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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/29/2017	.	
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Appropriations Subcommittee on General Government (Stargel)
recommended the following:

Senate Amendment (with title amendment)

Delete lines 289 - 821

and insert:

554.104. The department shall by rule require an inspection
agency authorized pursuant to this paragraph to maintain
financial security adequate to indemnify the owner of the boiler
if such agency's negligence or failure to inspect an uninsured
boiler results in a loss. Such inspection agency may inspect
uninsured boilers or, at the direction of an insurance company,



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11 may inspect a boiler insured by that insurance company.

12 (4) "Boiler insurance company" means a company authorized
13 by a subsisting certificate of authority, issued by the Office
14 of Insurance Regulation, to transact boiler and machinery
15 insurance in this state.

16 Section 4. Section 554.103, Florida Statutes, is amended to
17 read:

18 554.103 Boiler code.—The department shall adopt by rule a
19 State Boiler Code for the safe construction, installation,
20 inspection, maintenance, and repair of boilers in this state.
21 The rules adopted shall be based upon and shall at all times
22 follow generally accepted nationwide engineering standards,
23 formulas, and practices pertaining to boiler construction and
24 safety.

25 (1) The department shall adopt an existing code for new
26 construction and installation known as the Boiler and Pressure
27 Vessel Code of the American Society of Mechanical Engineers,
28 including all amendments and interpretations ~~approved thereto by~~
29 ~~the Council on Codes and Standards of A.S.M.E.~~ The department
30 ~~may adopt amendments and interpretations~~ to the A.S.M.E. Boiler
31 and Pressure Vessel Code approved by the A.S.M.E. Council on
32 Codes and Standards subsequent to the adoption of the State
33 Boiler Code, and when so adopted by the department, such
34 amendments and interpretations ~~shall~~ become a part of the State
35 Boiler Code.

36 (2) The installer ~~owner~~ of any boiler placed in use in this
37 state after January 1, 2018, must, before installing the boiler,
38 apply on a form adopted by rule of the department for a permit
39 to install the boiler from the chief boiler inspector. The



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40 application must include the boiler's A.S.M.E. manufacturer's
41 data report and other documents required by the State Boiler
42 Code before the boiler is placed in service. The installer must
43 contact the chief boiler inspector to schedule an inspection for
44 each boiler no later than 7 days before the boiler is placed in
45 service after October 1, 1987, shall submit the A.S.M.E.
46 manufacturer's data report on such boiler to the chief inspector
47 not more than 90 days following the inservice date of the
48 boiler.

49 (3) The maximum allowable working pressure of a boiler
50 carrying the A.S.M.E. code symbol must ~~shall~~ be determined by
51 the applicable sections of the code under which it was
52 constructed and stamped. Subject to the concurrence of the chief
53 boiler inspector, such boiler may be rerated in accordance with
54 the standards of the State Boiler Code.

55 (4) The maximum allowable working pressure of a boiler that
56 ~~which~~ does not carry the A.S.M.E. code symbol must ~~shall~~ be
57 computed in accordance with the standards of the State Boiler
58 Code.

59 (5) This chapter may not ~~Nothing in ss. 554.1011-554.115~~
60 ~~shall~~ be construed to in any way prevent the use, sale, or
61 reinstallation of a boiler if such boiler has been made to
62 conform to the applicable provisions of the State Boiler Code
63 governing existing installations and if, upon inspection, the
64 boiler has been found to be in a safe condition.

65 (6) The department, at its discretion, may authorize the
66 construction, installation, and operation of boilers of special
67 design or construction which do not meet the specific
68 requirements of the State Boiler Code, but which are consistent



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69 with the intent of the safety objectives of the code.

70 (7) The department may adopt rules pursuant to ss.
71 120.536(1) and 120.54 to administer this chapter. Such rules may
72 include specifying the procedures and forms to be used to obtain
73 an installation permit, an initial certificate, or a renewal
74 certificate, and the submission of reports and notices required
75 under this chapter.

