



722534

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/14/2017	.	
	.	
	.	
	.	

---

The Committee on Banking and Insurance (Stargel) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 243 - 1246

and insert:

or

2. Locked out and tagged out in accordance with the Occupational Safety and Health Administration's standard relating to the control of hazardous energy and lockout or tagout in 29 C.F.R. s. 1910.147, as adopted by rule of the department.



722534

11            (9)~~(2)~~ "Public assembly locations" includes ~~include~~  
12 schools, day care centers, community centers, churches,  
13 theaters, hospitals, nursing and convalescent homes, stadiums,  
14 amusement parks, and other locations open to the general public.

15            (5)~~(3)~~ "Certificate inspection" means an inspection whose  
16 ~~the report of which~~ is used by the chief boiler inspector to  
17 determine whether or not a certificate of operation may be  
18 issued.

19            (7)~~(4)~~ "Certificate of operation compliance" means a  
20 document issued to the owner of a boiler which authorizes the  
21 owner to operate the boiler, subject to any restrictions  
22 endorsed thereon.

23            (6)~~(5)~~ "Certificate of competency" means a document issued  
24 to a person who has satisfied the minimum competency  
25 requirements for boiler inspectors under this chapter ~~ss.~~  
26 ~~554.1011-554.115.~~

27            (8)~~(6)~~ "Department" means the Department of Financial  
28 Services.

29            (1)~~(7)~~ "A.S.M.E." means the American Society of Mechanical  
30 Engineers.

31            (2) "Authorized inspection agency" means:

32            (a) Any county, municipality, town, or other governmental  
33 subdivision that has adopted into law the Boiler and Pressure  
34 Vessel Code of the A.S.M.E. and the National Board Inspection  
35 Code for the construction, installation, inspection,  
36 maintenance, and repair of boilers to regulate boilers in public  
37 assembly locations, and whose boiler inspectors hold valid  
38 certificates of competency in accordance with s. 554.104;

39            (b) An insurer authorized by a subsisting certificate of



722534

40 authority, issued by the Office of Insurance Regulation, to  
41 transact boiler and machinery insurance in this state, and whose  
42 boiler inspectors hold valid certificates of competency in  
43 accordance with s. 554.104; or

44 (c) An inspecting agency accredited in accordance with The  
45 National Board of Boiler and Pressure Vessel Inspector's program  
46 entitled "Accreditation of Authorized Inspection Agencies (AIA)  
47 Performing Inservice or Repair/Alteration Inspection  
48 Activities," document number NB-369, and whose boiler inspectors  
49 hold valid certificates of competency in accordance with s.  
50 554.104.

51 (4) "Boiler insurance company" means a company authorized  
52 by a subsisting certificate of authority, issued by the Office  
53 of Insurance Regulation, to transact boiler and machinery  
54 insurance in this state.

55 Section 4. Section 554.103, Florida Statutes, is amended to  
56 read:

57 554.103 Boiler code.—The department shall adopt by rule a  
58 State Boiler Code for the safe construction, installation,  
59 inspection, maintenance, and repair of boilers in this state.  
60 The rules adopted shall be based upon and shall at all times  
61 follow generally accepted nationwide engineering standards,  
62 formulas, and practices pertaining to boiler construction and  
63 safety.

64 (1) The department shall adopt an existing code for new  
65 construction and installation known as the Boiler and Pressure  
66 Vessel Code of the American Society of Mechanical Engineers,  
67 including all amendments and interpretations ~~approved thereto by~~  
68 ~~the Council on Codes and Standards of A.S.M.E.~~ The department



722534

69 ~~may adopt amendments and interpretations~~ to the A.S.M.E. Boiler  
70 and Pressure Vessel Code approved by the A.S.M.E. Council on  
71 Codes and Standards subsequent to the adoption of the State  
72 Boiler Code, and when so adopted by the department, such  
73 amendments and interpretations ~~shall~~ become a part of the State  
74 Boiler Code.

75 (2) The installer owner of any boiler placed in use in this  
76 state after January 1, 2018, must, before installing the boiler,  
77 apply on a form adopted by rule of the department for a permit  
78 to install the boiler from the chief boiler inspector. The  
79 application must include the boiler's A.S.M.E. manufacturer's  
80 data report and other documents required by the State Boiler  
81 Code before the boiler is placed in service. The installer must  
82 contact the chief boiler inspector to schedule an inspection for  
83 each boiler no later than 7 days before the boiler is placed in  
84 service after October 1, 1987, shall submit the A.S.M.E.  
85 manufacturer's data report on such boiler to the chief inspector  
86 not more than 90 days following the inservice date of the  
87 boiler.

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

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



722534

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

104           (6) The department, at its discretion, may authorize the  
105 construction, installation, and operation of boilers of special  
106 design or construction which do not meet the specific  
107 requirements of the State Boiler Code, but which are consistent  
108 with the intent of the safety objectives of the code.

109           (7) The department may adopt rules pursuant to ss.  
110 120.536(1) and 120.54 to administer this chapter. Such rules may  
111 include specifying the procedures and forms to be used to obtain  
112 an installation permit, an initial certificate, or a renewal  
113 certificate, and the submission of reports and notices required  
114 under this chapter.

115           Section 5. Section 554.104, Florida Statutes, is amended to  
116 read:

117           554.104 Certification of boiler inspectors required;  
118 application; qualifications; renewal ~~Boilers of special design.-~~  
119 ~~The department, at its discretion, may authorize the~~  
120 ~~construction, installation, and operation of boilers of special~~  
121 ~~design or construction that do not meet the specific~~  
122 ~~requirements of the State Boiler Code but are not inconsistent~~  
123 ~~with the intent of the safety objectives of such code.~~

124           (1) CERTIFICATE REQUIRED.-A person may not be, act as, or  
125 advertise or hold himself or herself out to be an inspector of a  
126 boiler that is subject to regulation by this chapter, unless he



722534

127 or she currently holds a certificate of competency issued by the  
128 department.

129 (2) APPLICATION.—A person who desires to be certified to  
130 inspect boilers that are subject to regulation by this chapter  
131 must apply in writing to the department to take the  
132 certification examination.

133 (3) QUALIFICATIONS.—A person is qualified to take the  
134 certification examination if the person:

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

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

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

143 (d) Has:

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

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

151 (4) TRAINING COURSE.—The department shall adopt by rule a  
152 2-hour training course on the requirements of this chapter and  
153 any related rules adopted by the department. The department  
154 shall make the training course available online and may make the  
155 course available in a classroom setting. A boiler insurance



722534

156 company may include the department's course as part of its in-  
157 house training of a boiler inspector student, in lieu of the  
158 student taking the online training course. A boiler insurance  
159 company that includes the department's course in its in-house  
160 training of a boiler inspector student must indicate that the  
161 student completed the training on an application filed with the  
162 department for certification of competency.

163 (5) EXAMINATION.—A person applying for a certificate of  
164 competency must have successfully passed the examination  
165 administered by the National Board of Boiler and Pressure Vessel  
166 Inspectors and be eligible to obtain a National Board  
167 commission.

