

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Gelber offered the following:

2  
3 **Amendment to Senate Amendment (427394) (with title**  
4 **amendment)**

5 Between lines 968 and 969, insert:

6 Section 27. Section 489.1138, Florida Statutes, is created  
7 to read:

8 489.1138 Certification of tower crane operators.--

9 (1) Definitions.--As used in this section, the term:

10 (a) " Tower crane " means a nonmobile, power-operated  
11 hoisting machine used in construction, maintenance, demolition,  
12 or excavation work that has a power-operated winch, load-line,  
13 and boom moving laterally. A tower crane is a temporary  
14 structure and is not subject to building codes or other  
15 provision of law, rule, or ordinance applicable to permanent  
16 structures.

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17        (b) "Tower crane operator" means a person engaged in  
18 operating a tower crane.

19        (2) CERTIFICATION OF TOWER CRANES.--A tower crane may be  
20 operated in this state only if the tower crane has been  
21 certified to meet the America Society of Mechanical Engineers  
22 standards for construction of tower cranes, ASME B30.3-2004, as  
23 modified by American Society of Civil Engineers standard ASCE  
24 37-02. Certification must be from a certification organization  
25 that meets the standards of the American National Standards  
26 Institute, the American Society of Mechanical Engineers, or the  
27 Accreditation requirements of the National Commission for  
28 Certifying Agencies.

29        (3) CERTIFIATION OF TOWER CRANE OPERATIORS.--A person may  
30 operate a tower crane on a construction project only if he or  
31 she is certified as a crane operator by the National Commission  
32 for the Certification of Crane Operators.

33        (4) DUTIES OF CONTRACTORS.--For each construction project  
34 for which a contractor is responsible under this part, the  
35 contractor shall produce a list identifying the certified tower  
36 cranes and certified tower crane operators used on the project  
37 and identifying the qualified personnel supervising the  
38 erection, modification, and dismantling of each tower crane used  
39 on the project. The contractor shall maintain this list for the  
40 duration of the construction project and shall provide the list  
41 to the department pursuant to any investigation for a violation  
42 of this part.

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

46 (6) OPERATION OF TOWER CRANES BY TRAINEES UNDER  
47 SUPERVISION.--Notwithstanding the certification requirements of  
48 this section, a person undergoing training for the purpose of  
49 qualifying for tower crane operator certification pursuant to  
50 this section may operate a tower crane if such a person is under  
51 the direct supervision of a tower crane operator who holds a  
52 current and valid certification to operate the tower crane  
53 operated by such person.

54 Section 28. Section 489.1139, Florida Statutes, is created  
55 to read:

56 489.1139 Preemption.--Regulation of tower cranes and tower  
57 crane operators as is expressly preempted to the state and no  
58 county, municipality, or other political subdivision shall enact  
59 or enforce any ordinance relating to matters within the scope of  
60 this section and s. 489.1138. Nothing in this section preempts  
61 enforcement of an ordinance imposing more stringent wind  
62 velocity standards by a municipality, county, or political  
63 subdivision identified in the high-velocity hurricane zone as  
64 that term is defined in s. 1612 of the Florida Building Code and  
65 s. R301.2 of the Florida building Code Residential, provided  
66 such ordinance has been adopted and is in effect on or before  
67 May 1, 2008.

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70 **T I T L E A M E N D M E N T**

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71           Remove line 1098 and insert:  
72   report to the Legislature; creating s. 489.1138, F.S.; providing  
73   definitions; requiring certification of tower cranes and  
74   operators; providing duties for contractors; providing for  
75   disciplinary actions; providing an exception; creating s.  
76   489.1139, F.S.; preempting regulation of tower cranes and tower  
77   crane operators to the state; providing an exception; providing  
78   an effective date.