76 Section 5. Section 554.104, Florida Statutes, is amended to
77 read:

78 554.104 Certification of boiler inspectors required;
79 application; qualifications; renewal ~~Boilers of special design.-~~
80 ~~The department, at its discretion, may authorize the~~
81 ~~construction, installation, and operation of boilers of special~~
82 ~~design or construction that do not meet the specific~~
83 ~~requirements of the State Boiler Code but are not inconsistent~~
84 ~~with the intent of the safety objectives of such code.~~

85 (1) CERTIFICATE REQUIRED.-A person may not be, act as, or
86 advertise or hold himself or herself out to be an inspector of a
87 boiler that is subject to regulation by this chapter, unless he
88 or she currently holds a certificate of competency issued by the
89 department.

90 (2) APPLICATION.-A person who desires to be certified to
91 inspect boilers that are subject to regulation by this chapter
92 must apply in writing to the department to take the
93 certification examination.

94 (3) QUALIFICATIONS.-A person is qualified to take the
95 certification examination if the person:

96 (a) Has submitted the application for examination together
97 with the fee required under s. 554.111(1) (a);



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98 (b) Is at least 18 years of age;

99 (c) Has completed the 2-hour training course under
100 subsection (4) on the requirements of this chapter and any
101 related rules adopted by the department. The course must be
102 completed no later than 12 months before issuance of an initial
103 or renewal certificate; and

104 (d) Has:

105 1. At least 3 years of experience in the construction,
106 installation, inspection, operation, maintenance, or repair of
107 high pressure, high temperature water boilers; or

108 2. Met the requirements to qualify as a commissioned
109 inspector by the National Board of Boiler and Pressure Vessel
110 Inspectors as set forth in NB-263, RCI-1, Rules for Commissioned
111 Inspectors, as adopted by rule of the department.

112 (4) TRAINING COURSE.—The department shall adopt by rule a
113 2-hour training course on the requirements of this chapter and
114 any related rules adopted by the department. The department
115 shall make the training course available online and may make the
116 course available in a classroom setting. A boiler insurance
117 company may include the department's course as part of its in-
118 house training of a boiler inspector student, in lieu of the
119 student taking the online training course. A boiler insurance
120 company that includes the department's course in its in-house
121 training of a boiler inspector student must indicate that the
122 student completed the training on an application filed with the
123 department for certification of competency.

124 (5) EXAMINATION.—A person applying for a certificate of
125 competency must have successfully passed the examination
126 administered by the National Board of Boiler and Pressure Vessel



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127 Inspectors and be eligible to obtain a National Board
128 commission.

129 (6) ISSUANCE OF CERTIFICATE.—The chief boiler inspector
130 must issue a certificate of competency to each person who is
131 qualified under this section and who holds a commission from the
132 National Board of Boiler and Pressure Vessel Inspectors.

133 (7) RENEWAL OF CERTIFICATE.—A certificate of competency
134 expires on December 31 of each year and may be renewed upon the
135 filing of a renewal application with the department. A secured
136 electronic application must be used, if available on the
137 department's website.

138 (8) RULES.—The department may adopt rules necessary to
139 administer this section.

140 Section 6. Section 554.105, Florida Statutes, is amended to
141 read:

142 554.105 Chief boiler inspector.—

143 (1) The Chief Financial Officer shall appoint a chief
144 boiler inspector, who must have at least ~~shall have not less~~
145 ~~than~~ 5 years' experience in the construction, installation,
146 inspection, operation, maintenance, or repair of high pressure,
147 high temperature water boilers and who must ~~shall~~ hold a
148 commission from the National Board of Boiler and Pressure Vessel
149 Inspectors or a certificate of competency from the department.

150 (2) The department, through the chief boiler inspector,
151 shall administer the state boiler inspection program, and shall:

152 (a) Take all action necessary to enforce the State Boiler
153 Code and the rules adopted pursuant to this chapter ~~ss.~~
154 ~~554.1011-554.115.~~

155 (b) Keep a complete record on all boilers at public



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156 assembly locations. Such record must ~~shall~~ include the name of
157 each boiler owner or user and the location, type, ~~dimensions,~~
158 maximum allowable working pressure, age, ~~and~~ last recorded
159 inspection of each boiler, and any other information necessary
160 to expedite the certification process.