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

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

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

179 Section 6. Section 554.105, Florida Statutes, is amended to  
180 read:

181 554.105 Chief boiler inspector.—

182 (1) The Chief Financial Officer shall appoint a chief  
183 boiler inspector, who must have at least ~~shall have not less~~  
184 ~~than~~ 5 years' experience in the construction, installation,



722534

185 inspection, operation, maintenance, or repair of high pressure,  
186 high temperature water boilers and who must ~~shall~~ hold a  
187 commission from the National Board of Boiler and Pressure Vessel  
188 Inspectors or a certificate of competency from the department.

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

191 (a) Take all action necessary to enforce the State Boiler  
192 Code and the rules adopted pursuant to this chapter ~~ss.~~  
193 ~~554.1011-554.115.~~

194 (b) Keep a complete record on all boilers at public  
195 assembly locations. Such record must ~~shall~~ include the name of  
196 each boiler owner or user and the location, type, ~~dimensions,~~  
197 maximum allowable working pressure, age, ~~and~~ last recorded  
198 inspection of each boiler, and any other information necessary  
199 to expedite the certification process.

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

202 ~~(d)~~ Expend funds necessary to meet the expenses authorized  
203 by this chapter ~~ss. 554.1011-554.115~~, including the necessary  
204 travel expenses of the chief boiler inspector and deputy boiler  
205 inspectors, and the expenses incident to the maintenance of this  
206 ~~his or her~~ office.

207 Section 7. Section 554.106, Florida Statutes, is amended to  
208 read:

209 554.106 Deputy boiler inspectors.-

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

213 (2) A deputy boiler inspector shall perform inspections of





722534

214 uninsured boilers that are subject to regulation under this  
215 chapter, in accordance with the inspection frequency set forth  
216 in s. 554.108. A deputy boiler inspector may also engage in  
217 public outreach activities of the department and conduct other  
218 duties as assigned by the chief boiler inspector.

219 Section 8. Section 554.107, Florida Statutes, is amended to  
220 read:

221 554.107 Special boiler inspectors.—

222 (1) Upon application by any authorized inspection agency  
223 ~~company licensed to insure boilers in this state~~, the chief  
224 boiler inspector shall issue a certificate of competency as a  
225 special boiler inspector to any inspector employed by the  
226 authorized inspection agency company, ~~if provided that~~ such  
227 boiler inspector satisfies the competency requirements for  
228 inspectors as provided in s. 554.104 ~~s. 554.113~~. Special boiler  
229 inspectors shall perform inspections of insured boilers in  
230 accordance with the inspection frequency set forth in s.  
231 554.108.

232 (2) The certificate of competency of a special boiler  
233 inspector ~~remains shall remain~~ in effect only so long as the  
234 special boiler inspector is employed by an authorized inspection  
235 agency ~~a company licensed to insure boilers in this state~~. Upon  
236 termination of employment with such company, such company a  
237 ~~special inspector~~ shall, in writing, notify the chief boiler  
238 inspector of such special boiler inspector's termination. Such  
239 notice must ~~shall~~ be given within 15 days following the date of  
240 termination.

241 Section 9. Subsections (1), (2), (4), and (5) of section  
242 554.108, Florida Statutes, are amended, and subsection (6) is



722534

243 added to that section, to read:

244 554.108 Inspection.—

245 (1) The inspection requirements of this chapter apply only  
246 to boilers located in public assembly locations. A potable hot  
247 water supply boiler with a heat input of 200,000 British thermal  
248 units (Btu) per hour and above, up to a heat input not exceeding  
249 400,000 Btu per hour, is exempt from inspection, but must be  
250 stamped with the A.S.M.E. code symbol "HLW" and the boiler's  
251 A.S.M.E data report must be filed as required under s.

252 554.103(2) ~~The only boilers required to be inspected under the~~  
253 ~~provisions of ss. 554.1011-554.115 are boilers located in public~~  
254 ~~assembly locations.~~

255 (2) Each inspection of a boiler conducted pursuant to this  
256 chapter must ~~ss. 554.1011-554.115 shall~~ be made by the chief  
257 boiler inspector, a deputy boiler inspector, or a special boiler  
258 inspector. An owner, or the owner's designee, shall perform all  
259 operation, testing, manipulation of boiler controls and safety  
260 devices, removal of lagging, and disassembly of boiler  
261 components to allow the chief boiler inspector, deputy boiler  
262 inspector, or special boiler inspector to conduct inspections as  
263 required by this section.

264 (4) Each boiler subject to inspection must be inspected  
265 within 30 days after expiration of the boiler's certificate of  
266 operation. However, an inspection report must be received by the  
267 chief boiler inspector no later than 30 days after the projected  
268 expiration date of the certificate of operation. If, upon  
269 inspection, the chief boiler inspector, deputy boiler inspector,  
270 or special boiler inspector finds that a boiler is in violation  
271 of any provision of the State Boiler Code, the inspector must



722534

272 promptly notify the owner or user and state what repairs or  
273 other corrective measures are needed. Deputy boiler inspectors  
274 and special boiler inspectors shall file a written report, on a  
275 form adopted by rule of the department, on each certificate  
276 inspection with the chief boiler inspector within 15 days after  
277 the following such inspection. A certificate inspection report  
278 must list all violations of the State Boiler Code and any  
279 conditions that may adversely affect the operation of the  
280 boiler. A certificate inspection report filed by a special  
281 boiler inspector must include the fee for issuance of a  
282 certificate of operation as provided in s. 554.111(1)(c). The  
283 filing of reports of inspections, other than statutorily  
284 required certificate inspections, is are not required unless  
285 such inspections disclose that a boiler is in an unsafe  
286 condition. However, an inspection report must be filed for any  
287 inspection performed on a boiler with a previously identified  
288 code violation. The report must indicate whether the violation  
289 has been corrected. The agency responsible for conducting the  
290 inspection must perform followup inspections, not more than  
291 every 4 months, of a previously identified code violation until  
292 it is corrected. Failure to conduct such followup inspections  
293 subjects the insurance carrier to the penalties provided in s.  
294 554.114(4).

295 (5) Upon a determination by the chief boiler inspector  
296 determining that a boiler cannot be safely operated, is in an  
297 unsafe condition and poses an imminent danger to the public  
298 health, safety, and welfare, the chief inspector, a deputy  
299 inspector, or a special inspector may immediately order the  
300 boiler must immediately to be shut down. The chief boiler



722534

301 inspector or a deputy boiler inspector shall attach a tag to the  
302 boiler indicating that the boiler has been shut down due to an  
303 unsafe condition. The boiler must ~~shall~~ remain shut down until a  
304 reinspection by the chief boiler inspector or a deputy boiler a  
305 certified inspector determines that ~~all violations have been~~  
306 ~~corrected, that the boiler may be operated safely, and that a~~  
307 ~~certificate of compliance has been issued. A boiler that may not~~  
308 be safely operated, as determined by the chief boiler inspector,  
309 is deemed to constitute an imminent danger to the public health,  
310 safety, and welfare.

