

By Senator Lawson

6-1757-04

See HB

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A bill to be entitled
An act relating to working warehouse safety;
providing definitions; providing requirements
for securing certain merchandise in working
warehouses; requiring the establishment of
safety zones in working warehouses under
certain circumstances; requiring maintenance of
certain casualty insurance; requiring annual
reports to the Office of Insurance Regulation
of the Financial Services Commission; requiring
compliance by a certain date; providing an
effective date.

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

Section 1. (1) For purposes of this act:

(a) "Sales floor" means any area where the public is invited to shop, whether indoors or outdoors.

(b) "Working warehouse" means a wholesale or retail establishment in which:

1. Heavy machinery, including, but not limited to, forklifts, is used in any area where the public shops while customers are on the premises.

2. Merchandise is stored on shelves higher than 12 feet above the sales floor.

(2) The owner, manager, or operator of a working warehouse shall secure merchandise stored on shelves higher than 12 feet above the sales floor. Methods of securing merchandise shall include, but not be limited to, rails, fencing, netting, security doors, gates, cables, or the binding of items on a pallet into one unit by shrink-wrapping,

1 metal or plastic banding, or by tying items together with a
2 cord.

3 (3) When heavy machinery is used to move merchandise
4 on a shelf or remove merchandise from a shelf in a working
5 warehouse, a safety zone shall be established around such
6 shelf to temporarily block customers from entering the areas
7 surrounding such shelf.

8 (4)(a) Each owner of a working warehouse located in
9 this state shall maintain a current and valid policy of
10 casualty insurance, as defined in section 624.605, Florida
11 Statutes, providing liability insurance for death, injury, or
12 disability of customers shopping at the warehouse as a result
13 of falling merchandise.

14 (b) An owner, manager, or operator of a working
15 warehouse who employs more than 50 employees shall submit to
16 the Office of Insurance Regulation of the Financial Services
17 Commission, within 30 days after December 31 of each year, a
18 report of all known injuries requiring hospitalization,
19 including emergency room medical treatment, or deaths
20 occurring to customers as the result of falling merchandise.
21 Each year, a corporation owning, managing, or operating more
22 than one working warehouse may submit within 30 days after
23 December 31 of such year, a single report on behalf of all of
24 the corporation's working warehouses in this state, provided
25 the report identifies the location of the warehouse where each
26 reportable incident occurred.

27 (5) All working warehouses shall comply with the
28 provisions of this act on or before July 1, 2004.

29 Section 2. This act shall take effect upon becoming a
30 law.

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