161 (c) ~~Publish and make available to anyone, upon request,~~
162 ~~copies of the rules adopted pursuant to ss. 554.1011-554.115.~~

163 ~~(d)~~ Expend funds necessary to meet the expenses authorized
164 by this chapter ss. 554.1011-554.115, including the necessary
165 travel expenses of the chief boiler inspector and deputy boiler
166 inspectors, and the expenses incident to the maintenance of this
167 ~~his or her~~ office.

168 Section 7. Section 554.106, Florida Statutes, is amended to
169 read:

170 554.106 Deputy boiler inspectors.—

171 (1) The department shall employ deputy boiler inspectors
172 who shall be responsible to the chief boiler inspector ~~and who~~
173 ~~shall each hold a certificate of competency from the department.~~

174 (2) A deputy boiler inspector shall perform inspections of
175 uninsured boilers that are subject to regulation under this
176 chapter, in accordance with the inspection frequency set forth
177 in s. 554.108. A deputy boiler inspector may also engage in
178 public outreach activities of the department and conduct other
179 duties as assigned by the chief boiler inspector.

180 Section 8. Section 554.107, Florida Statutes, is amended to
181 read:

182 554.107 Special boiler inspectors.—

183 (1) Upon application by any authorized inspection agency
184 ~~company licensed to insure boilers in this state~~, the chief



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185 boiler inspector shall issue a certificate of competency as a
186 special boiler inspector to any inspector employed by the
187 authorized inspection agency company, if provided that such
188 boiler inspector satisfies the competency requirements for
189 inspectors as provided in s. 554.104 s. 554.113. Special boiler
190 inspectors shall perform inspections of insured boilers in
191 accordance with the inspection frequency set forth in s.
192 554.108.

193 (2) The certificate of competency of a special boiler
194 inspector remains shall remain in effect only so long as the
195 special boiler inspector is employed by an authorized inspection
196 agency a company licensed to insure boilers in this state. Upon
197 termination of employment with such company, such company a
198 special inspector shall, in writing, notify the chief boiler
199 inspector of such special boiler inspector's termination. Such
200 notice must shall be given within 15 days following the date of
201 termination.

202 Section 9. Subsections (1), (2), (4), and (5) of section
203 554.108, Florida Statutes, are amended, and subsection (6) is
204 added to that section, to read:

205 554.108 Inspection.—

206 (1) The inspection requirements of this chapter apply only
207 to boilers located in public assembly locations. A potable hot
208 water supply boiler with a heat input of 200,000 British thermal
209 units (Btu) per hour and above, up to a heat input not exceeding
210 400,000 Btu per hour, is exempt from inspection, but must be
211 stamped with the A.S.M.E. code symbol "HLW" and the boiler's
212 A.S.M.E data report must be filed as required under s.
213 554.103(2) The only boilers required to be inspected under the



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214 ~~provisions of ss. 554.1011-554.115 are boilers located in public~~
215 ~~assembly locations.~~

216 (2) Each inspection of a boiler conducted pursuant to this
217 chapter must ss. 554.1011-554.115 shall be made by the chief
218 boiler inspector, a deputy boiler inspector, or a special boiler
219 inspector. An owner, or the owner's designee, shall perform all
220 operation, testing, manipulation of boiler controls and safety
221 devices, removal of lagging, and disassembly of boiler
222 components to allow the chief boiler inspector, deputy boiler
223 inspector, or special boiler inspector to conduct inspections as
224 required by this section.