311 (6) The department may adopt rules necessary to administer  
312 this section.

313 Section 10. Section 554.1081, Florida Statutes, is created  
314 to read:

315 554.1081 Boiler inspections by insurance companies and  
316 local governmental agencies.-

317 (1) An insurance company insuring a boiler located in a  
318 public assembly location in this state shall inspect, or shall  
319 contract with an authorized inspection agency to inspect, the  
320 insured boiler. A boiler insurance company shall annually report  
321 to the department the name of any authorized inspection agency  
322 performing any required boiler inspections on its behalf and  
323 shall actively monitor insured boilers to ensure that  
324 inspections are conducted as required by this chapter.

325 (2) A county, municipality, town, or other governmental  
326 subdivision that has adopted into law the Boiler and Pressure  
327 Vessel Code of the A.S.M.E. and the National Board Inspection  
328 Code for the construction, installation, inspection,  
329 maintenance, and repair of boilers to regulate boilers in public



722534

330 assembly locations may inspect such boilers. All boiler  
331 inspections must be conducted by special boiler inspectors in  
332 accordance with this chapter.

333 Section 11. Section 554.109, Florida Statutes, is amended  
334 to read:

335 554.109 Exemptions.—

336 ~~(1) Any insurance company insuring a boiler located in a~~  
337 ~~public assembly location in this state shall inspect such boiler~~  
338 ~~so insured, and any county, city, town, or other governmental~~  
339 ~~subdivision which has adopted into law the Boiler and Pressure~~  
340 ~~Vessel Code of the American Society of Mechanical Engineers and~~  
341 ~~the National Board Inspection Code for the construction,~~  
342 ~~installation, inspection, maintenance, and repair of boilers,~~  
343 ~~regulating such boilers in public assembly locations, shall~~  
344 ~~inspect such boilers so regulated; provided that such inspection~~  
345 ~~shall be conducted by a special inspector licensed pursuant to~~  
346 ~~ss. 554.1011-554.115. Upon filing of a report of satisfactory~~  
347 ~~inspection with the department, such boiler is exempt from~~  
348 ~~inspection by the department.~~

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

354 ~~(1) (a) Heat input of 400,000 Btu per hour.~~

355 ~~(2) (b) Water temperature of 210 degrees Fahrenheit.~~

356 ~~(3) (c) Nominal water-containing capacity of 120 gallons.~~

357  
358 ~~These exempt hot water supply boilers and lined storage water~~



722534

359 ~~heaters shall be equipped with safety relief valves conforming~~  
360 ~~to the requirements of the Boiler and Pressure Vessel Code of~~  
361 ~~the American Society of Mechanical Engineers and of the National~~  
362 ~~Board Inspection Code.~~

363 Section 12. Section 554.1101, Florida Statutes, is amended  
364 to read:

365 554.1101 Certificate of operation compliance.—

366 (1) If an inspection report filed pursuant to s. 554.108  
367 shows a boiler to be in compliance with all applicable  
368 provisions of the State Boiler Code, the chief boiler inspector  
369 must shall, upon receipt of the inspection fee, issue a  
370 certificate of operation compliance to the owner. Such  
371 certificate must shall bear the date of the inspection and  
372 specify the maximum pressure at which the boiler may be  
373 operated.

374 (2) The certificate for a power boiler or a high pressure,  
375 high temperature water boiler is valid for a period of 12 months  
376 from the date of the certificate inspection. The certificate for  
377 a heating boiler or a hot water supply boiler is valid for a  
378 period of 24 months from the date of the certificate inspection.  
379 The certificate must shall be posted under glass, or be  
380 similarly protected, in the room containing the boiler.

381 (3) A boiler insurance company shall notify the chief  
382 boiler inspector within 30 days after the issuance of a new or  
383 renewal boiler and machinery insurance policy, or the  
384 cancellation or nonrenewal of a boiler and machinery insurance  
385 policy, covering places of public assembly in this state.

386 (4) If the chief boiler inspector has knowledge that a  
387 boiler regulated under this chapter was covered by a boiler and



722534

388 machinery insurance policy after its most recent certification  
389 inspection, the certificateholder must, upon the request of the  
390 chief boiler inspector, submit its certificate of boiler and  
391 machinery insurance for the boiler if the department has not  
392 received the special boiler inspector's annual inspection report  
393 within 30 days after its due date.

394 Section 13. Section 554.111, Florida Statutes, is amended  
395 to read:

396 554.111 Fees.—

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

398 (a) For an applicant for a certificate of competency, the  
399 initial application fee shall be \$50, and the annual renewal fee  
400 shall be \$30. The fee for examination shall be \$50.

401 (b) For certificate inspections conducted by the  
402 department:

403 1. For power boilers and high pressure, high temperature  
404 water boilers of:

405 4,000 square feet or less heating surface.....\$60

406 More than 4,000 square feet heating surface and less than 10,000  
407 square feet of heating surface.....\$70

408 10,000 square feet or more heating surface.....\$90

409 2. For heating boilers:

410 Without a manhole.....\$40

411 With a manhole.....\$70

412 3. For hot water supply boilers.....\$40

413 (c) For issuance of a ~~compliance~~ certificate of operation  
414 without a department inspection.....\$30

415 (d) Duplicate certificates or address  
416 changes.....\$5



722534

417           (e) An application for a boiler permit must include the  
418 applicable certificate inspection fee provided in paragraph (b).

419           (2) Not more than an amount equal to one certificate  
420 inspection fee may ~~shall~~ be charged or collected for any and all  
421 boiler inspections in any inspection period, except as otherwise  
422 provided in this chapter ~~ss. 554.1011-554.115~~.

423           (a) When it is necessary to make a special trip to observe  
424 the application of a hydrostatic test, an additional fee equal  
425 to the fee for a certificate inspection of the boiler must ~~shall~~  
426 be charged.

427           (b) All other inspections, including shop inspections,  
428 surveys, and inspections of secondhand boilers made by the chief  
429 boiler inspector or a deputy boiler inspector, must ~~shall~~ be  
430 charged at the rate of not less than \$270 for one-half day of 4  
431 hours, and \$500 for 1 full day of 8 hours, plus travel, hotel,  
432 and incidental expenses in accordance with chapter 112.

433           (3) The chief boiler inspector shall deposit all fees or  
434 finer received pursuant to this chapter ~~ss. 554.1011-554.115~~  
435 into the Insurance Regulatory Trust Fund.

