



LEGISLATIVE ACTION

Senate	.	House
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Floor: WD	.	
03/07/2012 09:25 PM	.	
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Senator Bennett moved the following:

**Senate Amendment (with title amendment)**

Between lines 26 and 27

insert:

Section 2. Section 489.1138, Florida Statutes, is created to read:

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

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

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



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14 parts 1910 and 1926.

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

21 (c) "Tower crane" means a type of hoisting equipment using  
22 a vertical mast or tower to support a working boom in an  
23 elevated position, where the working boom can rotate to move  
24 loads laterally either by rotating at the top of the mast or  
25 tower or by the rotation of the mast or tower itself, whether  
26 the mast or tower base is fixed in one location or ballasted and  
27 moveable between locations.

28 (2) An applicant for a building permit for construction,  
29 demolition, or excavation work involving the use of a tower  
30 crane or mobile crane must submit to the local building official  
31 of the appropriate county, municipality, or other political  
32 subdivision:

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

36 (b) Documentation of compliance with the requirements of  
37 all governmental authorities related to operation of the crane  
38 on the work site, including compliance with the lighting  
39 requirements of the Federal Aviation Administration.

40 (3) When two or more tower cranes or mobile cranes are  
41 operating within the same swing radius, there must be at all  
42 times a clear, independent, and operable channel of radio



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43 communications between the persons operating the cranes.  
44 (4) (a) When a tower crane or mobile crane is located on a  
45 work site, a hurricane and high-wind event preparedness plan for  
46 the crane must be available for inspection at the site.  
47 (b) In preparation for a hurricane or high-wind event,  
48 hoisting equipment must be secured in the following manner:  
49 1. All hoisting equipment must be secured in compliance  
50 with manufacturer recommendations relating to hurricane and  
51 high-wind events, including any recommendations relating to the  
52 placement, use, and removal of advertising banners and rigging.  
53 2. Tower crane turntables must be lubricated before the  
54 event.  
55 3. Fixed booms on mobile cranes must be laid down whenever  
56 feasible.  
57 4. Booms on hydraulic cranes must be retracted and stored.  
58 5. The counterweights of any hoists must be locked below  
59 the top tie-in.  
60 6. Tower cranes must be set in the weathervane position.  
61 7. All rigging must be removed from hoist blocks.  
62 8. All power at the base of tower cranes must be  
63 disconnected.  
64 (5) A person licensed under this part who intentionally  
65 violates this section is subject to discipline under ss. 455.227  
66 and 489.129.

67  
68 ===== T I T L E A M E N D M E N T =====

69 And the title is amended as follows:

70 Delete lines 2 - 7

71 and insert:



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72 An act relating to regulation of hoisting equipment  
73 used in construction, demolition, or excavation work;  
74 amending s. 489.113, F.S.; preempting to the state the  
75 regulation of certain hoisting equipment; providing  
76 that the act does not apply to the regulation of  
77 elevators or to airspace height restrictions; creating  
78 s. 489.1138, F.S.; defining the terms "hoisting  
79 equipment," "mobile crane," and "tower crane";  
80 requiring an applicant for a building permit to submit  
81 certain information to a local building official;  
82 requiring radio communications between certain crane  
83 operators; requiring certain preparations for a  
84 hurricane or high-wind event; requiring a preparedness  
85 plan for certain cranes; requiring that hoisting  
86 equipment be secured in a specified manner under  
87 certain circumstances; providing penalties for  
88 violation of the act by certain licensed contractors;  
89 providing an effective date.

90  
91 WHEREAS, cranes, derricks, hoists, elevators, and conveyors  
92 used in construction, demolition, or excavation work are  
93 currently regulated under federal rules adopted by the  
94 Occupational Safety and Health Administration in 29 C.F.R. parts  
95 1910 and 1926, and

96 WHEREAS, the Occupational Safety and Health Administration  
97 has conducted a thorough and exhaustive review of these rules in  
98 an effort to better protect against the hazards presented by  
99 these types of hoisting equipment, and

100 WHEREAS, the review conducted by the Occupational Safety



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101 and Health Administration was undertaken in consultation with  
102 many of the most knowledgeable engineering, construction, and  
103 safety experts in the nation and in the world, and

104 WHEREAS, this review has culminated in the production of  
105 proposed rules setting forth comprehensive and detailed new  
106 regulations applicable to cranes, derricks, hoists, elevators,  
107 and conveyors, and to the operators of these types of hoisting  
108 equipment, as published in the Federal Register on October 9,  
109 2008, and

110 WHEREAS, the Occupational Safety and Health Administration  
111 should be commended and supported in these efforts, and

112 WHEREAS, cranes, derricks, hoists, elevators, and conveyors  
113 are routinely transported across city, county, and state lines,  
114 making uniform federal regulation of these types of hoisting  
115 equipment and their operators essential to commerce, to  
116 Florida's economic competitiveness, and to minimizing  
117 construction costs in our state, and

118 WHEREAS, the Occupational Safety and Health Administration  
119 entered into a strategic alliance with the Associated Builders  
120 and Contractors of Florida, the South Florida Chapter of the  
121 Associated General Contractors of America, the Construction  
122 Association of South Florida, and the Florida Crane Owners  
123 Council to improve crane safety, NOW, THEREFORE,