225 (4) Each boiler subject to inspection must be inspected
226 within 30 days after expiration of the boiler's certificate of
227 operation. However, an inspection report must be received by the
228 chief boiler inspector no later than 30 days after the projected
229 expiration date of the certificate of operation. If, upon
230 inspection, the chief boiler inspector, deputy boiler inspector,
231 or special boiler inspector finds that a boiler is in violation
232 of any provision of the State Boiler Code, the inspector must
233 promptly notify the owner or user and state what repairs or
234 other corrective measures are needed. Deputy boiler inspectors
235 and special boiler inspectors shall file a written report, on a
236 form adopted by rule of the department, on each certificate
237 inspection with the chief boiler inspector within 15 days after
238 the following such inspection. A certificate inspection report
239 must list all violations of the State Boiler Code and any
240 conditions that may adversely affect the operation of the
241 boiler. The filing of reports of inspections, other than
242 statutorily required certificate inspections, is are not



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243 required unless such inspections disclose that a boiler is in an
244 unsafe condition or unless the boiler has failed and requires
245 major repair or replacement. The inspection report must list the
246 extent of damage to the boiler, as well as the cause of the
247 failure, if known, and any other pertinent information. However,
248 an inspection report must be filed for any inspection performed
249 on a boiler with a previously identified code violation. The
250 report must indicate whether the violation has been corrected.
251 The agency responsible for conducting the inspection must
252 perform followup inspections, not more than every 6 months, of a
253 previously identified code violation until it is corrected.

254 (5) Upon a determination by the chief boiler inspector
255 ~~determining that a boiler cannot be safely operated, is in an~~
256 ~~unsafe condition and poses an imminent danger to the public~~
257 ~~health, safety, and welfare, the chief inspector, a deputy~~
258 ~~inspector, or a special inspector may immediately order the~~
259 ~~boiler must immediately to be shut down. The chief boiler~~
260 ~~inspector or a deputy boiler inspector shall attach a tag to the~~
261 ~~boiler indicating that the boiler has been shut down due to an~~
262 ~~unsafe condition. The boiler must shall remain shut down until a~~
263 ~~reinspection by the chief boiler inspector or a deputy boiler a~~
264 ~~certified inspector determines that all violations have been~~
265 ~~corrected, that the boiler may be operated safely, and that a~~
266 ~~certificate of compliance has been issued. A boiler that may not~~
267 ~~be safely operated, as determined by the chief boiler inspector,~~
268 ~~is deemed to constitute an imminent danger to the public health,~~
269 ~~safety, and welfare.~~

270 (6) The department may adopt rules necessary to administer
271 this section.



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272 Section 10. Section 554.1081, Florida Statutes, is created
273 to read:

274 554.1081 Boiler inspections by insurance companies and
275 local governmental agencies.-

276 (1) An insurance company insuring a boiler located in a
277 public assembly location in this state shall inspect, or shall
278 contract with an authorized inspection agency to inspect, the
279 insured boiler. A boiler insurance company shall annually report
280 to the department the name of any authorized inspection agency
281 performing any required boiler inspections on its behalf and
282 shall actively monitor insured boilers to ensure that
283 inspections are conducted as required by this chapter.

284 (2) A county, municipality, town, or other governmental
285 subdivision that has adopted into law the Boiler and Pressure
286 Vessel Code of the A.S.M.E. and the National Board Inspection
287 Code for the construction, installation, inspection,
288 maintenance, and repair of boilers to regulate boilers in public
289 assembly locations may inspect such boilers. All boiler
290 inspections must be conducted by special boiler inspectors in
291 accordance with this chapter.

292 Section 11. Section 554.109, Florida Statutes, is amended
293 to read:

294 554.109 Exemptions.-

295 ~~(1) Any insurance company insuring a boiler located in a~~
296 ~~public assembly location in this state shall inspect such boiler~~
297 ~~so insured, and any county, city, town, or other governmental~~
298 ~~subdivision which has adopted into law the Boiler and Pressure~~
299 ~~Vessel Code of the American Society of Mechanical Engineers and~~
300 ~~the National Board Inspection Code for the construction,~~



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301 ~~installation, inspection, maintenance, and repair of boilers,~~
302 ~~regulating such boilers in public assembly locations, shall~~
303 ~~inspect such boilers so regulated; provided that such inspection~~
304 ~~shall be conducted by a special inspector licensed pursuant to~~
305 ~~ss. 554.1011-554.115. Upon filing of a report of satisfactory~~
306 ~~inspection with the department, such boiler is exempt from~~
307 ~~inspection by the department.~~

