

1                                   A bill to be entitled  
 2           An act relating to crane operator certification; creating  
 3           s. 489.1138, F.S.; providing definitions; requiring a  
 4           person to be certified in order to operate a crane on  
 5           construction projects; providing for certification  
 6           organizations and standards; prohibiting certain  
 7           contractors from employing crane operators without  
 8           certification; providing penalties; providing rulemaking  
 9           authority for the Construction Industry Licensing Board;  
 10          authorizing persons in training for certification to  
 11          operate cranes under direct supervision of a certified  
 12          crane operator; providing an effective date.

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

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16           Section 1. Section 489.1138, Florida Statutes, is created  
 17   to read:

18           489.1138 Crane operator certification.--

19           (1) As used in this section:

20           (a) "Crane" means a power-operated hoisting machine used  
 21 in construction, maintenance, demolition, or excavation work  
 22 that has a power-operated winch, load-line, and boom moving  
 23 laterally.

24           (b) "Crane operator" means a person engaged in operating a  
 25 crane.

26           (2) To operate a crane on construction projects, a person  
 27 shall be certified as a crane operator by the National  
 28 Commission for the Certification of Crane Operators or any other

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29 organization determined by the board to offer an equivalent  
30 testing and certification program that meets the requirements of  
31 the American National Standards Institute/American Society of  
32 Mechanical Engineers (ANSI/ASME) current applicable standard and  
33 the accreditation requirements of the National Commission for  
34 Certifying Agencies.

35 (3) No contractor registered or certified under this part  
36 may employ or contract for the services of a person for the  
37 purpose of operating a crane unless such person is certified  
38 under subsection (2).

39 (4) (a) Any person who violates subsection (2) or  
40 subsection (3) commits a misdemeanor of the first degree,  
41 punishable as provided in s. 775.082 or s. 775.083.

42 (b) Any person who violates subsection (2) or subsection  
43 (3) after having been previously found guilty of such violation  
44 commits a felony of the third degree, punishable as provided in  
45 s. 775.082 or s. 775.083.

46 (5) In addition to the other penalties provided for in  
47 this section, any person licensed under this part who violates  
48 subsection (2) or subsection (3) is subject to discipline  
49 pursuant to ss. 455.227 and 489.129.

50 (6) The board may adopt rules pursuant to ss. 120.536(1)  
51 and 120.54 necessary to implement the terms and conditions of  
52 this section.

53 (7) Notwithstanding the certification requirements of this  
54 section, a person undergoing training for the purpose of  
55 qualifying for crane operator certification pursuant to this  
56 section may operate a crane if such person is under the direct

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57 | supervision of a crane operator who holds a current and valid  
58 | certification to operate the crane operated by such person.

59 |       Section 2. This act shall take effect January 1, 2008.