

By Senator Fasano

11-00514-12

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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.

19  
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 (CXXH),  
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, 2012.