308 ~~(2) The provisions of This chapter does shall not apply to~~
309 ~~potable hot water supply boilers or lined storage water heaters~~
310 ~~that which are directly fired with oil, gas, electricity, or~~
311 ~~solar energy, provided that none of the following limitations is~~
312 ~~are exceeded:~~

- 313 ~~(1) (a) Heat input of 400,000 Btu per hour.~~
314 ~~(2) (b) Water temperature of 210 degrees Fahrenheit.~~
315 ~~(3) (c) Nominal water-containing capacity of 120 gallons.~~
316

317 ~~These exempt hot water supply boilers and lined storage water~~
318 ~~heaters shall be equipped with safety relief valves conforming~~
319 ~~to the requirements of the Boiler and Pressure Vessel Code of~~
320 ~~the American Society of Mechanical Engineers and of the National~~
321 ~~Board Inspection Code.~~

322 Section 12. Section 554.1101, Florida Statutes, is amended
323 to read:

324 554.1101 Certificate of operation ~~compliance~~.—

325 (1) If an inspection report filed pursuant to s. 554.108
326 shows a boiler to be in compliance with all applicable
327 provisions of the State Boiler Code, the chief boiler inspector
328 must ~~shall~~, upon receipt of the inspection fee, issue a
329 certificate of operation ~~compliance~~ to the owner. Such



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330 certificate must ~~shall~~ bear the date of the inspection and
331 specify the maximum pressure at which the boiler may be
332 operated.

333 (2) The certificate for a power boiler or a high pressure,
334 high temperature water boiler is valid for a period of 12 months
335 from the date of the certificate inspection. The certificate for
336 a heating boiler or a hot water supply boiler is valid for a
337 period of 24 months from the date of the certificate inspection.
338 The certificate must ~~shall~~ be posted under glass, or be
339 similarly protected, in the room containing the boiler.

340 (3) A boiler insurance company shall notify the chief
341 boiler inspector within 30 days after the issuance of a new or
342 renewal boiler and machinery insurance policy, or the
343 cancellation or nonrenewal of a boiler and machinery insurance
344 policy, covering places of public assembly in this state.

345 (4) If the chief boiler inspector has knowledge that a
346 boiler regulated under this chapter was covered by a boiler and
347 machinery insurance policy after its most recent certification
348 inspection, the certificateholder must, upon the request of the
349 chief boiler inspector, submit its certificate of boiler and
350 machinery insurance for the boiler if the department has not
351 received the special boiler inspector's annual inspection report
352 within 30 days after its due date.

353 Section 13. Section 554.111, Florida Statutes, is amended
354 to read:

355 554.111 Fees.—

356 (1) The department shall charge the following fees:

357 (a) For an applicant for a certificate of competency, the
358 initial application fee shall be \$50, and the annual renewal fee



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359 shall be \$30. The fee for examination shall be \$50.
360 (b) For certificate inspections conducted by the
361 department:
362 1. For power boilers and high pressure, high temperature
363 water boilers of:
364 4,000 square feet or less heating surface.....\$60
365 More than 4,000 square feet heating surface and less than 10,000
366 square feet of heating surface.....\$70
367 10,000 square feet or more heating surface.....\$90
368 2. For heating boilers:
369 Without a manhole.....\$40
370 With a manhole.....\$70
371 3. For hot water supply boilers.....\$40
372 (c) For issuance of a ~~compliance~~ certificate of operation
373 without a department inspection.....\$30
374 (d) Duplicate certificates or address
375 changes.....\$5
376 (e) An application for a boiler permit must include the
377 applicable certificate inspection fee provided in paragraph (b).
378 (2) Not more than an amount equal to one certificate
379 inspection fee may ~~shall~~ be charged or collected for any and all
380 boiler inspections in any inspection period, except as otherwise
381 provided in this chapter ~~ss. 554.1011-554.115~~.
382 (a) When it is necessary to make a special trip to observe
383 the application of a hydrostatic test, an additional fee equal
384 to the fee for a certificate inspection of the boiler must ~~shall~~
385 be charged.
386 (b) All other inspections, including shop inspections,
387 surveys, and inspections of secondhand boilers made by the chief



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388 boiler inspector or a deputy boiler inspector, must ~~shall~~ be
389 charged at the rate of not less than \$270 for one-half day of 4
390 hours, and \$500 for 1 full day of 8 hours, plus travel, hotel,
391 and incidental expenses in accordance with chapter 112.

