

By the Committee on Regulated Industries; and Senator Gaetz

580-2594-07

1 A bill to be entitled
2 An act relating to the certification of tower
3 cranes and tower crane operators; creating s.
4 489.1138, F.S.; providing definitions;
5 requiring a tower crane to be certified in
6 order to be operated; requiring a person to be
7 certified in order to operate a tower crane on
8 construction projects; providing for
9 certification organizations and standards;
10 prohibiting certain contractors from employing
11 or contracting for the services of tower crane
12 operators without certification; providing
13 penalties; authorizing persons in training for
14 certification to operate tower cranes under
15 direct supervision of a certified tower crane
16 operator; providing rulemaking authority for
17 the Department of Business and Professional
18 Regulation; creating s. 489.1139, F.S.;
19 preempting the regulation of tower cranes and
20 tower crane operators to the state; providing
21 effective dates.

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

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

27 489.1138 Certification of tower cranes and tower crane
28 operators.--

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

30 (a) "Tower crane" means a nonmobile, power-operated
31 hoisting machine used in construction, maintenance,

1 demolition, or excavation work that has a power-operated
2 winch, load-line, and boom moving laterally. A tower crane is
3 a temporary structure and is not subject to building codes or
4 other provisions of law, rule, or ordinance applicable to
5 permanent structures.

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

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

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

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

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

6 (6) OPERATION OF TOWER CRANES BY TRAINEES UNDER
7 SUPERVISION.--Notwithstanding the certification requirements
8 of this section, a person undergoing training for the purpose
9 of qualifying for tower crane operator certification pursuant
10 to this section may operate a tower crane if the trainee is
11 under the direct supervision of a tower crane operator who
12 holds a current and valid certification to operate the tower
13 crane operated by the trainee.

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

16 Section 2. Section 489.1139, Florida Statutes, is
17 created to read:

18 489.1139 Preemption.--The regulation of tower cranes
19 and tower crane operators is expressly preempted to the state,
20 and a county, municipality, or other political subdivision may
21 not enact or enforce any ordinance relating to matters within
22 the scope of this section or s. 489.1138.

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

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26 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
27 COMMITTEE SUBSTITUTE FOR
28 Senate Bill 2068

29 The committee substitute limits new regulation of crane
30 operators by the Department of Business and Professional
31 Regulation to tower cranes and tower crane operators.