

By Senator Altman

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1 A bill to be entitled
2 An act relating to construction contracting; creating
3 s. 489.1138, F.S.; providing for the regulation of
4 hoisting equipment used in construction, demolition,
5 or excavation work; defining the terms "hoisting
6 equipment," "mobile crane," and "tower crane";
7 requiring that an applicant for a building permit for
8 construction, demolition, or excavation work involving
9 the use of a tower crane or mobile crane submit
10 certain information to the local building official;
11 requiring that persons operating two or more tower
12 cranes or mobile cranes within the same swing radius
13 maintain a clear, independent, and operable channel of
14 radio communication between them at all times;
15 requiring that a hurricane or high-wind preparedness
16 plan be available for inspection under certain
17 circumstances; requiring that, in preparation for such
18 event, hoisting equipment be secured according to
19 specified means; providing penalties for
20 noncompliance; providing for the preemption of local
21 acts, laws, ordinances, or regulations pertaining to
22 the regulation of hoisting equipment or persons
23 operating such equipment in this state; exempting the
24 regulation of elevators from applicability of certain
25 provisions of state law; providing an effective date.

26
27 WHEREAS, cranes, derricks, hoists, elevators, and conveyors
28 used in construction, demolition, or excavation work are
29 currently regulated under federal rules adopted by the

24-00763A-09

20091654__

30 Occupational Safety and Health Administration and set forth in
31 Title 29, parts 1910 and 1926 of the Code of Federal
32 Regulations, and

33 WHEREAS, the Occupational Safety and Health Administration
34 has conducted a thorough and exhaustive review of these rules
35 over the course of several years in an effort to better protect
36 against the hazards presented by such hoisting equipment, and

37 WHEREAS, the review conducted by the Occupational Safety
38 and Health Administration was undertaken in consultation with
39 many of the most knowledgeable engineering, construction, and
40 safety experts in the nation and in the world, and

41 WHEREAS, this review has culminated in the production of
42 proposed rules setting forth comprehensive and detailed new
43 regulations applicable to cranes, derricks, hoists, elevators,
44 and conveyors, and to the operators of such equipment, as
45 published in the Federal Register on October 9, 2008, and

46 WHEREAS, the State of Florida commends and supports the
47 efforts of the Occupational Safety and Health Administration in
48 this regard, and

49 WHEREAS, cranes, derricks, hoists, elevators, and conveyors
50 are routinely transported across municipal, county, and state
51 lines, making uniform federal regulation of such equipment and
52 its operators essential to commerce, to Florida's economic
53 competitiveness, and to minimizing construction costs in our
54 state, and

55 WHEREAS, the Occupational Safety and Health Administration
56 has recently entered into a strategic alliance with the
57 Associated Builders and Contractors of Florida, the South
58 Florida Chapter of the Associated General Contractors of

24-00763A-09

20091654__

59 America, the Construction Association of South Florida, and the
60 Florida Crane Owners Council to improve crane safety, NOW,
61 THEREFORE,

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

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65 Section 1. Section 489.1138, Florida Statutes, is created
66 to read:

67 489.1138 Regulation of cranes, derricks, hoists, elevators,
68 and conveyors used in construction work.—

69 (1) As used in this section, the term:

70 (a) "Hoisting equipment" means those power-operated cranes,
71 derricks, hoists, elevators, and conveyors used in construction,
72 demolition, or excavation work which are regulated by the
73 Occupational Safety and Health Administration pursuant to 29
74 C.F.R. parts 1910 and 1926, as amended.

75 (b) "Mobile crane" means a type of hoisting equipment
76 incorporating a cable-suspended, latticed boom or hydraulic
77 telescoping boom designed to be moved between operating
78 locations by transport over the road. This term does not include
79 a mobile crane that has a boom length of less than 25 feet or a
80 maximum rated load capacity of less than 15,000 pounds.

81 (c) "Tower crane" means a type of hoisting equipment using
82 a vertical mast or tower to support a working boom in an
83 elevated position, where the working boom can rotate to move
84 loads laterally by rotating at the top of the mast or tower or
85 by the rotation of the mast or tower itself. The mast or tower
86 base may be fixed in one location or ballasted and moveable
87 between locations.

24-00763A-09

20091654

88 (2) An applicant for a building permit for construction,
89 demolition, or excavation work involving the use of a tower
90 crane or mobile crane shall submit to the local building
91 official:

92 1. A site plan accurately identifying the location of the
93 crane, clearances from above-ground power lines, the location of
94 adjacent buildings, and the structural foundation of the crane.

95 2. Documentation of compliance with the requirements of all
96 governmental authorities related to operation of the crane on
97 the worksite, including compliance with the lighting
98 requirements of the Federal Aviation Administration.

99 (3) When two or more tower cranes or mobile cranes are
100 operating within the same swing radius, the persons operating
101 those cranes shall have a clear, independent, and operable
102 channel of radio communication between them at all times.

103 (4) (a) When a tower crane or mobile crane is in place on a
104 worksite, a hurricane and high-wind event preparedness plan for
105 that crane shall be available for inspection at the site.

106 (b) In preparation for a hurricane or high-wind event,
107 hoisting equipment shall be secured in the following manner:

108 1. All hoisting equipment shall be secured in compliance
109 with manufacturer recommendations relating to hurricane and
110 high-wind events, including any such recommendations relating to
111 the placement, use, or removal of advertising banners and
112 rigging.

113 2. Tower crane turntables shall be lubricated before the
114 event.

115 3. Fixed booms on mobile cranes shall be laid down whenever
116 feasible.

24-00763A-09

20091654__

117 4. Booms on hydraulic cranes shall be retracted and stored.

118 5. The counterweights of any hoists shall be locked below
119 the top tie-in.

120 6. Tower cranes shall be set in the weathervane position.

121 7. All rigging shall be removed from hoist blocks.

122 8. All power at the base of tower cranes shall be
123 disconnected.

124 (5) Any person licensed under this part who intentionally
125 violates subsection (2), subsection (3), or subsection (4) is
126 subject to discipline pursuant to ss. 455.227 and 489.129.

127 (6) This section preempts any local act, law, ordinance, or
128 regulation, including, but not limited to, a local building code
129 or building permit requirement of a county, municipality, or
130 other political subdivision pertaining to the regulation of
131 hoisting equipment or persons operating such equipment in this
132 state.

133 (7) This section does not affect the regulation of
134 elevators under chapter 399.

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