

By Senator Dean

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

20
21 WHEREAS, cranes, derricks, hoists, elevators, and conveyors
22 used in construction, demolition, or excavation work are
23 currently regulated under federal rules adopted by the
24 Occupational Safety and Health Administration in 29 C.F.R. parts
25 1910 and 1926, and

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

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

34 WHEREAS, this review has culminated in the production of
35 proposed rules setting forth comprehensive and detailed new
36 regulations applicable to cranes, derricks, hoists, elevators,
37 and conveyors, and to the operators of these types of hoisting
38 equipment, as published in the Federal Register on October 9,
39 2008, and

40 WHEREAS, the Occupational Safety and Health Administration
41 should be commended and supported in these efforts, and

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

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

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

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

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59 489.1138 Regulation of hoisting equipment used in
60 construction, demolition, or excavation work.-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

116 (5) A person licensed under this part who intentionally

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117 violates this section is subject to discipline under ss. 455.227
118 and 489.129.

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

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

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