

STORAGE NAME: h1073.hcl

DATE: March 22, 1999

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
HEALTH CARE LICENSING & REGULATION
ANALYSIS**

BILL #: HB 1073

RELATING TO: Recreational Sport Diving

SPONSOR(S): Representative Edwards

COMPANION BILL(S): SB 278(s)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) HEALTH CARE LICENSING & REGULATION
- (2) WATER & RESOURCE MANAGEMENT
- (3) GOVERNMENTAL RULES & REGULATIONS
- (4) HEALTH & HUMAN SERVICES APPROPRIATIONS
- (5)

I. SUMMARY:

HB 1073 requires the department to promulgate rules to establish maximum allowable levels of contaminants in compressed air used for recreational sport diving. This bill also requires the Department of Health to test the level of contaminants that is used for recreational sport diving. Air compressors for divers can be found at dive shops, on dive boats, marinas, and at some bait shops. Compressed air vendors will be required to collect a sample of compressed air from their equipment in a container provided by the department. The Department of Health will then analyze the sample, and if the sample meets the minimum safety requirements, the department will issue a certificate to the compressed air vendor. Any vendor who sells compressed air without a valid certificate from the department will be fined no more than \$500.

Exemptions from this legislation are provided for any government agency who has their own source of compressed air for work related activities, and for any person providing compressed air for their own use.

The Department of Health reports that its laboratory does not provide the analytical services required for this type of analysis, therefore they would have to ship the sample to a private laboratory to do the testing. Estimates from a private laboratory indicate that each test will cost \$250. Each sampling container (required to be provided by the department) costs an estimated \$20. Shipping cost will be approximately \$5 per sample. Therefore the total cost and net loss to the department will be approximately \$275 per sample.

The Department of Health expects first year expenditures to equal \$140,510; \$3,010 in start up costs and \$137,500 in sampling costs. Continuation costs are estimated to equal \$137,500 in the second year. The bill does not provide a revenue source.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Compressed air for recreational sport diving is not presently required to be sampled and analyzed. It is estimated that 500 compressed air vendors are located in Florida. Air compressors for divers may be found at dive shops, marinas, on dive boats, and at some bait shops.

B. EFFECT OF PROPOSED CHANGES:

The Department of Health is authorized to adopt rules establishing maximum allowable levels for contaminants in compressed air that is used for recreational sport diving. The Department of Health is required to analyze compressed air samples from each compressed air vendor in the state and issue a certificate if the air meets the standards. The bill provides a civil penalty not to exceed \$500

This legislation does not provide fee authority for the Department of Health.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

Yes. This bill gives the Department of Health the authority to set the safety guidelines for the allowable levels of contaminants in compressed air being sold.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

The Department of Health is required to test samples of compressed air and, if warrants, issue a certificate.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

None.

(2) what is the cost of such responsibility at the new level/agency?

None.

(3) how is the new agency accountable to the people governed?

None.

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

No.

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No.

b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

Not Applicable.

(2) Who makes the decisions?

Not Applicable.

(3) Are private alternatives permitted?

Not Applicable.

(4) Are families required to participate in a program?

Not Applicable.

(5) Are families penalized for not participating in a program?

Not Applicable.

b. Does the bill directly affect the legal rights and obligations between family members?

No.

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

Not Applicable.

(2) service providers?

Not Applicable.

(3) government employees/agencies?

Not Applicable.

D. STATUTE(S) AFFECTED:

None.

E. SECTION-BY-SECTION ANALYSIS:

Section 1. Requires the Department of Health to adopt rules establishing maximum allowable levels for contaminants in compressed air used for recreational sport diving; provides for exemptions; provides for contaminant testing; requires certification of compressed air vendors; and provides for penalties.

Section 2. Provides an effective date of July 1, 1999

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

Expenditures:	1999-00
Department of Health	
Rule promulgation and form development for 90 hours @ \$17 per hour	\$1,530
Development of training curriculum for 40 hours @ \$37 per hour	<u>\$1,480</u>
Total Expenditures	<u>\$3,010</u>

2. Recurring Effects:

Expenditures:	1999-00	2000-01
Department of Health		
Sample containers (500 x \$20)	\$10,000	\$10,000
Laboratory analysis (500 x \$250)	125,000	125,000

Sample shipping (500 x \$5)	<u>2,500</u>	<u>2,500</u>
Total Recurring Costs	\$137,500	\$137,500

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

	FY 1999-00	2000-01
Expenditures:		
Department of Health	\$140,510	\$137,500
Revenues:		
Department of Health	\$0	\$0

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

The certificate issued by the Department of Health will only assure that the compressed air was safe at the time it was sampled. Benefits to recreational sport divers are unclear.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D. FISCAL COMMENTS:

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

The bill does not require counties or municipalities to spend funds or take an action requiring the expenditure of funds.

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B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenue in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

The Department of Health indicated that it does not perform the tests required by the bill (oxygen content, carbon dioxide, carbon monoxide, hydrocarbons, oil mist or particulates). The department would have to contract with a private laboratory to perform the services.

The private laboratory that may be contracted by the department will be responsible for receiving the samples and performing the contaminant tests on the samples. When performing the tests, the laboratory will be responsible for abiding by the level of allowable contaminants in the compressed air that are set forth by the Department of Health. The private laboratory would be responsible for reporting to the Department of Health which vendors are to receive the certificate.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

COMMITTEE ON HEALTH CARE LICENSING & REGULATION:

Prepared by:

Staff Director:

Katina M. Stamat

Lucretia Shaw Collins