

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Pritchett offered the following:

2
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Section 616.242, Florida Statutes, is amended
6 to read:

7 616.242 Safety standards for amusement rides.—

8 (1) OWNER AND MANAGER RESPONSIBILITIES ~~RESPONSIBILITY~~.—The
9 owner and the manager of an amusement ride, and each amusement
10 ride, must meet at all times the requirements of this section
11 and any rules adopted hereunder ~~thereunder~~.

12 (2) SCOPE.—This section applies to all amusement rides
13 within this state unless exempt under subsection (11) ~~(10)~~.

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14 (3) DEFINITIONS.—As used in this section, the term:

15 (a) "Amusement ride" means any building, structure, or
16 mechanical device or combination thereof through which a patron
17 moves, walks, or is carried or conveyed on, along, around, over,
18 or through a fixed or restricted course or within a defined area
19 for the purpose of giving its patrons amusement, pleasure,
20 thrills, or excitement.

21 (b) "Amusement ride event" means an event where an
22 amusement ride is operated at a specific location and date as
23 listed on an annual permit application or on a temporary
24 amusement ride permit application.

25 (c) ~~(b)~~ "Annual permit" means the United States Amusement
26 Identification Number and the ~~numbered and dated~~ decal issued by
27 the department, which signify that the permanent amusement ride
28 has been permitted by the department.

29 (d) ~~(c)~~ "Bungy operation" means an amusement ride that uses
30 ~~which utilizes~~ as a component a bungy cord, which is an elastic
31 rope made of rubber, latex, or other elastic-type ~~elastic-type~~
32 materials, whether natural or synthetic.

33 (e) ~~(d)~~ "Go-kart" means an amusement ride vehicle
34 controlled or driven by patrons and specifically designed for
35 and run on a fixed course.

36 ~~(e) "Inspection certificate" means the document issued by~~
37 ~~the department, which indicates that the amusement ride has~~
38 ~~undergone a recurring inspection by the department as required~~

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39 | ~~by this section.~~

40 | (f) "Kiddie ride" means an amusement ride designed
41 | primarily for use by patrons up to 12 years of age.

42 | (g) "Kiddie train" means a train designed as a kiddie ride
43 | which is operated on a flat surface or flat track, carries no
44 | more than 14 patrons, and does not exceed a speed of 3 miles per
45 | hour.

46 | (h) "Major modification" means any change in ~~either~~ the
47 | structural or operational characteristics of an ~~the~~ amusement
48 | ride which will alter its performance from that specified in the
49 | manufacturer's design criteria.

50 | (i) "Manager" means a person having possession, custody,
51 | or managerial control of an amusement ride, whether as owner,
52 | lessee, agent, operator, attendant, or otherwise.

53 | (j) "Nondestructive testing" is the development and
54 | application of technical methods, including, but not limited to,
55 | radiographic, magnetic particle, ultrasonic, liquid penetrant,
56 | electromagnetic, neutron radiographic, acoustic emission,
57 | visual, and leak testing, to examine materials or components in
58 | ways that do not impair their future usefulness and
59 | serviceability in order to detect, locate, measure, and evaluate
60 | discontinuities, defects, and other imperfections; to assess
61 | integrity, properties, and composition; and to measure
62 | geometrical characters.

63 | (k) "Owner" means the person exercising ultimate dominion

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64 and control over an amusement ride.

65 (l) "Patron" means any person who is in the immediate
66 vicinity of an amusement ride, getting on or off, or entering or
67 exiting an amusement ride, or using an amusement ride. The term
68 does not include employees, agents, or servants of the owner
69 while they are engaged in the duties of their employment.

70 (m) "Permanent amusement ride" means an amusement ride
71 that is not regularly relocated.

72 (n) "Permanent facility" means a location or place from
73 which amusement rides are not regularly relocated and at which
74 such rides operate as a lasting part of the premises.

75 (o) "Private event" means an event that is not open to the
76 general public and for which ~~where no~~ admission is not charged.

