

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 effective dates.

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

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 21           Section 1.   Effective July 1, 2009, section 489.1138,  
 22   Florida Statutes, is created to read:  
 23           489.1138   Certification of tower cranes and tower crane  
 24   operators.--  
 25           (1)   DEFINITIONS.--As used in this section:  
 26           (a)   "Tower crane" means a nonmobile, power-operated  
 27   hoisting machine used in construction, maintenance, demolition,  
 28   or excavation work that has a power-operated winch, load-line,

29 and boom moving laterally. A tower crane is a temporary  
 30 structure and is not subject to building codes or other  
 31 provisions of law, rule, or ordinance applicable to permanent  
 32 structures.

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

35 (2) CERTIFICATION OF TOWER CRANES.--A tower crane may be  
 36 operated in this state only if it meets the applicable standards  
 37 of the American National Standards Institute/American Society of  
 38 Mechanical Engineers (ANSI/ASME) or the applicable standards of  
 39 the Power Crane and Shovel Association (PCSA). A tower crane is  
 40 deemed to meet such standards only if it has been certified by  
 41 an organization determined by the department to offer a  
 42 certification program that meets the currently applicable  
 43 ANSI/ASME standards or the accreditation requirements of the  
 44 National Commission for Certifying Agencies. This subsection  
 45 applies to tower cranes installed or erected on or after July 1,  
 46 2009.

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

55 (4) DUTIES OF CONTRACTORS.--A contractor registered or  
 56 certified under this part shall only employ or contract for the

57 services of tower crane operators who have met the certification  
 58 requirements of subsection (3).

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

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

70 (7) RULES.--The department may adopt rules pursuant to ss.  
 71 120.536(1) and 120.54 necessary to implement this section.

72 Section 2. Section 489.1139, Florida Statutes, is created  
 73 to read:

74 489.1139 Preemption.--The regulation of tower cranes and  
 75 tower crane operators is expressly preempted to the state, and  
 76 no county, municipality, or other political subdivision shall  
 77 enact or enforce any ordinance relating to matters within the  
 78 scope of this section and s. 489.1138.

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