

By the Committee on Health, Aging and Long-Term Care; and
Senator Sullivan

317-1818B-99

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A bill to be entitled
An act relating to recreational sport diving;
providing for standards for compressed air used
in recreational sport diving; providing for
testing compressed air; providing exemptions;
requiring certification for certain persons
providing compressed air for compensation;
providing penalties; authorizing rules;
providing an effective date.

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

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

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

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

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

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

(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 test results meet the department's standards
8 for allowable levels of contaminants, it shall issue a
9 certificate to the vendor of the compressed air so stating. If
10 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) The Department of Health shall establish fees
22 adequate to cover its costs of reviewing test results and
23 providing certificates, which fees may not exceed \$50 a year
24 for each premises at which compressed air is provided.

25 (7) It is unlawful for any person to provide, for
26 compensation, compressed air for recreational sport diving in
27 this state:

28 (a) Without having a currently valid certificate from
29 the Department of Health evidencing that the air meets the
30 department's standards for contaminant levels.

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

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

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

9 (b) Any damages resulting from the violation.

10 (9) The department shall adopt rules necessary to
11 carry out the provisions of this section, which must include:

12 (a) Maximum allowable levels of contaminants in
13 compressed air used for sport diving.

14 (b) Procedures for the submission of test results to
15 the department.

16 (c) Procedures for the issuance of certificates and
17 notices that air fails to meet standards.

18 Section 2. This act shall take effect January 1, 2000.

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20 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
21 COMMITTEE SUBSTITUTE FOR
22 Senate Bill 278

23 Requires the Department of Health to consider the Compressed
24 Gas Association's Grade E air quality standards; removes the
25 requirement that air samples be submitted to and tested by the
26 Department of Health; requires air samples to be submitted to
27 certified independent laboratories for testing; adds a
28 requirement that samples be tested quarterly; clarifies that
29 air sales may resume when the department issues a new
30 certificate; changes the effective date to January 1, 2000.
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