392 (3) The chief boiler inspector shall deposit all fees or
393 fines received pursuant to this chapter ~~ss. 554.1011-554.115~~
394 into the Insurance Regulatory Trust Fund.

395 Section 14. Sections 554.112 and 554.113, Florida Statutes,
396 are repealed.

397 Section 15. Section 554.114, Florida Statutes, is amended
398 to read:

399 554.114 Prohibitions; penalties.-

400 (1) A person may not:

401 (a) Operate a boiler at a public assembly location without
402 a valid certificate of operation ~~compliance~~ for that boiler;

403 ~~(b) Give false or forged information to the department or~~
404 ~~an inspector for the purpose of obtaining a certificate of~~
405 ~~compliance;~~

406 ~~(c)~~ Use a certificate of operation ~~compliance~~ for any
407 boiler other than for the boiler for which it was issued;

408 ~~(c)~~ ~~(d)~~ Operate a boiler for which the certificate of
409 operation ~~compliance~~ has been suspended, revoked, or not
410 renewed;

411 ~~(e) Give false or forged information to the department for~~
412 ~~the purpose of obtaining a certificate of competence; or~~

413 ~~(d)~~ ~~(f)~~ Inspect any boiler regulated under this chapter ~~the~~
414 ~~provisions of ss. 554.1011-554.115~~ without having a valid
415 certificate of competency.

416 (2) A boiler insurance company that fails to inspect or to



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417 have inspected, in accordance with this chapter, any boiler
418 insured by the company and regulated under this chapter is
419 subject to the penalties provided in subsection (4), unless the
420 failure to inspect was the result of an owner's or operator's
421 failure to provide reasonable access to the boiler ~~Any person~~
422 ~~who violates this section is guilty of a misdemeanor of the~~
423 ~~second degree, punishable by fine as provided in s. 775.083.~~

424 (3) An authorized inspection agency that is under contract
425 with a boiler insurance company and that fails to inspect, in
426 accordance with this chapter, any boiler insured by the company
427 and regulated under this chapter is subject to the penalties
428 provided in subsection (4), unless the failure to inspect was
429 the result of an owner's or operator's failure to provide
430 reasonable access to the boiler.

431 (4) A boiler insurance company, authorized inspection
432 agency, or other person in violation of this section for more
433 than 30 days shall pay a fine of \$10 per day for the first 10
434 days of noncompliance, \$50 per day for the subsequent 20 days of
435 noncompliance, and \$100 per day for each subsequent day over 20
436 days of noncompliance.

437 Section 16. Section 554.115, Florida Statutes, is amended
438 to read:

439 554.115 Disciplinary proceedings.-

440 (1) The department may deny, refuse to renew, suspend, or
441 revoke a certificate of operation ~~compliance~~ upon proof that:

442 (a) The certificate has been obtained by fraud or
443 misrepresentation;

444 (b) The boiler for which the certificate was issued cannot
445 be operated safely; ~~or~~



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446 (c) The person who received the certificate willfully or
447 deliberately violated the State Boiler Code, this chapter, ~~or~~
448 ~~ss. 554.1011-554.115~~ or any other rule adopted pursuant to this
449 chapter; or ~~ss. 554.1011-554.115.~~

450 (d) The owner of a boiler:

451 1. Operated a boiler at a public assembly location without
452 a valid certificate of operation for that boiler;

453 2. Used a certificate of operation for a boiler other than
454 the boiler for which the certificate of operation was issued;

455 3. Gave false or forged information to the department, to
456 an authorized inspection agency, or to another boiler inspector
457 for the purpose of obtaining a certificate of operation;

458 4. Operated a boiler after the certificate of operation for
459 the boiler expired, was not renewed, or was suspended or
460 revoked;

461 5. Operated a boiler that is in an unsafe condition; or

462 6. Operated a boiler in a manner that is contrary to the
463 requirements of this chapter or any rule adopted under this
464 chapter.