436           Section 14. Sections 554.112 and 554.113, Florida Statutes,  
437 are repealed.

438           Section 15. Section 554.114, Florida Statutes, is amended  
439 to read:

440           554.114 Prohibitions; penalties.-

441           (1) A person may not:

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

444           (b) ~~Give false or forged information to the department or~~  
445 ~~an inspector for the purpose of obtaining a certificate of~~





722534

446 ~~compliance;~~

447 ~~(e)~~ Use a certificate of operation ~~compliance~~ for any  
448 boiler other than for the boiler for which it was issued;

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

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

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

457 (2) A boiler insurance company that fails to inspect or to  
458 have inspected, in accordance with this chapter, any boiler  
459 insured by the company and regulated under this chapter is  
460 subject to the penalties provided in subsection (4) ~~Any person~~  
461 ~~who violates this section is guilty of a misdemeanor of the~~  
462 ~~second degree, punishable by fine as provided in s. 775.083.~~

463 (3) An authorized inspection agency that is under contract  
464 with a boiler insurance company and that fails to inspect, in  
465 accordance with this chapter, any boiler insured by the company  
466 and regulated under this chapter is subject to the penalties  
467 provided in subsection (4).

468 (4) A boiler insurance company, authorized inspection  
469 agency, or other person in violation of this section for more  
470 than 30 days shall pay a fine of \$10 per day for the first 10  
471 days of noncompliance, \$50 per day for the subsequent 20 days of  
472 noncompliance, and \$100 per day for each subsequent day over 20  
473 days of noncompliance.

474 Section 16. Section 554.115, Florida Statutes, is amended



722534

475 to read:

476 554.115 Disciplinary proceedings.—

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

479 (a) The certificate has been obtained by fraud or  
480 misrepresentation;

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

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

487 (d) The owner of a boiler:

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

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

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

495 4. Operated a boiler after the certificate of operation for  
496 the boiler expired, was not renewed, or was suspended or  
497 revoked;

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

499 6. Operated a boiler in a manner that is contrary to the  
500 requirements of this chapter or any rule adopted under this  
501 chapter.

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



722534

504 (a) The certificate was obtained by fraud or  
505 misrepresentation;

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

509 (c) The boiler inspector:

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

512 2. Gave false or forged information to the department, an  
513 authorized inspection agency, or to another boiler inspector for  
514 the purpose of obtaining a certificate of operation; or  
515 ~~compliance;~~

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

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

520 2.5. Inspected any boiler regulated under this chapter ~~ss.~~  
521 ~~554.1011-554.115~~ without having obtained a valid certificate of  
522 competency.†

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

524 7. ~~Operated a boiler in a manner that is contrary to the~~  
525 ~~requirements of this chapter or any rule adopted under this~~  
526 ~~chapter.~~

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

532 (4) ~~A person in violation of this section who does not have~~



722534

533 ~~a valid certificate of competency shall be reported by the chief~~  
534 ~~inspector to the appropriate state attorney.~~

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

538 ~~(4)(6)~~ A revocation of a certificate of competency is  
539 permanent, and a revoked certificate of competency may not be  
540 reinstated or a new certificate of competency issued to the same  
541 person. A suspension of a certificate of competency continues in  
542 effect until all violations have been corrected. ~~A suspension of~~  
543 ~~a certificate of compliance for any boiler safety violation~~  
544 ~~continues in effect until the boiler has been inspected by an~~  
545 ~~authorized inspector and shown to be in safe working condition.~~

546 Section 17. Section 554.1151, Florida Statutes, is created  
547 to read:

548 554.1151 Administrative fine in lieu of or in addition to  
549 suspension, revocation, or refusal to renew a certificate of  
550 operation or competency.-

551 (1) If the department finds that one or more grounds exist  
552 for the suspension, revocation, or refusal to renew any  
553 certificate of operation or certificate of competency issued  
554 under this chapter, the department may, in its discretion, in  
555 lieu of or in addition to suspension or revocation or in lieu of  
556 refusal to renew, impose upon the certificateholder an  
557 administrative penalty in an amount up to \$500, or, if the  
558 department has found willful misconduct or willful violation on  
559 the part of the certificateholder, in an amount up to \$3,500.

560 (2) The department may allow the certificateholder a  
561 reasonable period, no more than 30 days, within which to pay to



722534

562 the department the amount of the penalty so imposed. If the  
563 certificateholder fails to pay the penalty in its entirety to  
564 the department within the period so allowed, the certificate of  
565 that person must be suspended until the penalty is paid. If the  
566 certificateholder fails to pay the penalty in its entirety to  
567 the department within 90 days after the period so allowed, the  
568 certificate of that person must be revoked.

569 Section 18. Section 554.116, Florida Statutes, is created  
570 to read:

571 554.116 Report on insured losses.—A boiler insurance  
572 company that insures any boiler in this state must annually file  
573 a report with the chief boiler inspector, within 30 days after  
574 the end of the previous calendar year, regarding claims paid by  
575 the insurer under policies insuring boilers in this state. The  
576 report must include the type of establishment in which the  
577 boiler was located, the location of the establishment, the  
578 amount of the loss, the apparent cause of the loss, and any  
579 other information that the department determines is not  
580 inconsistent with the intent of the safety objectives of the  
581 State Boiler Code. The department shall adopt a form by rule for  
582 submission of the report.

583 Section 19. Subsection (7) of section 624.307, Florida  
584 Statutes, is amended to read:

585 624.307 General powers; duties.—

586 (7) The department and office, within existing resources,  
587 may expend funds for the professional development of its  
588 employees, including, but not limited to, professional dues for  
589 employees who are required to be members of professional  
590 organizations; examinations leading to professional designations



722534

591 required for employment with the office; training courses and  
592 examinations provided through, and to ensure compliance with,  
593 the National Association of Insurance Commissioners; or other  
594 training courses related to the regulation of insurance.

595 Section 20. Present subsections (1), (2), and (3) and (4)  
596 through (19) of section 626.015, Florida Statutes, are  
597 redesignated as subsections (2), (3), and (4) and (6) through  
598 (21), respectively, present subsection (8) is amended, and new  
599 subsections (1) and (5) are added to that section, to read:

600 626.015 Definitions.—As used in this part:

601 (1) "Active participant" means a member in good standing of  
602 an association who attends 4 or more hours of association  
603 meetings every year, not including any department-approved  
604 continuing education course.

605 (5) "Association" includes the Florida Association of  
606 Insurance Agents (FAIA), the National Association of Insurance  
607 and Financial Advisors (NAIFA), the Florida Association of  
608 Health Underwriters (FAHU), the Latin American Association of  
609 Insurance Agencies (LAAIA), the Florida Association of Public  
610 Insurance Adjusters (FAPIA), the Florida Bail Agents Association  
611 (FBAA), or the Professional Bail Agents of the United States  
612 (PBUS).

613 (10)-(8) "Insurance agency" means a business location at  
614 which an individual, firm, partnership, corporation,  
615 association, or other entity, other than an employee of the  
616 individual, firm, partnership, corporation, association, or  
617 other entity and other than an insurer as defined by s. 624.03  
618 or an adjuster as defined by subsection (2) ~~(1)~~, engages in any  
619 activity or employs individuals to engage in any activity which



722534

620 by law may be performed only by a licensed insurance agent.

621 Section 21. Section 626.207, Florida Statutes, is amended  
622 to read:

623 626.207 Disqualification of applicants and licensees;  
624 penalties against licensees; rulemaking authority.—

625 (1) For purposes of this section, the term or terms:

626 (a) "Applicant" means an individual applying for licensure  
627 or relicensure under this chapter, and an officer, director,  
628 majority owner, partner, manager, or other person who manages or  
629 controls an entity applying for licensure or relicensure under  
630 this chapter.

