

CHAPTER 554

BOILER SAFETY

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554.1011 Short title; scope.—This act may be cited as the "Boiler Safety Act."

History.—s. 1, ch. 87-361; s. 1, ch. 88-303; s. 4, ch. 91-429.

554.1021 Definitions.—As used in ss. 554.1011-554.115:

(1) "Boiler" means a closed vessel in which water or other liquid is heated, steam or vapor is generated, steam is superheated, or any combination of these functions is accomplished, under pressure or vacuum, for use external to itself, by the direct application of energy from the combustion of fuels or from electricity or solar energy. The term "boiler" includes fired units for heating or vaporizing liquids other than water where these units are separate from processing systems and are complete within themselves. The varieties of boilers are as follows:

(a) "Power boiler" means a boiler in which steam or other vapor is generated at a pressure of more than 15 psig.

(b) "High pressure, high temperature water boiler" means a water boiler operating at pressures exceeding 160 psig or temperatures exceeding 250 °F.

(c) "Heating boiler" means a steam or vapor boiler operating at pressures not exceeding 15 psig, or a hot water boiler operating at pressures not exceeding 160 psig or temperatures not exceeding 250 °F.

(d) "Hot water supply boiler" means a boiler or a lined storage water heater supplying heated water for use external to itself operating at a pressure not exceeding 160 psig or temperature not exceeding 250 °F.

(e) "Secondhand boiler" means a boiler that has changed ownership and location subsequent to its original installation and use.

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

(3) "Certificate inspection" means an inspection the report of which is used by the chief inspector to determine whether or not a certificate may be issued.

(4) "Certificate of compliance" means a document issued to the owner of a boiler which authorizes the owner to operate the boiler, subject to any restrictions endorsed thereon.

(5) "Certificate of competency" means a document issued to a person who has satisfied the minimum competency requirements for boiler inspectors under ss. 554.1011-554.115.

(6) "Department" means the Department of Insurance.

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

History.—s. 2, ch. 87-361; s. 1, ch. 88-303; s. 4, ch. 91-429.

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

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

(2) The owner of any boiler placed in use in this state after October 1, 1987, shall submit the A.S.M.E. manufacturer's data report on such boiler to the chief inspector not more than 90 days following the inservice date of the boiler.

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

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

(5) Nothing in ss. 554.1011-554.115 shall be construed to in any way prevent the use, sale, or reinstallation of a boiler if such boiler has been made to conform to the applicable provisions of the State Boiler Code governing existing installations and if, upon inspection, the boiler has been found to be in a safe condition.

History.—s. 3, ch. 87-361; s. 1, ch. 88-303; s. 4, ch. 91-429.

554.104 Boilers of special design.—The department, at its discretion, may authorize the construction, installation, and operation of boilers of special design or construction that do not meet the specific requirements of the State Boiler Code but are not inconsistent with the intent of the safety objectives of such code.

History.—s. 4, ch. 87-361; s. 1, ch. 88-303; s. 4, ch. 91-429.

554.105 Chief inspector.—

(1) The Insurance Commissioner and Treasurer shall appoint a chief inspector, who shall have not less than 5 years' experience in the construction, installation, inspection, operation, maintenance, or repair of high pressure, high temperature water boilers and who shall hold a commission from the National Board of Boiler and Pressure Vessel Inspectors or a certificate of competency from the department.

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

(a) Take action necessary to enforce the State Boiler Code and the rules adopted pursuant to ss. 554.1011–554.115.

(b) Keep a complete record on all boilers at public assembly locations. Such record shall include the name of each boiler owner or user and the location, type, dimensions, maximum allowable working pressure, age, and last recorded inspection of each boiler.

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

(d) Expend funds necessary to meet the expenses authorized by ss. 554.1011–554.115, including the necessary travel expenses of the chief inspector and deputy inspectors, and the expenses incident to the maintenance of his office.

History.—s. 5, ch. 87-361; s. 1, ch. 88-303; s. 44, ch. 91-220; s. 4, ch. 91-429.

554.106 Deputy inspectors.—The department shall employ deputy inspectors who shall be responsible to the chief inspector and who shall each hold a certificate of competency from the department.

History.—s. 6, ch. 87-361; s. 1, ch. 88-303; s. 45, ch. 91-220; s. 4, ch. 91-429.

554.107 Special inspectors.—

(1) Upon application by any company licensed to insure boilers in this state, the chief inspector shall issue a certificate of competency as a special inspector to any inspector employed by the company, provided that such inspector satisfies the competency requirements for inspectors as provided in s. 554.113.

(2) The certificate of competency of a special inspector shall remain in effect only so long as the special inspector is employed by a company licensed to insure boilers in this state. Upon termination of employment with such company, a special inspector shall, in writing, notify the chief inspector of such termination. Such notice shall be given within 15 days following the date of termination.

History.—s. 7, ch. 87-361; s. 1, ch. 88-303; s. 4, ch. 91-429.

554.108 Inspection.—

(1) The only boilers required to be inspected under the provisions of ss. 554.1011–554.115 are boilers located in public assembly locations.

(2) Each inspection of a boiler conducted pursuant to ss. 554.1011–554.115 shall be made by the chief inspector, a deputy inspector, or a special inspector.

(3) The construction, installation, and condition of each boiler used in a public assembly location shall be inspected as follows:

(a) Power boilers and high pressure, high temperature water boilers shall receive a certificate inspection annually. Such inspection shall include, but not be limited to, an external inspection while the boiler is under pressure and an internal inspection if the construction of the boiler so permits.

(b) Low pressure steam or vapor heating boilers shall receive a certificate inspection biennially. Such inspection shall include, but not be limited to, an internal inspection if the construction of the boiler so permits.