465 (2) The department may deny, refuse to renew, suspend, or
466 revoke a certificate of competency upon proof that:

467 (a) The certificate was obtained by fraud or
468 misrepresentation;

469 (b) The inspector to whom the certificate was issued is no
470 longer qualified under this chapter ~~ss. 554.1011-554.115~~ to
471 inspect boilers; or

472 (c) The boiler inspector:

473 1. ~~Operated a boiler at a public assembly location without~~
474 ~~a valid certificate of compliance for that boiler;~~



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475 ~~2. Gave false or forged information to the department, an~~
476 ~~authorized inspection agency, or to another boiler inspector for~~
477 ~~the purpose of obtaining a certificate of operation; or~~
478 ~~compliance;~~

479 ~~3. Used a certificate of compliance for any boiler other~~
480 ~~than the boiler for which it was issued;~~

481 ~~4. Operated a boiler for which the certificate of~~
482 ~~compliance has been suspended or revoked or has expired;~~

483 ~~2.5. Inspected any boiler regulated under this chapter ss.~~
484 ~~554.1011-554.115 without having obtained a valid certificate of~~
485 ~~competency.;~~

486 ~~6. Operated a boiler that is in an unsafe condition; or~~

487 ~~7. Operated a boiler in a manner that is contrary to the~~
488 ~~requirements of this chapter or any rule adopted under this~~
489 ~~chapter.~~

490 (3) Each suspension of a certificate of operation
491 ~~compliance~~ or certificate of competency shall continue in effect
492 until all violations have been corrected and, for boiler safety
493 violations, until the boiler has been inspected by an authorized
494 inspector and shown to be in a safe working condition.

495 ~~(4) A person in violation of this section who does not have~~
496 ~~a valid certificate of competency shall be reported by the chief~~
497 ~~inspector to the appropriate state attorney.~~

498 ~~(5) A person in violation of this section who has a valid~~
499 ~~certificate of competency is subject to administrative action by~~
500 ~~the chief inspector.~~

501 ~~(4)-(6)~~ A revocation of a certificate of competency is
502 permanent, and a revoked certificate of competency may not be
503 reinstated or a new certificate of competency issued to the same



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504 person. A suspension of a certificate of competency continues in
505 effect until all violations have been corrected. ~~A suspension of~~
506 ~~a certificate of compliance for any boiler safety violation~~
507 ~~continues in effect until the boiler has been inspected by an~~
508 ~~authorized inspector and shown to be in safe working condition.~~

509 Section 17. Section 554.1151, Florida Statutes, is created
510 to read:

511 554.1151 Administrative fine in lieu of or in addition to
512 suspension, revocation, or refusal to renew a certificate of
513 operation or competency.-

514 (1) If the department finds that one or more grounds exist
515 for the suspension, revocation, or refusal to renew any
516 certificate of operation or certificate of competency issued
517 under this chapter, the department may, in its discretion, in
518 lieu of or in addition to suspension or revocation or in lieu of
519 refusal to renew, impose upon the certificateholder an
520 administrative penalty in an amount up to \$500, or, if the
521 department has found willful misconduct or willful violation on
522 the part of the certificateholder, in an amount up to \$3,500.

523 (2) The department may allow the certificateholder a
524 reasonable period, no more than 30 days, within which to pay to
525 the department the amount of the penalty so imposed. If the
526 certificateholder fails to pay the penalty in its entirety to
527 the department within the period so allowed, the certificate of
528 that person must be suspended until the penalty is paid. If the
529 certificateholder fails to pay the penalty in its entirety to
530 the department within 90 days after the period so allowed, the
531 certificate of that person must be revoked.

