

By Senator Gaetz

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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 an effective date.

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

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21 Section 1. Section 489.1138, Florida Statutes, is created
22 to read:

23 489.1138 Certification of tower cranes and tower crane
24 operators.--

25 (1) DEFINITIONS.--As used in this section, the term:

26 (a) "Tower crane" means a nonmobile, power-operated
27 hoisting machine used in construction, maintenance, demolition,
28 or excavation work which has a power-operated winch, load-line,
29 and boom moving laterally. A tower crane is a temporary structure

4-02820-08

20081316__

30 and is not subject to building codes or other provisions of law,
31 rule, or ordinance applicable to permanent structures.

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

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

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

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

58 (5) PENALTIES.--Any person licensed under this part who

4-02820-08

20081316__

59 intentionally violates subsection (2) or subsection (3) is
60 subject to discipline pursuant to ss. 455.227 and 489.129.

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

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

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

73 489.1139 Preemption.--The regulation of tower cranes and
74 tower crane operators is expressly preempted to the state, and no
75 county, municipality, or other political subdivision shall enact
76 or enforce any ordinance relating to matters within the scope of
77 this section and s. 489.1138.

78 Section 3. This act shall take effect July 1, 2008.