631 (c) "Financial services business" means any financial  
632 activity regulated by the Department of Financial Services, the  
633 Office of Insurance Regulation, or the Office of Financial  
634 Regulation.

635 ~~(b)(2) For purposes of this section, the terms "Felony of~~  
636 ~~the first degree" and "capital felony" include all felonies~~  
637 ~~designated as such by the Florida Statutes, as well as any~~  
638 ~~felony so designated in the jurisdiction in which the plea is~~  
639 ~~entered or judgment is rendered.~~

640 ~~(2)(3) An applicant who has been found guilty of or has~~  
641 ~~pleaded guilty or nolo contendere to any of the following~~  
642 ~~crimes, regardless of adjudication, is permanently barred from~~  
643 ~~licensure under this chapter: ~~commits~~~~

644 (a) A felony of the first degree;

645 (b) A capital felony;

646 (c) A felony involving money laundering; ~~fraud, or~~

647 (d) A felony embezzlement; or

648 (e) A felony directly related to the financial services



722534

649 ~~business is permanently barred from applying for a license under~~  
650 ~~this part. This bar applies to convictions, guilty pleas, or~~  
651 ~~nolo contendere pleas, regardless of adjudication, by any~~  
652 ~~applicant, officer, director, majority owner, partner, manager,~~  
653 ~~or other person who manages or controls any applicant.~~

654 (3)~~(4)~~ An applicant who has been found guilty of or has  
655 pleaded guilty or nolo contendere to a crime ~~For all other~~  
656 ~~crimes~~ not included in subsection (2), regardless of  
657 adjudication, is subject to (3), the department shall adopt  
658 rules establishing the process and application of disqualifying  
659 periods that include:

660 (a) A 15-year disqualifying period for all felonies  
661 involving moral turpitude which ~~that~~ are not specifically  
662 included in the permanent bar contained in subsection (2) ~~(3)~~.

663 (b) A 7-year disqualifying period for all felonies to which  
664 neither the permanent bar in subsection (2) ~~(3)~~ nor the 15-year  
665 disqualifying period in paragraph (a) applies.

666 (c) A 7-year disqualifying period for all misdemeanors  
667 directly related to the financial services business.

668 (4)~~(5)~~ The department shall adopt rules to administer this  
669 section. The rules must provide ~~providing~~ for additional  
670 disqualifying periods due to the commitment of multiple crimes  
671 and may include other factors reasonably related to the  
672 applicant's criminal history. The rules shall provide for  
673 mitigating and aggravating factors. However, mitigation may not  
674 result in a period of disqualification of less than 7 years and  
675 may not mitigate the disqualifying periods in paragraphs (3) (b)  
676 and (c) ~~(4) (b) and (e)~~.

677 (5)~~(6)~~ For purposes of this section, the disqualifying





722534

678 periods begin upon the applicant's final release from  
679 supervision or upon completion of the applicant's criminal  
680 sentence, ~~including payment of fines, restitution, and court~~  
681 ~~costs for the crime for which the disqualifying period applies.~~  
682 The department may not issue a license to an applicant unless  
683 all related fines, court costs and fees, and court-ordered  
684 restitution have been paid.

685 (6) ~~(7)~~ After the disqualifying period has expired ~~been met~~,  
686 the burden is on the applicant to demonstrate that the applicant  
687 has been rehabilitated, does not pose a risk to the insurance-  
688 buying public, is fit and trustworthy to engage in the business  
689 of insurance pursuant to s. 626.611(1)(g), and is otherwise  
690 qualified for licensure.

691 (7) Notwithstanding subsections (2) and (3), upon a grant  
692 of a pardon or the restoration of civil rights pursuant to  
693 chapter 940 and s. 8, Art. IV of the State Constitution with  
694 respect to a finding of guilt or a plea under subsection (2) or  
695 subsection (3), such finding or plea no longer bars or  
696 disqualifies the applicant from licensure under this chapter  
697 unless the clemency specifically excludes licensure in the  
698 financial services business; however, a pardon or restoration of  
699 civil rights does not require the department to award such  
700 license.

701 (8) The department shall adopt rules establishing specific  
702 penalties against licensees in accordance with ss. 626.641 and  
703 626.651 for violations of s. 626.611, s. 626.621, s. 626.8437,  
704 s. 626.844, s. 626.935, s. 634.181, s. 634.191, s. 634.320, s.  
705 634.321, s. 634.422, s. 634.423, s. 642.041, or s. 642.043. The  
706 purpose of the revocation or suspension is to provide a



722534

707 sufficient penalty to deter future violations of the Florida  
708 Insurance Code. The imposition of a revocation or the length of  
709 suspension shall be based on the type of conduct and the  
710 probability that the propensity to commit further illegal  
711 conduct has been overcome at the time of eligibility for  
712 relicensure. The length of suspension may be adjusted based on  
713 aggravating or mitigating factors, established by rule and  
714 consistent with this purpose.

715 (9) Section 112.011 does not apply to any applicants for  
716 licensure under the Florida Insurance Code, including, but not  
717 limited to, agents, agencies, adjusters, adjusting firms,  
718 customer representatives, or managing general agents.

719 Section 22. Section 626.9954, Florida Statutes, is amended  
720 to read:

721 626.9954 Disqualification from registration.—

722 (1) As used in this section, the terms "felony of the first  
723 degree" and "capital felony" include all felonies so designated  
724 by the laws of this state, as well as any felony so designated  
725 in the jurisdiction in which the plea is entered or judgment is  
726 rendered.

727 (2) An applicant who has been found guilty of or has  
728 pleaded guilty or nolo contendere to the following crimes,  
729 regardless of adjudication, is permanently disqualified from  
730 registration under this part: ~~commits~~

731 (a) A felony of the first degree;

732 (b) A capital felony;

733 (c) A felony involving money laundering; ~~fraud, or~~

734 (d) A felony embezzlement; or

735 (e) A felony directly related to the financial services



722534

736 ~~business is permanently barred from applying for registration~~  
737 ~~under this part. This bar applies to convictions, guilty pleas,~~  
738 ~~or nolo contendere pleas, regardless of adjudication, by an~~  
739 ~~applicant.~~

740       (3) An applicant who has been found guilty of or has  
741 pleaded guilty or nolo contendere to a crime ~~For all other~~  
742 ~~crimes~~ not described in subsection (2), regardless of  
743 adjudication, is subject to the department may adopt rules  
744 ~~establishing the process and application of disqualifying~~  
745 ~~periods including:~~

746           (a) A 15-year disqualifying period for all felonies  
747 involving moral turpitude which are not specifically included in  
748 subsection (2).

749           (b) A 7-year disqualifying period for all felonies not  
750 specifically included in subsection (2) or paragraph (a).

751           (c) A 7-year disqualifying period for all misdemeanors  
752 directly related to the financial services business.