77 (p) "Professional engineer" means a person who holds a
78 valid license as a professional engineer issued by the
79 Department of Business and Professional Regulation or by an
80 equivalent licensing body in another state.

81 (q) "Qualified inspector" means an employee or agent of an
82 insurance underwriter of an amusement ride who documents to the
83 department in a manner established by department rule ~~of the~~
84 ~~department~~ the following qualifications:

85 1. A minimum of 5 years' ~~years~~ experience in the amusement
86 ride field, at least 2 years of which were involved in actual
87 amusement ride inspection with a manufacturer, government
88 agency, park, carnival, or insurance underwriter;

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89 2. The completion of 32 hours per year of continuing
90 education at a school approved by department rule ~~of the~~
91 ~~department~~, which includes inservice industry or manufacturer
92 updates and seminars; and

93 3. At least 80 hours of formal education during the past 5
94 years from a school approved by department rule ~~of the~~
95 ~~department~~ for amusement ride safety. Nondestructive-testing
96 training, as determined by department rule ~~of the department~~,
97 may be substituted for up to one-half of the 80 hours of
98 education.

99 (r) "Simulator" means any amusement ride that is a self-
100 contained unit requiring little or no assembly and that uses a
101 motion picture simulation, along with a mechanical movement, to
102 simulate activities that provide amusement or excitement for the
103 patron.

104 (s) "Temporary amusement ride" means an amusement ride
105 that is regularly relocated, with or without disassembly.

106 (t) "Temporary amusement ride permit" means the United
107 States Amusement Identification Number and the decal issued by
108 the department, which signify that the temporary amusement ride
109 has been permitted by the department.

110 (u) ~~(t)~~ "Water park" means a permanent facility with one or
111 more amusement rides that totally or partially immerse a patron
112 in water.

113 (4) ADOPTION OF STANDARDS; RULES.—

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114 (a) The department shall adopt by rule standards for
115 amusement rides which are the same as or similar to the
116 following national standards:

117 1. ASTM International ~~American Society for Testing and~~
118 ~~Materials~~ Committee F24 ~~F-24~~ Standards on Amusement Rides and
119 Devices.

120 2. The National Electric Code Handbook, ~~Article 525~~.

121 3. National Fire Protection Association standards ~~Code 101~~
122 ~~(chapters 8-4.6 and 9-4.6)~~.

123 4. ~~ASTM Standards: E543 Practice for Determining the~~
124 ~~Qualification of Nondestructive Testing Agencies.~~

125 5. ~~ASNT Document Recommended Practice SNT-TC-1A Personnel~~
126 ~~Qualification and Certification in Nondestructive Testing.~~

127 (b) The department may adopt rules necessary to effectuate
128 the statutory duties of the department in the interest of the
129 public health, safety, and welfare and to promote patron safety
130 in the design, construction, assembly, disassembly, maintenance,
131 and operation of amusement rides in this state.

132 (c) The Legislature finds that go-karts, amusement rides
133 at water parks, and bungy operations are amusement rides that,
134 because of their unique nature, pose safety risks to patrons
135 distinct from other amusement rides. Therefore, the department
136 shall adopt rules regulating their safe use and operation and
137 establish safety standards and inspection requirements in
138 addition to those required by this section or other department

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139 rule ~~of the department~~.

140 (d) The Legislature finds that, as a result of accidents
141 or other unforeseen events, circumstances may arise requiring
142 additional safety standards for the protection of patrons of
143 amusement rides, ~~and~~ Therefore, the department may adopt rules
144 to address the circumstances that may arise following an
145 accident or unforeseen event.

146 (5) PERMANENT AMUSEMENT RIDE ANNUAL PERMIT.—

147 (a) A permanent ~~An~~ amusement ride may not be operated
148 without a current annual permit.

149 (b) To apply for an annual permit, an owner or manager
150 must submit to the department a written application on a form
151 prescribed by department rule ~~of the department~~, which must
152 include the following:

153 1. The legal name, address, and primary place of business
154 of the owner or manager, as applicable.

