

1 A bill to be entitled
2 An act relating to regulation of hoisting equipment used
3 in construction, demolition, or excavation work; creating
4 s. 489.1138, F.S.; defining the terms "hoisting
5 equipment," "mobile crane," and "tower crane"; requiring
6 an applicant for a building permit to submit certain
7 information to a local building official; requiring radio
8 communications between certain crane operators; requiring
9 certain preparations for a hurricane or high-wind event;
10 requiring a preparedness plan for certain cranes;
11 requiring that hoisting equipment be secured in a
12 specified manner under certain circumstances; providing
13 penalties for violation of the act by certain licensed
14 contractors; preempting regulation of hoisting equipment
15 and persons operating the equipment to the state;
16 providing that the act does not apply to the regulation of
17 elevators; providing an effective date.

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19 WHEREAS, cranes, derricks, hoists, elevators, and conveyors
20 used in construction, demolition, or excavation work are
21 currently regulated under federal rules adopted by the
22 Occupational Safety and Health Administration in 29 C.F.R. parts
23 1910 and 1926, and

24 WHEREAS, the Occupational Safety and Health Administration
25 has conducted a thorough and exhaustive review of these rules in
26 an effort to better protect against the hazards presented by
27 these types of hoisting equipment, and

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28 WHEREAS, the review conducted by the Occupational Safety
29 and Health Administration was undertaken in consultation with
30 many of the most knowledgeable engineering, construction, and
31 safety experts in the nation and in the world, and

32 WHEREAS, this review has culminated in the production of
33 proposed rules setting forth comprehensive and detailed new
34 regulations applicable to cranes, derricks, hoists, elevators,
35 and conveyors, and to the operators of these types of hoisting
36 equipment, as published in the Federal Register on October 9,
37 2008, and

38 WHEREAS, the Occupational Safety and Health Administration
39 should be commended and supported in these efforts, and

40 WHEREAS, cranes, derricks, hoists, elevators, and conveyors
41 are routinely transported across city, county, and state lines,
42 making uniform federal regulation of these types of hoisting
43 equipment and their operators essential to commerce, to
44 Florida's economic competitiveness, and to minimizing
45 construction costs in our state, and

46 WHEREAS, the Occupational Safety and Health Administration
47 has recently entered into a strategic alliance with the
48 Associated Builders and Contractors of Florida, the South
49 Florida Chapter of the Associated General Contractors of
50 America, the Construction Association of South Florida, and the
51 Florida Crane Owners Council to improve crane safety, NOW,
52 THEREFORE,

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

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56 Section 1. Section 489.1138, Florida Statutes, is created
57 to read:

58 489.1138 Regulation of hoisting equipment used in
59 construction, demolition, or excavation work.—

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

61 (a) "Hoisting equipment" means power-operated cranes,
62 derricks, hoists, elevators, and conveyors used in construction,
63 demolition, or excavation work that are regulated by the
64 Occupational Safety and Health Administration under 29 C.F.R.
65 parts 1910 and 1926.

66 (b) "Mobile crane" means a type of hoisting equipment
67 incorporating a cable-suspended latticed boom or hydraulic
68 telescoping boom designed to be moved between operating
69 locations by transport over a roadway. The term does not include
70 a mobile crane with a boom length of less than 25 feet or a
71 maximum rated load capacity of less than 15,000 pounds.

72 (c) "Tower crane" means a type of hoisting equipment using
73 a vertical mast or tower to support a working boom in an
74 elevated position, where the working boom can rotate to move
75 loads laterally either by rotating at the top of the mast or
76 tower or by the rotation of the mast or tower itself, whether
77 the mast or tower base is fixed in one location or ballasted and
78 moveable between locations.

79 (2) An applicant for a building permit for construction,
80 demolition, or excavation work involving the use of a tower
81 crane or mobile crane must submit to the local building official
82 of the appropriate county, municipality, or other political
83 subdivision:

84 (a) A site plan accurately identifying the location of the
85 crane, clearances from above-ground power lines, the location of
86 adjacent buildings, and the structural foundation of the crane.

87 (b) Documentation of compliance with the requirements of
88 all governmental authorities related to operation of the crane
89 on the work site, including compliance with the lighting
90 requirements of the Federal Aviation Administration.

91 (3) When two or more tower cranes or mobile cranes are
92 operating within the same swing radius, there must be at all
93 times a clear, independent, and operable channel of radio
94 communications between the persons operating the cranes.

95 (4) (a) When a tower crane or mobile crane is located on a
96 work site, a hurricane and high-wind event preparedness plan for
97 the crane must be available for inspection at the site.

98 (b) In preparation for a hurricane or high-wind event,
99 hoisting equipment must be secured in the following manner:

100 1. All hoisting equipment must be secured in compliance
101 with manufacturer recommendations relating to hurricane and
102 high-wind events, including any recommendations relating to the
103 placement, use, and removal of advertising banners and rigging.

104 2. Tower crane turntables must be lubricated before the
105 event.

106 3. Fixed booms on mobile cranes must be laid down whenever
107 feasible.

108 4. Booms on hydraulic cranes must be retracted and stored.

109 5. The counterweights of any hoists must be locked below
110 the top tie-in.

111 6. Tower cranes must be set in the weathervane position.

112 7. All rigging must be removed from hoist blocks.

113 8. All power at the base of tower cranes must be
 114 disconnected.

115 (5) A person licensed under this part who intentionally
 116 violates this section is subject to discipline under ss. 455.227
 117 and 489.129.

118 (6) This section preempts any local act, law, ordinance,
 119 or regulation, including, but not limited to, a local building
 120 code or building permit requirement, of a county, municipality,
 121 or other political subdivision that pertains to the regulation
 122 of hoisting equipment and persons operating the equipment in the
 123 state.

124 (7) This section does not apply to the regulation of
 125 elevators under chapter 399.

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