753       (4) The department may adopt rules to administer this  
754 section. The rules must provide for ~~providing~~ additional  
755 disqualifying periods due to the commitment of multiple crimes  
756 and may include other factors reasonably related to the  
757 applicant's criminal history. The rules must provide for  
758 mitigating and aggravating factors. However, mitigation may not  
759 result in a disqualifying period of less than 7 years and may  
760 not mitigate the disqualifying periods in paragraph (3) (b) or  
761 paragraph (3) (c).

762       (5) For purposes of this section, the disqualifying periods  
763 begin upon the applicant's final release from supervision or  
764 upon completion of the applicant's criminal sentence, ~~including~~



722534

765 ~~the payment of fines, restitution, and court costs for the crime~~  
766 ~~for which the disqualifying period applies. The department may~~  
767 not issue a registration to an applicant unless all related  
768 fines, court costs and fees, and court-ordered restitution have  
769 been paid.

770 (6) After the disqualifying period has expired ~~been met~~,  
771 the burden is on the applicant to demonstrate to the  
772 satisfaction of the department that he or she has been  
773 rehabilitated and does not pose a risk to the insurance-buying  
774 public and is otherwise qualified for registration.

775 (7) Notwithstanding subsections (2) and (3), upon a grant  
776 of a pardon or the restoration of civil rights pursuant to  
777 chapter 940 and s. 8, Art. IV of the State Constitution with  
778 respect to a finding of guilt or a plea under subsection (2) or  
779 subsection (3), such finding or plea no longer bars or  
780 disqualifies the applicant from applying for registration under  
781 this part unless the clemency specifically excludes licensure or  
782 specifically excludes registration in the financial services  
783 business; however, a pardon or restoration of civil rights does  
784 not require the department to award such registration.

785 (8)~~(7)~~ Section 112.011 does not apply to an applicant for  
786 registration as a navigator.

787 Section 23. Paragraph (a) of subsection (3) of section  
788 626.2815, Florida Statutes, is amended, and paragraph (j) is  
789 added to that subsection, to read:

790 626.2815 Continuing education requirements.—

791 (3) Each licensee except a title insurance agent must  
792 complete a 5-hour update course every 2 years which is specific  
793 to the license held by the licensee. The course must be



722534

794 developed and offered by providers and approved by the  
795 department. The content of the course must address all lines of  
796 insurance for which examination and licensure are required and  
797 include the following subject areas: insurance law updates,  
798 ethics for insurance professionals, disciplinary trends and case  
799 studies, industry trends, premium discounts, determining  
800 suitability of products and services, and other similar  
801 insurance-related topics the department determines are relevant  
802 to legally and ethically carrying out the responsibilities of  
803 the license granted. A licensee who holds multiple insurance  
804 licenses must complete an update course that is specific to at  
805 least one of the licenses held. Except as otherwise specified,  
806 any remaining required hours of continuing education are  
807 elective and may consist of any continuing education course  
808 approved by the department under this section.

809 (a) Except as provided in paragraphs (b), (c), (d), (e),  
810 ~~and~~ (i), and (j), each licensee must also complete 19 hours of  
811 elective continuing education courses every 2 years.

812 (j) For a licensee who is an active participant in an  
813 association, 2 hours of elective continuing education credit per  
814 calendar year may be approved by the department, if properly  
815 reported by the association.

816 Section 24. Paragraph (n) of subsection (1) and subsection  
817 (2) of section 626.611, Florida Statutes, are amended to read:

818 626.611 Grounds for compulsory refusal, suspension, or  
819 revocation of agent's, title agency's, adjuster's, customer  
820 representative's, service representative's, or managing general  
821 agent's license or appointment.—

822 (1) The department shall deny an application for, suspend,



722534

823 revoke, or refuse to renew or continue the license or  
824 appointment of any applicant, agent, title agency, adjuster,  
825 customer representative, service representative, or managing  
826 general agent, and it shall suspend or revoke the eligibility to  
827 hold a license or appointment of any such person, if it finds  
828 that as to the applicant, licensee, or appointee any one or more  
829 of the following applicable grounds exist:

830 (n) Having been found guilty of or having pleaded guilty or  
831 nolo contendere to a felony or a crime punishable by  
832 imprisonment of 1 year or more under the law of the United  
833 States of America or of any state thereof or under the law of  
834 any other country ~~which involves moral turpitude~~, without regard  
835 to whether a judgment of conviction has been entered by the  
836 court having jurisdiction of such cases.

837 (2) The department shall, upon receipt of information or an  
838 indictment, immediately temporarily suspend a license or  
839 appointment issued under this chapter when the licensee is  
840 charged with a felony enumerated in s. 626.207(2) ~~s. 626.207(3)~~.  
841 Such suspension shall continue if the licensee is found guilty  
842 of, or pleads guilty or nolo contendere to, the crime,  
843 regardless of whether a judgment or conviction is entered,  
844 during a pending appeal. A person may not transact insurance  
845 business after suspension of his or her license or appointment.

846 Section 25. Subsection (8) of section 626.621, Florida  
847 Statutes, is amended, and a new subsection (15) is added to that  
848 section, to read:

849 626.621 Grounds for discretionary refusal, suspension, or  
850 revocation of agent's, adjuster's, customer representative's,  
851 service representative's, or managing general agent's license or



722534

852 appointment.—The department may, in its discretion, deny an  
853 application for, suspend, revoke, or refuse to renew or continue  
854 the license or appointment of any applicant, agent, adjuster,  
855 customer representative, service representative, or managing  
856 general agent, and it may suspend or revoke the eligibility to  
857 hold a license or appointment of any such person, if it finds  
858 that as to the applicant, licensee, or appointee any one or more  
859 of the following applicable grounds exist under circumstances  
860 for which such denial, suspension, revocation, or refusal is not  
861 mandatory under s. 626.611:

862 ~~(8) Having been found guilty of or having pleaded guilty or~~  
863 ~~nolo contendere to a felony or a crime punishable by~~  
864 ~~imprisonment of 1 year or more under the law of the United~~  
865 ~~States of America or of any state thereof or under the law of~~  
866 ~~any other country, without regard to whether a judgment of~~  
867 ~~conviction has been entered by the court having jurisdiction of~~  
868 ~~such cases.~~

869 (15) Denial, suspension, or revocation of, or any other  
870 adverse administrative action against, a license to practice or  
871 conduct any regulated profession, business, or vocation by this  
872 state, any other state, any nation, any possession or district  
873 of the United States, any court, or any lawful agency thereof.