155 2. A description, manufacturer's name, serial number,
156 model number and, if previously assigned, the United States
157 Amusement Identification Number of the amusement ride.

158 3. A valid certificate of insurance for each amusement
159 ride.

160 4. If required under subsection (7), an annual affidavit
161 of compliance and nondestructive testing certifying that the
162 amusement ride was inspected in person by the affiant and that
163 the amusement ride is in general conformance with the

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164 requirements of this section and all applicable department rules
165 ~~adopted by the department.~~ The affidavit must have been ~~be~~
166 executed by a professional engineer or a qualified inspector
167 within the last calendar year no earlier than 60 days before,
168 ~~but not later than, the date of the filing of the application~~
169 ~~with the department. The owner shall request inspection and~~
170 ~~permitting of the amusement ride within 60 days of the date of~~
171 ~~filing the application with the department. The department shall~~
172 ~~inspect and permit the amusement ride within 60 days after~~
173 ~~filing the application with the department.~~

174 ~~5. If required by subsection (6), an affidavit of~~
175 ~~nondestructive testing dated and executed no earlier than 60~~
176 ~~days before, but not later than, the date of the filing of the~~
177 ~~application with the department. The owner shall request~~
178 ~~inspection and permitting of the amusement ride within 60 days~~
179 ~~of the date of filing the application with the department. The~~
180 ~~department shall inspect and permit the amusement ride within 60~~
181 ~~days after filing the application with the department.~~

182 ~~6. A request for inspection.~~

183 ~~5.7. Upon request,~~ The owner or manager shall, at no cost
184 to the department, provide the department an electronic ~~a~~ copy
185 of the manufacturer's current recommended operating instructions
186 ~~in the possession of the owner,~~ the owner's operating fact
187 sheet, and any written bulletins ~~in the possession of the owner~~
188 concerning the safety, operation, or maintenance of the

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189 amusement ride.

190 (c) An annual permit application must be received by the
191 department at least 15 days before the planned opening date. If
192 an application is received less than 15 days before the planned
193 opening date or less than 15 days before the expiration of the
194 previous permit, the department may inspect the amusement ride
195 and charge a penalty as established by department rule.

196 (d)(e) An annual permit must be issued by the department
197 to the owner or manager of an amusement ride when a completed
198 application has been received, the amusement ride has passed the
199 department's inspection, and all applicable fees, as set by
200 department rule ~~of the department~~, have been paid.

201 (e)(d) The annual permit is valid for 1 year after ~~from~~
202 the date of issue and is not transferable.

203 (f)(e) The annual permit must be displayed in an
204 accessible location on the amusement ride ~~in a place visible to~~
205 ~~patrons of the amusement ride.~~

206 (g)(f) Each go-kart track at the same permanent facility
207 is considered a separate amusement ride.

208 (h)(g) Amusement rides at water parks which operate from
209 the same deck or level are considered one amusement ride.

210 (6) TEMPORARY AMUSEMENT RIDE PERMIT.-

211 (a) A temporary amusement ride may not be operated without
212 a current permit.

213 (b) To apply for a permit, an owner or manager must submit

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214 to the department a written application on a form prescribed by
215 department rule, which must include the following:

216 1. The legal name, address, and primary place of business
217 of the owner or manager, as applicable.

218 2. A description, manufacturer's name, serial number,
219 model number and, if previously assigned, the United States
220 Amusement Identification Number of the amusement ride.

221 3. A valid certificate of insurance for each amusement
222 ride.

223 4. If required under subsection (7), an affidavit of
224 compliance and nondestructive testing certifying that the
225 amusement ride was inspected in person by the affiant and that
226 the amusement ride is in general conformance with the
227 requirements of this section and all applicable department
228 rules. The affidavit must be executed by a professional engineer
229 or a qualified inspector.