(c) Hot water heating boilers and hot water supply boilers shall receive a certificate inspection biennially. Such boilers shall receive an internal inspection every 4 years if the construction of the boiler so permits.

(4) Deputy inspectors and special inspectors shall file a written report on each certificate inspection with the chief inspector within 15 days following such inspection. The filing of reports of inspections other than certificate inspections are not required unless such inspections disclose that a boiler is in an unsafe condition.

(5) Upon determining that a boiler is in an unsafe condition and poses an imminent danger to the public health, safety, and welfare, the chief inspector, a deputy inspector, or a special inspector may immediately order the boiler to be shut down. The boiler shall remain shut down until a reinspection by a certified inspector determines that all violations have been corrected, that the boiler may be operated safely, and that a certificate of compliance has been issued.

History.—s. 8, ch. 87-361; s. 1, ch. 88-303; s. 4, ch. 91-429.

554.109 Exemptions.—

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

(2) The provisions of this chapter shall not apply to hot water supply boilers or lined storage water heaters which are directly fired with oil, gas, electricity, or solar energy, provided that none of the following limitations are exceeded:

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

(b) Water temperature of 210 degrees Fahrenheit.

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

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

History.—s. 9, ch. 87-361; s. 1, ch. 88-303; s. 10, ch. 89-233; s. 4, ch. 91-429.

554.1101 Certificate of compliance.—

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

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

History.—s. 10, ch. 87-361; s. 1, ch. 88-303; s. 4, ch. 91-429.

554.111 Fees.—

(1) The department shall charge the following fees:

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

(b) For certificate inspections conducted by the department:

1. For power boilers and high pressure, high temperature water boilers of:
4,000 square feet or less
heating surface.....\$60

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

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

2. For heating boilers:

Without a manhole\$40
With a manhole.....\$70

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

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

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

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

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

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

(3) The chief inspector shall deposit all fees received pursuant to ss. 554.1011-554.115 into the Insurance Commissioner's Regulatory Trust Fund.

History.—s. 11, ch. 87-361; s. 1, ch. 88-303; s. 11, ch. 89-233; s. 4, ch. 91-429.

554.112 Examinations.—

(1) The department shall prepare, not more than 180 days after October 1, 1987, a certification examination to determine the qualifications of persons to engage in the inspection of boilers in this state. This examination shall be equivalent to the examination requirements of the National Board of Boiler and Pressure Vessel Inspectors.

(2) Any person who desires to be certified to inspect boilers must apply in writing to the department to take the certification examination. Such person may take the examination if the person:

- (a) Is at least 18 years of age; and
- (b) Has at least 3 years' experience in the construction, installation, inspection, operation, maintenance, or repair of high pressure, high temperature water boilers.

History.—s. 12, ch. 87-361; s. 1, ch. 88-303; s. 4, ch. 91-429.

554.113 Certification of inspectors; renewals.—

(1) The chief inspector shall issue a certificate of competency, upon receipt of the certificate fee, to each person:

- (a) Who has passed the certification examination; or
- (b) Who holds a commission from the National Board of Boiler and Pressure Vessel Inspectors and who has at least 3 years' experience in the construction, installation, inspection, operation, maintenance, or repair of high pressure, high temperature water boilers.

(2) The certificate is valid for a period of 1 year. The department shall mail each certificateholder an application for renewal. The certificateholder shall complete, sign, and forward the renewal application to the department, together with the appropriate fee, and the department shall, upon receipt of the application and fee, renew the certificate.

(3) The department, by rule, may establish a penalty fee for late renewal not to exceed \$10.

(4) A certificate which is inoperative because of failure to renew shall be restored upon payment of the renewal fee, if the application for restoration is made to the department within 60 days after the renewal date. If the application for restoration is not made within the 60-day period, the fee for restoration shall be equal to the original application fee, plus the renewal fee.

History.—s. 13, ch. 87-361; s. 1, ch. 88-303; s. 4, ch. 91-429.

554.114 Prohibitions; penalties.—

(1) A person may not:

- (a) Operate a boiler at a public assembly location without a valid certificate of compliance for that boiler;
- (b) Give false or forged information to the department or an inspector for the purpose of obtaining a certificate of compliance;
- (c) Use a certificate of compliance for any boiler other than for the boiler for which it was issued;
- (d) Operate a boiler for which the certificate of compliance has been suspended;
- (e) Give false or forged information to the department for the purpose of obtaining a certificate of competence; or

(f) Inspect any boiler regulated under the provisions of ss. 554.1011–554.115 without having a valid certificate of competency.

(2) Any person who violates this section is guilty of a misdemeanor of the second degree, punishable by fine as provided in s. 775.083.

History.—s. 14, ch. 87–361; s. 1, ch. 88–303; s. 4, ch. 91–429.

554.115 Disciplinary proceedings.—

(1) The department may suspend or revoke a certificate of compliance upon proof that:

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

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

(c) The person who received the certificate willfully

or deliberately violated the State Boiler Code or ss. 554.1011–554.115 or any rule adopted pursuant to ss. 554.1011–554.115.

(2) The department may suspend or revoke a certificate of competency upon proof that:

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

(b) The inspector to whom the certificate was issued is no longer qualified under ss. 554.1011–554.115 to inspect boilers.

(3) Each suspension of a certificate of compliance or certificate of competency shall continue in effect until all violations have been corrected and, for boiler safety violations, until the boiler has been inspected and shown to be in a safe condition.

History.—s. 15, ch. 87–361; s. 1, ch. 88–303; s. 4, ch. 91–429.