

By the Committee on Health Care Licensing & Regulation and Representative Edwards

1                                   A bill to be entitled  
2           An act relating to recreational sport diving;  
3           providing for standards for compressed air used  
4           in recreational sport diving; providing for  
5           testing compressed air; providing exemptions;  
6           requiring certification for persons providing  
7           compressed air for compensation; providing  
8           penalties; requiring the adoption of rules;  
9           providing an effective date.

10

11 Be It Enacted by the Legislature of the State of Florida:

12

13                   Section 1. (1) The Department of Health shall  
14 establish maximum allowable levels for contaminants in  
15 compressed air used for recreational sport diving in this  
16 state. In developing the standards, the department must take  
17 into consideration the levels of contaminants allowed by the  
18 Grade "E" Recreational Diving Standards of the Compressed Gas  
19 Association.

20

21                   (2) The standards prescribed under this section do not  
22 apply to:

23

24                   (a) Any person providing compressed air for his or her  
25 own use.

26

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

30

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

32

33                   (3) A person that, for compensation, provides  
compressed air for recreational sport diving in this state

1 must ensure that air to be sold is tested quarterly by a  
2 laboratory that is certified by either the American Industrial  
3 Hygiene Association or the American Association for Laboratory  
4 Accreditation and that the results of such tests are provided  
5 quarterly to the Department of Health.

6 (4) The Department of Health shall review the test  
7 results and if the test results meet the department's  
8 standards for allowable levels of contaminants, it shall issue  
9 a certificate to the vendor of the compressed air so stating.  
10 If a sample fails to meet the department's standards for  
11 allowable levels of contaminants, it must notify the vendor of  
12 the compressed air of that fact.

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

21 (6) It is unlawful for any person to provide, for  
22 compensation, compressed air for recreational sport diving in  
23 this state:

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

27 (b) After receiving notice from the Department of  
28 Health that the person's sample of compressed air has failed  
29 to meet the department's standards for contaminant levels,  
30 until the Department of Health issues a new certificate.

31

1           (7) Any person who violates this section is liable  
2 for:  
3           (a) A civil penalty not to exceed \$500, determined by  
4 the Department of Health; and  
5           (b) Any damages resulting from the violation.  
6           (8) The department shall adopt rules pursuant to ss.  
7 120.54 and 120.536(1), Florida Statutes, necessary to carry  
8 out the provisions of this section, which must include:  
9           (a) Maximum allowable levels of contaminants in  
10 compressed air used for sport diving.  
11           (b) Procedures for the submission of test results to  
12 the department.  
13           (c) Procedures for the issuance of certificates and  
14 notices that compressed air fails to meet standards.  
15           Section 2. This act shall take effect January 1, 2000.  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31