

Bill No. SB 2068

Barcode 943754

CHAMBER ACTION

Senate

House

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Comm: RCS  
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The Committee on Regulated Industries (Haridopolos) recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. Effective July 1, 2008, section 489.1138, Florida Statutes, is created to read:

489.1138 Certification of tower cranes and tower crane operators.--

(1) DEFINITIONS.--As used in this section:

(a) "Tower crane" means a nonmobile, power-operated hoisting machine used in construction, maintenance, demolition, or excavation work that has a power-operated winch, load-line, and boom moving laterally. A tower crane is a temporary structure and is not subject to building codes or other provisions of law, rule, or ordinance applicable to permanent structures.

(b) "Tower crane operator" means a person engaged in operating a tower crane.

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1       (2) CERTIFICATION OF TOWER CRANES.--A tower crane may  
2 be operated in this state only if it meets the applicable  
3 standards of the American National Standards  
4 Institute/American Society of Mechanical Engineers (ANSI/ASME)  
5 or the applicable standards of the Power Crane and Shovel  
6 Association (PCSA). A tower crane meets such standards only if  
7 it has been certified by an organization determined by the  
8 department to offer a certification program that meets the  
9 currently applicable ANSI/ASME standards or the accreditation  
10 requirements of the National Commission for Certifying  
11 Agencies. This subsection applies to tower cranes installed or  
12 erected on or after July 1, 2008.

13       (3) CERTIFICATION OF TOWER CRANE OPERATORS.--A person  
14 may operate a tower crane on a construction project only if he  
15 or she is certified as a crane operator by the National  
16 Commission for the Certification of Crane Operators or any  
17 other organization determined by the department to offer an  
18 equivalent testing and certification program that meets the  
19 requirements of the ANSI/ASME current applicable standard or  
20 the accreditation requirements of the National Commission for  
21 Certifying Agencies.

22       (4) DUTIES OF CONTRACTORS.--A contractor registered or  
23 certified under this part shall only employ or contract for  
24 the services of tower crane operators who have met the  
25 certification requirements of subsection (3).

26       (5) PENALTIES.--Any person licensed under this part  
27 who intentionally violates subsection (2) or subsection (3) is  
28 subject to discipline pursuant to ss. 455.227 and 489.129.

29       (6) OPERATION OF TOWER CRANES BY TRAINEES UNDER  
30 SUPERVISION.--Notwithstanding the certification requirements  
31 of this section, a person undergoing training for the purpose

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1 of qualifying for tower crane operator certification pursuant  
 2 to this section may operate a tower crane if the trainee is  
 3 under the direct supervision of a tower crane operator who  
 4 holds a current and valid certification to operate the tower  
 5 crane operated by the trainee.

6 (7) RULES.--The department may adopt rules pursuant to  
 7 ss. 120.536(1) and 120.54 necessary to implement this section.

8 Section 2. Section 489.1139, Florida Statutes, is  
 9 created to read:

10 489.1139 Preemption.--The regulation of tower cranes  
 11 and tower crane operators is expressly preempted to the state,  
 12 and a county, municipality, or other political subdivision may  
 13 not enact or enforce any ordinance relating to matters within  
 14 the scope of this section or s. 489.1138.

15 Section 3. Except as otherwise expressly provided in  
 16 this act, this act shall take effect upon becoming a law.

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19 ===== T I T L E A M E N D M E N T =====

20 And the title is amended as follows:

21 Delete everything before the enacting clause

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23 and insert:

24 A bill to be entitled  
 25 An act relating to the certification of tower  
 26 cranes and tower crane operators; creating s.  
 27 489.1138, F.S.; providing definitions;  
 28 requiring a tower crane to be certified in  
 29 order to be operated; requiring a person to be  
 30 certified in order to operate a tower crane on  
 31 construction projects; providing for

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1 certification organizations and standards;  
2 prohibiting certain contractors from employing  
3 or contracting for the services of tower crane  
4 operators without certification; providing  
5 penalties; authorizing persons in training for  
6 certification to operate tower cranes under  
7 direct supervision of a certified tower crane  
8 operator; providing rulemaking authority for  
9 the Department of Business and Professional  
10 Regulation; creating s. 489.1139, F.S.;  
11 preempting the regulation of tower cranes and  
12 tower crane operators to the state; providing  
13 effective dates.

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