircraft mechanics and service technicians
Aircraft structure, surfaces, rigging, and systems assemblers
Civil engineers
Construction managers
Construction laborers
First-line supervisors of construction trades and extraction workers
Helpers, construction trades, all other
Highway maintenance workers
Electrical power line installers and repairers
Meter readers, utilities
Painters, construction and maintenance
Parking enforcement workers
Postal service mail carriers
Railroad brake, signal, and switch operators and locomotive firemen
Refuse and recyclable material collectors
Surveys

For Figure 4, FPI narrowed this list of outdoor occupations to those with 5,000 or more employees and then analyzed the same OEWS data. Recreation workers and Self-enrichment teachers were combined to display “Recreation and self-enrichment workers” in Figure 4. The following three categories were combined to display “Farmworkers” in Figure 4: Farmers, ranchers, and other agricultural managers; Farmworkers and laborers, crop, nursery, and greenhouse; and Farmworkers, farm, ranch, and aquacultural animals.

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11 FSU Florida Climate Center, August 2023; September 2023.
12 FSU Florida Climate Center, August 2023.
Farmworker in Parkland,

Illness

finalize the rule language, so it could still be many months before a federal standard is in place.

Injury and Illness Prevention in Outdoor and Indoor Work Settings

https://www.osha.gov/heat

responsibility

content/uploads/2021/08/Extreme

Economic and Social Consequences for the United States,” August 2021,

content/uploads/The

Discussion Paper No. 14560

https://www.bls.gov/oes/current/oes_fl.htm

18_508.pdf


Fulcher.


Park, Pankratz, and Behrer.

Reindel and Shrestha.


OSHA, “Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings Rulemaking,” https://www.osha.gov/heat-exposure/rulemaking. On July 1, 2024, OSHA announced its “unofficial version of the Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings proposed rule.” This is stage 2 of a 5-step process to finalize the rule language, so it could still be many months before a federal standard is in place.


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Reindel and Shrestha.


40 Park, Pankratz, and Behrer.

41 NORA–Construction Sector Council.

42 FPI analysis of U.S. Census Bureau’s Annual Business Survey data for 2021 (latest year available) shows there are 44,089 construction firms (NAICS code – 23) in Florida with sales/receipts under $1,000,000 out of 62,809 total Florida construction firms.


52 Reindel and Shrestha.

56 Jackson and Rosenberg.
61 From Public Citizen and The Farmworker Association of Florida: “In the mornings, we would start work in the fields where it is very hot, because in the mornings, you don’t feel it so much, right? But between noon and 2pm in the afternoon, there is a very intense heat. What they should do in the afternoons is move us to an area where there is a little bit of a breeze or air circulation or a little bit of shade during the time when it is hottest. And, they should give us water or ice. This is what we would like, what the employers ought to give us, that they give us a little bit of consideration on this.”
63 A key campaign in Florida to address heat-related illness, Que Calor, is by WeCount!, an immigrant-led nonprofit organization. WeCount!, “Que Calor,” https://www.we-count.org/quecalor.
66 Senate Bill 762 and House Bill 945 (2024); Senate Bill 706 and House Bill 903 (2023); Senate Bill 732 and House Bill 887 (2022); Senate Bill 882 and House Bill 513 (2020); Senate Bill 1538 and House Bill 1285 (2019); Senate Bill 1766 (2018)