

By Senator Rodriguez

37-00532-20

2020272__

1 A bill to be entitled
2 An act relating to the state preemption of the
3 regulation of hoisting equipment; amending s. 489.113,
4 F.S.; creating an exception to state preemption to
5 authorize local worksite regulation regarding
6 hurricane preparedness; providing an effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:

9
10 Section 1. Subsection (11) of section 489.113, Florida
11 Statutes, is amended to read:

12 489.113 Qualifications for practice; restrictions.—

13 (11) (a) Any local act, law, ordinance, or regulation,
14 including, but not limited to, a local building code or building
15 permit requirement, of a county, municipality, or other
16 political subdivision which ~~that~~ pertains to hoisting equipment,
17 including power-operated cranes, derricks, hoists, elevators,
18 and conveyors used in construction, demolition, or excavation
19 work, which ~~that~~ is not already preempted by the Occupational
20 Safety and Health Administration under 29 C.F.R. parts 1910 and
21 1926, including, but not limited to, local worksite regulation
22 regarding ~~hurricane preparedness or~~ public safety, is prohibited
23 and is preempted to the state.

24 (b) This subsection does not apply to:

25 1. Any local worksite regulation pertaining to hoisting
26 equipment which is limited to required precautions specific to
27 hurricane preparedness;

28 2. The regulation of elevators under chapter 399; or

29 3. ~~to~~ Airspace height restrictions imposed under ~~in~~ chapter

37-00532-20

2020272__

30 333.

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