874 Section 26. Subsection (2) of section 626.7845, Florida  
875 Statutes, is amended to read:

876 626.7845 Prohibition against unlicensed transaction of life  
877 insurance.—

878 (2) Except as provided in s. 626.112(6), with respect to  
879 any line of authority specified in s. 626.015(12) ~~s.~~  
880 ~~626.015(10)~~, an ~~no~~ individual may not ~~shall~~, unless licensed as



722534

881 a life agent:

882 (a) Solicit insurance or annuities or procure applications;

883 (b) In this state, engage or hold himself or herself out as  
884 engaging in the business of analyzing or abstracting insurance  
885 policies or of counseling or advising or giving opinions to  
886 persons relative to insurance or insurance contracts, unless the  
887 individual is other than:

888 1. ~~As~~ A consulting actuary advising insurers ~~an insurer~~; or

889 2. An employee ~~As to the counseling and advising of a labor~~  
890 union, association, employer, or other business entity ~~labor~~  
891 ~~unions, associations, trustees, employers, or other business~~  
892 ~~entities, or~~ the subsidiaries and affiliates of each, who  
893 counsels and advises such entity or entities relative to their  
894 interests and those of their members or employees under  
895 insurance benefit plans; or

896 3. A trustee advising a settlor, a beneficiary, or a person  
897 regarding his or her interests in a trust, relative to insurance  
898 benefit plans; or

899 (c) In this state, from this state, or with a resident of  
900 this state, offer or attempt to negotiate on behalf of another  
901 person a viatical settlement contract as defined in s. 626.9911.

902 Section 27. Section 626.8305, Florida Statutes, is amended  
903 to read:

904 626.8305 Prohibition against the unlicensed transaction of  
905 health insurance.—Except as provided in s. 626.112(6), with  
906 respect to any line of authority specified in s. 626.015(8) ~~s.~~  
907 ~~626.015(6)~~, an ~~no~~ individual may not ~~shall~~, unless licensed as a  
908 health agent:

909 (1) Solicit insurance or procure applications; or





722534

910 (2) In this state, engage or hold himself or herself out as  
911 engaging in the business of analyzing or abstracting insurance  
912 policies or of counseling or advising or giving opinions to  
913 persons relative to insurance contracts, unless the individual  
914 is other than:

915 (a) ~~As~~ A consulting actuary advising insurers; ~~or~~

916 (b) An employee As to the counseling and advising of a  
917 labor union, association, employer, or other business entity  
918 ~~labor unions, associations, trustees, employers, or other~~  
919 ~~business entities, or~~ the subsidiaries and affiliates of each,  
920 who counsels and advises such entity or entities relative to  
921 their interests and those of their members or employees under  
922 insurance benefit plans; ~~or-~~

923 (c) A trustee advising a settlor, a beneficiary, or a  
924 person regarding his or her interests in a trust, relative to  
925 insurance benefit plans.

926 Section 28. Subsection (1) of section 626.861, Florida  
927 Statutes, is amended to read:

928 626.861 Insurer's officers, insurer's employees, reciprocal  
929 insurer's representatives; adjustments by.-

930 (1) This part may not ~~Nothing in this part shall~~ be  
931 construed to prevent an executive officer of any insurer, ~~or~~ a  
932 regularly salaried employee of an insurer handling claims with  
933 respect to health insurance, a regular employee of an insurer  
934 handling claims with respect to residential property when the  
935 sublimit coverage does not exceed \$500, or the duly designated  
936 attorney or agent authorized and acting for subscribers to  
937 reciprocal insurers, from adjusting any claim loss or damage  
938 under any insurance contract of such insurer.



722534

939 Section 29. Paragraph (c) of subsection (5) and subsection  
940 (6) of section 626.9543, Florida Statutes, are amended to read:  
941 626.9543 Holocaust victims.—

942 (5) PROOF OF A CLAIM.—Any insurer doing business in this  
943 state, in receipt of a claim from a Holocaust victim or from a  
944 beneficiary, descendant, or heir of a Holocaust victim, shall:

945 (c) Permit claims irrespective of any statute of  
946 limitations or notice requirements imposed by any insurance  
947 policy issued, ~~provided the claim is submitted on or before July~~  
948 ~~1, 2018.~~

949 (6) STATUTE OF LIMITATIONS.—Notwithstanding any law or  
950 agreement among the parties to an insurance policy to the  
951 contrary, any action brought by Holocaust victims or by a  
952 beneficiary, heir, or a descendant of a Holocaust victim seeking  
953 proceeds of an insurance policy issued or in effect between 1920  
954 and 1945, inclusive, may ~~shall~~ not be dismissed for failure to  
955 comply with the applicable statute of limitations or laches  
956 ~~provided the action is commenced on or before July 1, 2018.~~

957 Section 30. Section 633.516, Florida Statutes, is amended  
958 to read:

959 633.516 Studies of Division to make study of firefighter  
960 employee occupational diseases of firefighters or persons in  
961 other fire-related fields.—The division may contract for  
962 studies, subject to the availability of funding, of ~~shall make a~~  
963 continuous study of firefighter employee occupational diseases  
964 of firefighters or persons in other fire-related fields and the  
965 ways and means for the ~~their~~ control and prevention of such  
966 occupational diseases. When such a study or another study that  
967 is wholly or partly funded under an agreement, including a



722534

968 contract or grant, with the department tracks a disease of an  
969 individual firefighter or a person in another fire-related  
970 field, the division may, with associated security measures,  
971 release the confidential information, including a social  
972 security number, of that individual to a party who has entered  
973 into an agreement with the department and shall adopt rules  
974 necessary for such control and prevention. For this purpose, the  
975 division is authorized to cooperate with firefighter employers,  
976 firefighter employees, and insurers and with the Department of  
977 Health.

978 Section 31. Paragraph (a) of subsection (6) and subsection  
979 (7) of section 768.28, Florida Statutes, are amended to read:

980 768.28 Waiver of sovereign immunity in tort actions;  
981 recovery limits; limitation on attorney fees; statute of  
982 limitations; exclusions; indemnification; risk management  
983 programs.—

984 (6) (a) An action may not be instituted on a claim against  
985 the state or one of its agencies or subdivisions unless the  
986 claimant presents the claim in writing to the appropriate  
987 agency, and also, except as to any claim against a municipality,  
988 county, or the Florida Space Authority, presents such claim in  
989 writing to the Department of Financial Services, within 3 years  
990 after such claim accrues and the Department of Financial  
991 Services or the appropriate agency denies the claim in writing;  
992 except that, if:

993 1. Such claim is for contribution pursuant to s. 768.31, it  
994 must be so presented within 6 months after the judgment against  
995 the tortfeasor seeking contribution has become final by lapse of  
996 time for appeal or after appellate review or, if there is no



722534

997 such judgment, within 6 months after the tortfeasor seeking  
998 contribution has either discharged the common liability by  
999 payment or agreed, while the action is pending against her or  
1000 him, to discharge the common liability; or

1001 2. Such action is for wrongful death, the claimant must  
1002 present the claim in writing to the Department of Financial  
1003 Services within 2 years after the claim accrues.

