

By Senator Fasano

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1 A bill to be entitled
2 An act relating to ice skating rinks; amending s.
3 381.006, F.S.; requiring the Department of Health to
4 include in its environmental health program the
5 testing of the air in enclosed ice skating rinks;
6 authorizing the department to adopt rules relating to
7 air quality standards, monitoring, testing,
8 recordkeeping, the maintenance and operation of
9 equipment that affects air quality, assessment of
10 fees, enforcement, and penalties; authorizing the
11 department to enter and inspect an enclosed ice
12 skating rink at reasonable hours to determine
13 compliance with applicable air quality statutes or
14 rules; amending s. 381.0061, F.S.; authorizing the
15 department to impose a fine, which may not exceed a
16 specified amount, for a violation of air quality
17 standards for enclosed ice skating rinks; providing an
18 effective date.

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

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22 Section 1. Subsection (19) is added to section 381.006,
23 Florida Statutes, to read:

24 381.006 Environmental health.—The department shall conduct
25 an environmental health program as part of fulfilling the
26 state's public health mission. The purpose of this program is to
27 detect and prevent disease caused by natural and manmade factors
28 in the environment. The environmental health program shall
29 include, but not be limited to:

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30 (19) A function related to air quality inside an enclosed
31 ice skating rink to protect the health and safety of visitors
32 and employees of the enclosed ice skating rink from dangers
33 associated with oxides of nitrogen (NOX), hydrocarbons (CXHX),
34 carbon monoxide (CO), carbon dioxide (CO2), and other harmful
35 gasses, vapors, or particles as identified by the department
36 which change the air quality due to the operation of the ice
37 rink. The department may adopt rules that include definitions;
38 air quality standards and requirements for monitoring, testing,
39 and recordkeeping; maintenance and operation requirements for
40 equipment that affects air quality; requirements for ventilation
41 of the facility; the required response activities if an operator
42 violates air quality standards; the assessment of fees, which
43 may not exceed the actual costs of administration; and
44 requirements for enforcement, citations, and administrative
45 penalties. The department may enter and inspect an enclosed ice
46 skating rink at reasonable hours to determine compliance with
47 applicable statutes or rules.

48
49 The department may adopt rules to carry out the provisions of
50 this section.

51 Section 2. Subsection (1) of section 381.0061, Florida
52 Statutes, is amended to read:

53 381.0061 Administrative fines.—

54 (1) In addition to any administrative action authorized by
55 chapter 120 or by other law, the department may impose a fine,
56 which shall not exceed \$500 for each violation, for a violation
57 of s. 381.006(16), s. 381.006(19), s. 381.0065, s. 381.0066, s.
58 381.0072, or part III of chapter 489, for a violation of any

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59 rule adopted under this chapter, or for a violation of any of
60 the provisions of chapter 386. Notice of intent to impose such
61 fine shall be given by the department to the alleged violator.
62 Each day that a violation continues may constitute a separate
63 violation.

64 Section 3. This act shall take effect July 1, 2011.