

By Senator Gaetz

4-1634A-07

See HB

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

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

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19 Section 1. Section 489.1138, Florida Statutes, is
20 created to read:

21 489.1138 Crane operator certification.--

22 (1) As used in this section:

23 (a) "Crane" means a power-operated hoisting machine
24 used in construction, demolition, or excavation work that has
25 a power-operated winch, load-line, and boom moving laterally
26 by the rotation of the machine on a carrier.

27 (b) "Crane operator" means a person engaged in
28 operating a crane.

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

1 other organization determined by the board to offer an
2 equivalent testing and certification program that meets the
3 requirements of the American Society of Mechanical Engineers
4 (ASME) Standard B30.5 and the accreditation requirements of
5 the National Commission for Certifying Agencies.

6 (3) No contractor registered or certified under this
7 part may employ or contract for the services of a person for
8 the purpose of operating a crane unless such person is
9 certified under subsection (2).

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

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

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

21 (6) The board may adopt rules pursuant to ss.
22 120.536(1) and 120.54 necessary to implement the terms and
23 conditions of this section.

24 (7) Notwithstanding the certification requirements of
25 this section, a person undergoing training for the purpose of
26 qualifying for crane operator certification pursuant to this
27 section may operate a crane if such person is under the direct
28 supervision of a crane operator who holds a current and valid
29 certification to operate the crane operated by such person.

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