1004 (7) In actions brought pursuant to this section, process  
1005 shall be served upon the head of the agency concerned and also,  
1006 except as to a defendant municipality, county, or the Florida  
1007 Space Authority, upon the Department of

1008

1009 ===== T I T L E A M E N D M E N T =====

1010 And the title is amended as follows:

1011 Delete lines 21 - 156

1012 and insert:

1013 a boiler that is placed in use after a specified date;  
1014 authorizing the department to adopt rules; conforming  
1015 provisions to changes made by the act; amending s.  
1016 554.104, F.S.; deleting a provision relating to  
1017 boilers of special design which is recreated in s.  
1018 554.103, F.S.; requiring certification of boiler  
1019 inspectors; requiring an application for a  
1020 certification examination; specifying qualifications  
1021 and requirements for the certification examination;  
1022 requiring the department to adopt a specified training  
1023 course; providing authorized methods and requirements  
1024 for the training course; requiring the chief boiler  
1025 inspector to issue a certificate of competency to a



722534

1026 person meeting certain requirements; providing  
1027 procedures for renewing a certificate; authorizing the  
1028 department to adopt rules; amending s. 554.105, F.S.;  
1029 renaming the chief inspector as the chief boiler  
1030 inspector; revising requirements for the department  
1031 through the state boiler inspection program; amending  
1032 s. 554.106, F.S.; renaming deputy inspectors as deputy  
1033 boiler inspectors; specifying required and authorized  
1034 duties of deputy boiler inspectors; amending s.  
1035 554.107, F.S.; renaming special inspectors as special  
1036 boiler inspectors; revising entities that may employ  
1037 special boiler inspectors; specifying required  
1038 inspection intervals for special boiler inspectors;  
1039 amending s. 554.108, F.S.; providing an exemption,  
1040 under certain conditions, from inspection  
1041 requirements; specifying duties of an owner or an  
1042 owner's designee to allow an inspector to conduct  
1043 inspections; specifying requirements for boiler  
1044 inspections and inspection reports; providing a  
1045 penalty against an insurance carrier if certain  
1046 followup inspections are not conducted; revising  
1047 conditions that require a boiler to be shut down;  
1048 revising requirements and procedures for a boiler that  
1049 must be shut down; providing construction; authorizing  
1050 the department to adopt rules; creating s. 554.1081,  
1051 F.S.; revising requirements for boiler inspections by  
1052 insurance companies and local governmental agencies;  
1053 amending s. 554.109, F.S.; conforming provisions to  
1054 changes made by the act; revising boilers that are



722534

1055 exempt from regulation under the chapter; revising  
1056 requirements for certain exempt boilers and water  
1057 heaters; amending s. 554.1101, F.S.; conforming  
1058 provisions to changes made by the act; requiring a  
1059 boiler insurance company to notify, within a specified  
1060 timeframe, the chief boiler inspector under certain  
1061 circumstances; requiring a certificateholder to submit  
1062 a certain certificate of insurance to the chief boiler  
1063 inspector under certain circumstances; amending s.  
1064 554.111, F.S.; requiring an application for a boiler  
1065 permit to include a specified fee; requiring the chief  
1066 boiler inspector to deposit fines into a specified  
1067 trust fund; conforming provisions to changes made by  
1068 the act; repealing ss. 554.112 and 554.113, F.S.,  
1069 relating to examinations, and certification of  
1070 inspectors and renewals, respectively; amending s.  
1071 554.114, F.S.; revising prohibited acts; providing  
1072 penalties for a boiler insurance company or authorized  
1073 inspection agency that fails to conduct certain  
1074 inspections; conforming provisions to changes made by  
1075 the act; amending s. 554.115, F.S.; adding authorized  
1076 disciplinary actions for the department; adding  
1077 specified grounds for disciplinary action against an  
1078 owner of a boiler; revising grounds for disciplinary  
1079 action against a boiler inspector; deleting a  
1080 provision requiring a chief inspector to report  
1081 certain persons to the state attorney; deleting a  
1082 provision authorizing certain administrative action by  
1083 the chief inspector; deleting a provision relating to



1084 the duration of a suspended certificate of compliance;  
1085 creating s. 554.1151, F.S.; authorizing the department  
1086 to impose specified administrative fines in lieu of or  
1087 in addition to certain disciplinary actions;  
1088 authorizing procedures for payment of fines by a  
1089 certificateholder; requiring a certificate to be  
1090 revoked under certain circumstances; creating s.  
1091 554.116, F.S.; requiring a boiler insurance company to  
1092 annually file a specified report with the chief boiler  
1093 inspector; requiring the department to adopt a form by  
1094 rule; amending s. 624.307, F.S.; authorizing the  
1095 department to expend funds for professional  
1096 development of its employees; amending s. 626.015,  
1097 F.S.; defining terms; conforming a cross-reference;  
1098 amending s. 626.207, F.S.; defining the term  
1099 "applicant"; revising a list of felonies subject to a  
1100 permanent bar from licensure; revising a condition for  
1101 when certain disqualifying periods begin; conforming  
1102 cross-references; providing an exception from a  
1103 permanent bar on or disqualifying periods for cases of  
1104 executive clemency; providing construction; amending  
1105 s. 626.9954, F.S.; revising a list of felonies subject  
1106 to a permanent bar from licensure; revising conditions  
1107 for when certain disqualifying periods begin;  
1108 conforming cross-references; providing an exception  
1109 from a permanent bar on or disqualifying periods for  
1110 cases of executive clemency; providing construction;  
1111 amending s. 626.2815, F.S.; authorizing the department  
1112 to approve a certain number of elective continuing



722534

1113 education credits for certain insurance licensees;  
1114 providing an exception from a certain continuing  
1115 education requirement for such licensees; amending s.  
1116 626.611, F.S.; deleting a condition for the  
1117 involvement of moral turpitude in felonies or certain  
1118 crimes in relation to compulsory disciplinary actions  
1119 by the department against certain entities' licenses  
1120 or appointments; conforming a cross-reference;  
1121 amending s. 626.621, F.S.; revising grounds for the  
1122 department's discretionary refusal, suspension, or  
1123 revocation of the license or appointment of certain  
1124 persons; amending s. 626.7845, F.S.; revising an  
1125 exception to the prohibition against the unlicensed  
1126 transaction of life insurance; conforming a cross-  
1127 reference; amending s. 626.8305, F.S.; revising an  
1128 exception to the prohibition against the unlicensed  
1129 transaction of health insurance; conforming a cross-  
1130 reference; amending s. 626.861, F.S.; authorizing  
1131 certain insurer employees to adjust specified claim  
1132 losses or damage; amending s. 626.9543, F.S.; removing  
1133 the scheduled expiration of a requirement for insurers  
1134 to permit claims from a Holocaust victim or certain  
1135 related persons irrespective of certain conditions;  
1136 removing the scheduled expiration of an exception from  
1137 statutes of limitations or laches for certain actions  
1138 brought by Holocaust victims or certain related  
1139 persons; amending s. 633.516, F.S.; authorizing the  
1140 Division of State Fire Marshal within the division to  
1141 contract for studies of, rather than to make a





722534

1142 continuous study of, occupational diseases of  
1143 firefighters; adding persons in other fire-related  
1144 fields to such studies; authorizing the division to  
1145 release confidential information of an individual  
1146 firefighter or a person in another fire-related field  
1147 to certain parties under certain circumstances;  
1148 amending s. 768.28, F.S.; providing exceptions in tort  
1149 claims against a county from