

By Representative Edwards

1 A bill to be entitled
 2 An act relating to recreational sport diving;
 3 requiring the Department of Health to adopt
 4 rules establishing maximum allowable levels for
 5 contaminants in compressed air used for
 6 recreational sport diving; providing for
 7 nonapplicability of such standards; providing
 8 for testing of compressed air; providing for
 9 certain notice; requiring certification of
 10 persons providing compressed air for
 11 recreational sport diving for compensation;
 12 providing penalties; providing an effective
 13 date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

16
 17 Section 1. (1) The Department of Health shall adopt
 18 rules pursuant to ss. 120.54 and 120.536(1), Florida Statutes,
 19 establishing maximum allowable levels for contaminants in
 20 compressed air used for recreational sport diving in this
 21 state. In developing the rules, the department must take into
 22 consideration the levels of contaminants allowed by the United
 23 States Navy and the Occupational Safety and Health Act of
 24 1970, as amended, for nondecompression air diving.

25 (2) The standards prescribed under this section do not
 26 apply to:

27 (a) Any person providing compressed air for his or her
 28 own use.

29 (b) Any governmental entity using a governmentally
 30 owned compressed air source for work related to the
 31 governmental entity.

1 (c) Foreign registered vessels upon which a compressor
2 is used to provide compressed air for work related to the
3 operation of the vessel.

4 (3) A person who, for compensation, provides
5 compressed air for recreational sport diving in this state
6 must submit to the Department of Health, in containers
7 provided by the department, a sample of such compressed air
8 along with a copy of the schedule of fees charged for it.
9 Samples shall be submitted at intervals determined by the
10 department.

11 (4) The Department of Health shall test compressed air
12 samples for contaminant levels. If a sample meets the
13 department's standards for allowable levels of contaminants,
14 it shall issue the person providing the sample a certificate
15 so stating. If a sample fails to meet the department's
16 standards for allowable levels of contaminants, it must notify
17 the person providing the sample of that fact.

18 (5) A person may not, for compensation, provide
19 compressed air for recreational sport diving unless that
20 person possesses a currently valid certificate from the
21 Department of Health which evidences that the compressed
22 compressed air meets the department's standards for allowable
23 levels of contaminants established under this section. The
24 certificate must be conspicuously posted in a location where
25 it can readily be seen by any person purchasing such
26 compressed air.

27 (6) It is unlawful for any person to provide, for
28 compensation, compressed air for recreational sport diving in
29 this state:

30
31

1 (a) Without having a currently valid certificate from
2 the Department of Health evidencing that the compressed air
3 meets the department's standards for contaminant levels.

4 (b) After receiving notice from the Department of
5 Health that the person's sample of compressed air has failed
6 to meet the department's standards for contaminant levels.

7 (7) Any person who violates this section is liable
8 for:

9 (a) A civil penalty not to exceed \$500, as determined
10 by the Department of Health; and

11 (b) Any damages resulting from the violation.

12 Section 2. This act shall take effect July 1, 1999.

13
14 *****

15 HOUSE SUMMARY

16 Directs the Department of Health to adopt rules
17 establishing maximum allowable levels for contaminants in
18 compressed air that is used for recreational sport
19 diving. Provides for the department to test samples of
20 compressed air and requires persons providing compressed
21 air for compensation to submit air samples to the
22 department for testing. Prohibits a person from
23 providing, for compensation, compressed air for
24 recreational sport diving without certification of the
25 product's air quality from the department. Prohibits such
26 a person from continuing to provide compressed air after
27 notification that the air fails to meet department
28 standards. Provides penalties for violations.
29
30
31