

The Florida Senate
PROFESSIONAL STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Regulated Industries Committee

BILL: CS/SB 2068

INTRODUCER: Regulated Industries Committee and Senator Gaetz

SUBJECT: Crane Operator Certification

DATE: April 23, 2007

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------|----------------|-----------|--------|
| 1. | Sumner | Imhof | RI | Fav/CS |
| 2. | | | CJ | |
| 3. | | | JU | |
| 4. | | | GA | |
| 5. | | | | |
| 6. | | | | |

I. Summary:

The bill creates s. 489.1138, F.S., to give the Construction Industry Licensing Board (CILB) at the Department of Business and Professional Regulation (department) authority to regulate tower crane operators. Tower crane operators must be certified by the National Commission for the Certification of Crane Operators (NCCCO) or any other organization determined by the board to offer an equivalent testing and certification program that meets the requirements of the American Society of Mechanical Engineers (ASME) Standard B30.5 and the accreditation requirements of the National Commission for Certifying Agencies.

This bill creates section 489.1138 of the Florida Statutes.

II. Present Situation:

Tower crane operators are required to meet the jobsite safety requirements of the Occupational Health and Safety Administration, United States Department of Labor. The National Commission for the Certification of Crane Operators (NCCCO) currently administers certification programs for operators of mobile cranes, tower cranes and overhead cranes.

The NCCCO is a non-profit organization that certifies crane operators. The International Assessment Institute provides examination services for the National Commission for the Certification of Crane Operators. There are 13 states that have licensing requirements and six cities that have licensing requirements for crane operators.¹

¹ <http://www.nccco.org/certification/towercrane.html>

Eligibility for certification under the NCCO's standards requires that a person:

- Be at least 18 years of age;
- Meet physical requirements;
- Comply with CCO's substance abuse policy;
- Pass a written exam;
- Pass a practical exam.

III. Effect of Proposed Changes:

The bill creates s. 489.1138, F.S., to provide the Construction Industry Licensing Board at the Department of Business and Professional Regulation authority to regulate tower cranes and tower crane operators. Tower crane operators must be certified as a tower crane operator by the National Commission for the Certification of Crane Operators or any other organization determined by the board to offer an equivalent testing and certification program that meets the requirements of the American Society of Mechanical Engineers (ASME) Standard B30.5 and the accreditation requirements of the National Commission for Certifying Agencies.

It requires that after July 1, 2008, in order for a tower crane to operate in this state, it must meet the applicable standards of the American National Standards Institute/American Society of Mechanical Engineers (ANSI/ASME) or the applicable standards of the Power Crane and Shovel Association (PCSA). The department must determine if the tower crane meets those standards only if it has been certified by an organization that offers a certification program that meets the currently applicable ANSI/ASME standards or the accreditation requirements of the National Commission for Certifying Agencies.

Registered or certified crane operator contractors may not employ persons unless those persons have met the certification requirements under this section.

Any licensed contractor who intentional violates the certification provisions of this section is subject to discipline by the department

A person undergoing training to qualify as a tower crane operator may operate a tower crane if they are under the direct supervision of a certified or registered tower crane operator.

It preempts local government regulation on tower cranes and tower crane operators from enacting or enforcing any ordinance relating to matters within the scope of this section.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Tower crane operators will be subject to the cost of regulation.

C. Government Sector Impact:

The department states that it will incur some minor costs associated with board review and approval of organizations that apply to provide crane operator certification. It states there will significant cost associated with the investigation and prosecution of contractors who hire uncertified crane operators. The department estimates that two additional inspectors will be needed to proactively monitor the certifications. Costs are estimated at \$150,928 in FY 2007-08 and \$112,476 in FY 2008-09.

The department explains that the Division of Regulation will require additional investigators since crane operators are used in all types of construction projects including: roof truss application, setting modular homes on foundations and most commercial projects. There were 38,427 licensed Division I contractors as of December 2006 that would conceivably hire a crane operator. The department estimates that out of the approximately 16,000 complaints per year, 4,000 are new construction. To ensure that crane operators are certified will take a pro-active approach by the department. The department estimates that two FTE positions will be needed for inspectors since an inspector averages 170 inspections per month and about 2,000 inspections annually.²

VI. Technical Deficiencies:

None.

VII. Related Issues:

The department states that it is uncertain whether the certification program will be effective since the bill's requirement for certification by a specific non-profit entity whose fee, examination, and experience are not subject to any board or department oversight.

The department also indicated that it is not known what other entities would be eligible to provide certification services or if they could gain CILB approval in time to effectively offer certification by the effective date of the requirement.

² This fiscal opinion by the department applied to an estimate of all crane operators that would operate in Florida. No new numbers were available at the time the bill was amended to apply to tower crane operators only.

The department notes that the bill does not require any subsequent crane operator registration with the department and only certified or registered contractors will be subject to criminal prosecution for hiring uncertified crane operators while unlicensed contractors will not.

This Senate Professional Staff Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

VIII. Summary of Amendments:

None.

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