230 5. The owner or manager shall, at no cost to the
231 department, provide the department an electronic copy of the
232 manufacturer's current recommended operating instructions, the
233 operating fact sheet, and any written bulletins concerning the
234 safety, operation, or maintenance of the amusement ride.

235 (c) A temporary amusement ride permit application must be
236 received by the department each time the amusement ride is
237 relocated, with or without disassembly, at least 14 days before
238 the date of the ride's first intended use at the new location.

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239 If the permit application is received less than 14 days before
240 the date of the ride's first intended use at the new location,
241 the department may inspect the amusement ride and charge a
242 penalty, as set by department rule.

243 (d) The department must issue a permit to the owner or
244 manager of an amusement ride when a completed application has
245 been received, the amusement ride has passed the department's
246 inspection, and all applicable fees, as set by department rule,
247 have been paid.

248 (e) The permit is valid for 6 months after the date of
249 issue or until the ride is relocated, with or without
250 disassembly, and is not transferable.

251 (f) The permit must be displayed in an accessible location
252 on the amusement ride.

253 (7)(6) NONDESTRUCTIVE TESTING; ANNUAL AFFIDAVIT;
254 EXEMPTIONS.-

255 (a) Except as provided in paragraph (d), an owner or
256 manager may not operate an amusement ride unless the owner or
257 manager ~~has~~ at all times has a current affidavit of
258 nondestructive testing from a professional engineer or qualified
259 inspector that the amusement ride has undergone nondestructive
260 testing for metal fatigue at least annually. The nondestructive
261 testing for metal fatigue must be conducted more often than
262 annually, ~~if~~ if required by any rule adopted under this section, by
263 the manufacturer of the amusement ride, or by the professional

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264 engineer or qualified inspector executing the affidavit of
265 nondestructive testing. The nondestructive testing for metal
266 fatigue must consist at least of visual nondestructive testing,
267 as well as; ~~in addition,~~ nonvisual nondestructive testing for
268 metal fatigue, which must be conducted on the components of the
269 amusement ride as required by any rule adopted under this
270 section, by the manufacturer of the amusement ride, or by the
271 professional engineer or qualified inspector executing the
272 affidavit of nondestructive testing.

273 (b) Nondestructive testings must be performed by a
274 technician who meets the requirements prescribed by department
275 rule of subparagraphs (4) (a) 4. and 5.

276 (c) An affidavit of nondestructive testing must state:

277 1. That the amusement ride was inspected in person by the
278 affiant.

279 2. That all nondestructive testing requirements are
280 current.

281 3. That the nondestructive testing was performed by a
282 qualified nondestructive testing technician.

283 4. The components of the amusement ride for which the
284 manufacturer has recommended or required nondestructive testing.

285 5. The type of nondestructive testing required or
286 recommended by the manufacturer.

287 6. The frequency of the nondestructive testing required or
288 recommended by the manufacturer.

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289 7. The components of the amusement ride for which the
290 affiant has recommended or required nondestructive testing.

291 8. The type of nondestructive testing required or
292 recommended by the affiant.

293 9. The frequency of the nondestructive testing as required
294 or recommended by the affiant.

295 10. That visual nondestructive testing is adequate for the
296 amusement ride to be in general conformance with the
297 requirements of this section, ~~and all applicable rules, only,~~ if
298 ~~only~~ visual nondestructive testing is required or recommended by
299 ~~either~~ the manufacturer or the affiant.

300 (d) Nondestructive testing is not required for fun houses,
301 houses of mirrors, haunted houses, mazes, wave pools, wave-
302 making devices, kiddie pools, slides that are fully supported by
303 an earthen mound, nonmotorized playground equipment that
304 requires a manager, or lazy-river-type nonmotorized floating
305 carriers propelled by water.

306 ~~(8)(7)~~ DEPARTMENT INSPECTIONS.-

307 (a) In order to obtain an annual or a temporary amusement
308 ride permit, an amusement ride must be inspected by the
309 department.

