

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 applicable standards; specifying  
 8           duties of contractors; providing penalties; authorizing  
 9           persons in training for certification to operate tower  
 10          cranes under direct supervision of a certified tower crane  
 11          operator; creating s. 489.1139, F.S.; preempting the  
 12          regulation of tower cranes and tower crane operators to  
 13          the state; providing effective dates.

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

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 17           Section 1. Effective July 1, 2009, section 489.1138,  
 18           Florida Statutes, is created to read:  
 19           489.1138 Certification of tower cranes and tower crane  
 20           operators.--  
 21           (1) DEFINITIONS.--As used in this section:  
 22           (a) "Tower crane" means a nonmobile, power-operated  
 23           hoisting machine used in construction, maintenance, demolition,  
 24           or excavation work that has a power-operated winch, load-line,  
 25           and boom moving laterally. A tower crane is a temporary  
 26           structure and is not subject to building codes or other  
 27           provisions of law, rule, or ordinance applicable to permanent  
 28           structures.

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

31           (2) CERTIFICATION OF TOWER CRANES.--A tower crane may be  
32 operated in this state only if the tower crane has been  
33 certified to meet the American Society of Mechanical Engineers  
34 standards for construction tower cranes, ASME B30.3-2004, as  
35 modified by American Society of Civil Engineers standard ASCE  
36 37-02. Certification must be from a certification organization  
37 that meets the standards of the American National Standards  
38 Institute/American Society of Mechanical Engineers or the  
39 accreditation requirements of the National Commission for  
40 Certifying Agencies.

41           (3) CERTIFICATION OF TOWER CRANE OPERATORS.--A person may  
42 operate a tower crane on a construction project only if he or  
43 she is certified as a crane operator by the National Commission  
44 for the Certification of Crane Operators.

45           (4) DUTIES OF CONTRACTORS.--For each construction project  
46 for which a contractor is responsible under this part, the  
47 contractor shall produce a list identifying the certified tower  
48 cranes and certified tower crane operators used on the project  
49 and identifying the qualified personnel supervising the  
50 erection, modification, and dismantling of each tower crane used  
51 on the project. The contractor shall maintain this list for the  
52 duration of the construction project and shall provide the list  
53 to the department pursuant to any investigation for a violation  
54 of this part.

55           (5) PENALTIES.--Any person licensed under this part who  
56 intentionally violates subsection (2) or subsection (3) is

57 subject to discipline pursuant to ss. 455.227 and 489.129.

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

66 Section 2. Section 489.1139, Florida Statutes, is created  
67 to read:

68 489.1139 Preemption.--The regulation of tower cranes and  
69 tower crane operators is expressly preempted to the state, and  
70 no county, municipality, or other political subdivision shall  
71 enact or enforce any ordinance relating to matters within the  
72 scope of this section and s. 489.1138.

73 Section 3. Except as otherwise expressly provided in this  
74 act, this act shall take effect July 1, 2008.