

1 A bill to be entitled
 2 An act relating to tower crane and tower crane operator
 3 certification; creating s. 489.1138, F.S.; providing
 4 definitions; requiring a tower crane to be certified in
 5 order to be operated; requiring a person to be certified
 6 in order to operate a tower crane on construction
 7 projects; providing for certification organizations and
 8 standards; prohibiting certain contractors from employing
 9 or contracting for the services of tower crane operators
 10 without certification; providing penalties; authorizing
 11 persons in training for certification to operate tower
 12 cranes under direct supervision of a certified tower crane
 13 operator; providing rulemaking authority for the
 14 Department of Business and Professional Regulation;
 15 creating s. 489.1139, F.S.; preempting the regulation of
 16 tower cranes and tower crane operators to the state;
 17 providing for construction of the act in pari materia with
 18 laws enacted during the 2007 Regular Session or a 2007
 19 special session of the Legislature; providing effective
 20 dates.

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

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 24 Section 1. Effective July 1, 2008, section 489.1138,
 25 Florida Statutes, is created to read:
 26 489.1138 Certification of tower cranes and tower crane
 27 operators.--
 28 (1) DEFINITIONS.--As used in this section:

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

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

38 (2) CERTIFICATION OF TOWER CRANES.--A tower crane may be
39 operated in this state only if it meets the applicable standards
40 of the American National Standards Institute/American Society of
41 Mechanical Engineers (ANSI/ASME) or the applicable standards of
42 the Power Crane and Shovel Association (PCSA). A tower crane is
43 deemed to meet such standards only if it has been certified by
44 an organization determined by the department to offer a
45 certification program that meets the currently applicable
46 ANSI/ASME standards or the accreditation requirements of the
47 National Commission for Certifying Agencies. This subsection
48 applies to tower cranes installed or erected on or after July 1,
49 2008.

50 (3) CERTIFICATION OF TOWER CRANE OPERATORS.--A person may
51 operate a tower crane on a construction project only if he or
52 she is certified as a crane operator by the National Commission
53 for the Certification of Crane Operators or any other
54 organization determined by the department to offer an equivalent
55 testing and certification program that meets the requirements of
56 the ANSI/ASME current applicable standard or the accreditation

57 requirements of the National Commission for Certifying Agencies.

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

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

65 (6) OPERATION OF TOWER CRANES BY TRAINEES UNDER
 66 SUPERVISION.--Notwithstanding the certification requirements of
 67 this section, a person undergoing training for the purpose of
 68 qualifying for tower crane operator certification pursuant to
 69 this section may operate a tower crane if such person is under
 70 the direct supervision of a tower crane operator who holds a
 71 current and valid certification to operate the tower crane
 72 operated by such person.

73 (7) RULES.--The department may adopt rules pursuant to ss.
 74 120.536(1) and 120.54 necessary to implement this section.

75 Section 2. Section 489.1139, Florida Statutes, is created
 76 to read:

77 489.1139 Preemption.--The regulation of tower cranes and
 78 tower crane operators is expressly preempted to the state, and
 79 no county, municipality, or other political subdivision shall
 80 enact or enforce any ordinance relating to matters within the
 81 scope of this section and s. 489.1138.

82 Section 3. If any law amended by this act was also amended
 83 by a law enacted during the 2007 Regular Session or a 2007
 84 special session of the Legislature, such laws shall be construed

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85 | as if they had been enacted at the same session of the
86 | Legislature, and full effect shall be given to each if possible.

87 | Section 4. Except as otherwise expressly provided in this
88 | act, this act shall take effect upon becoming a law.