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533 ===== T I T L E A M E N D M E N T =====

534 And the title is amended as follows:

535 Delete lines 15 - 102

536 and insert:

537 F.S.; defining and redefining terms; requiring the
538 Department of Financial Services to adopt rules;
539 authorizing the inspection of certain boilers by
540 authorized inspection agencies; amending s. 554.103,
541 F.S.; requiring, rather than authorizing, the
542 department to adopt amendments and interpretations of
543 a specified code into the State Boiler Code; revising
544 requirements that installers, rather than owners, must
545 comply with before installing a boiler that is placed
546 in use after a specified date; authorizing the
547 department to adopt rules; conforming provisions to
548 changes made by the act; amending s. 554.104, F.S.;
549 deleting a provision relating to boilers of special
550 design which is recreated in s. 554.103, F.S.;
551 requiring certification of boiler inspectors;
552 requiring an application for a certification
553 examination; specifying qualifications and
554 requirements for the certification examination;
555 requiring the department to adopt a specified training
556 course; providing authorized methods and requirements
557 for the training course; requiring the chief boiler
558 inspector to issue a certificate of competency to a
559 person meeting certain requirements; providing
560 procedures for renewing a certificate; authorizing the
561 department to adopt rules; amending s. 554.105, F.S.;



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562 renaming the chief inspector as the chief boiler
563 inspector; revising requirements for the department
564 through the state boiler inspection program; amending
565 s. 554.106, F.S.; renaming deputy inspectors as deputy
566 boiler inspectors; specifying required and authorized
567 duties of deputy boiler inspectors; amending s.
568 554.107, F.S.; renaming special inspectors as special
569 boiler inspectors; revising entities that may employ
570 special boiler inspectors; specifying required
571 inspection intervals for special boiler inspectors;
572 amending s. 554.108, F.S.; providing an exemption,
573 under certain conditions, from inspection
574 requirements; specifying duties of an owner or an
575 owner's designee to allow an inspector to conduct
576 inspections; specifying requirements for boiler
577 inspections and inspection reports; revising
578 conditions that require a boiler to be shut down;
579 revising requirements and procedures for a boiler that
580 must be shut down; providing construction; authorizing
581 the department to adopt rules; creating s. 554.1081,
582 F.S.; revising requirements for boiler inspections by
583 insurance companies and local governmental agencies;
584 amending s. 554.109, F.S.; conforming provisions to
585 changes made by the act; revising boilers that are
586 exempt from regulation under the chapter; revising
587 requirements for certain exempt boilers and water
588 heaters; amending s. 554.1101, F.S.; conforming
589 provisions to changes made by the act; requiring a
590 boiler insurance company to notify, within a specified



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591 timeframe, the chief boiler inspector under certain
592 circumstances; requiring a certificateholder to submit
593 a certain certificate of insurance to the chief boiler
594 inspector under certain circumstances; amending s.
595 554.111, F.S.; requiring an application for a boiler
596 permit to include a specified fee; requiring the chief
597 boiler inspector to deposit fines into a specified
598 trust fund; conforming provisions to changes made by
599 the act; repealing ss. 554.112 and 554.113, F.S.,
600 relating to examinations, and certification of
601 inspectors and renewals, respectively; amending s.
602 554.114, F.S.; revising prohibited acts; providing
603 penalties for a boiler insurance company or authorized
604 inspection agency that fails to conduct certain
605 inspections; providing an exception; conforming
606 provisions to changes made by the act; amending s.
607 554.115, F.S.; adding authorized disciplinary actions
608 for the department; adding specified grounds for
609 disciplinary action against an owner of a boiler;
610 revising grounds for disciplinary action against a
611 boiler inspector; deleting a provision requiring a
612 chief inspector to report certain persons to the state
613 attorney; deleting a provision authorizing certain
614 administrative action by the chief inspector; deleting
615 a provision relating to the duration of a suspended
616 certificate of compliance; creating s. 554.1151, F.S.;
617 authorizing the department to impose specified
618 administrative fines in lieu of or in addition to
619 certain disciplinary actions; authorizing procedures



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620 for payment of fines by a certificateholder; requiring
621 a certificate to be revoked under certain
622 circumstances; amending s. 624.307, F.S.; authorizing
623 the