

By the Committee on Community Affairs; and Senators Bennett and Dean

578-02170-12

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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 or to airspace height  
19          restrictions; providing an effective 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:

56  
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 or to airspace height restrictions  
127 in chapter 333.

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