310 ~~1. A in accordance with subsection (11) and receive an~~
311 ~~inspection certificate. In addition, each permanent amusement~~
312 ~~ride must be inspected semiannually by the department in~~
313 ~~accordance with subsection (11) and receive an inspection~~

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314 ~~certificate, and each temporary amusement ride must be inspected~~
315 ~~by the department in accordance with subsection (11), and must~~
316 ~~receive an inspection certificate each time the ride is set up~~
317 ~~or moved to a new location in this state unless the temporary~~
318 ~~amusement ride is exempt from the required inspection if it is:~~
319 ~~a.1. Used at a private event;~~
320 ~~b.2. A simulator, the capacity of which does not exceed 16~~
321 ~~persons; or~~
322 ~~c.3. A kiddie ride used at a public event, provided that~~
323 ~~not there are no more than three amusement rides are at the~~
324 ~~event, none of the kiddie rides at the event do not exceed~~
325 ~~exceeds a capacity of 12 persons, and the kiddie ride passed a~~
326 ~~department inspection and was issued a permit ~~has an inspection~~~~
327 ~~~~certificate that was issued~~ within the preceding 6 months. The~~
328 ~~capacity of a kiddie ride shall be determined by department rule~~
329 ~~~~of the department~~, unless the capacity of the ride has been~~
330 ~~determined and specified by the manufacturer. Any owner or~~
331 ~~manager of a kiddie ride operating under this exemption is~~
332 ~~responsible for ensuring that not no more than three amusement~~
333 ~~rides are operated at the event. The department shall inspect~~
334 ~~permanent amusement rides 6 months after the issuance of the~~
335 ~~annual permit.~~
336 ~~2.(b) The required inspection may be waived for a~~
337 ~~permanent amusement ride if it was inspected and certified by an~~
338 ~~accredited trade organization as defined by department rule ~~to~~~~

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339 ~~obtain a department inspection for an amusement ride, the owner~~
340 ~~must submit to the department on a form prescribed by rule of~~
341 ~~the department a written Request for Inspection. The owner must~~
342 ~~provide the following information to the department:~~

343 ~~1. The legal name, address, and primary place of business~~
344 ~~of the owner.~~

345 ~~2. A description, manufacturer's name, serial number,~~
346 ~~model number, and the United States Amusement Identification~~
347 ~~Number, if previously assigned, of the amusement ride.~~

348 ~~3. For a temporary amusement ride, for each time the~~
349 ~~amusement ride is set up or moved to a new location, the date of~~
350 ~~first intended use at the new location and the address or a~~
351 ~~description of the new location.~~

352 ~~(c) For permanent amusement rides, the request for~~
353 ~~inspection must be received by the department at least 15 days~~
354 ~~before the owner's planned opening date or at least 15 days~~
355 ~~before the expiration of the prior inspection certificate. If~~
356 ~~the request for inspection is received less than 15 days before~~
357 ~~the owner's planned opening date or less than 15 days before the~~
358 ~~expiration of the prior inspection certificate, the department~~
359 ~~may nevertheless inspect the amusement ride and charge a late~~
360 ~~fee, as set by rule of the department.~~

361 ~~(d) For temporary amusement rides, the request for~~
362 ~~inspection must be received by the department for each time the~~
363 ~~amusement ride is set up or moved to a new location at least 14~~

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364 ~~days before the date of first intended use at the new location.~~
365 ~~If the request for inspection is received less than 14 days~~
366 ~~before the date of first intended use at the new location, the~~
367 ~~department may nevertheless inspect the amusement ride and~~
368 ~~charge a late fee, as set by rule of the department.~~

369 ~~(b)(e)~~ Inspections must ~~will~~ be assigned on a first-come,
370 first-served ~~first come, first served~~ basis, and overflow
371 requests must ~~will~~ be scheduled on the closest date to the date
372 for which the inspection was requested.

373 ~~(c)(f)~~ Upon failure of an amusement ride to pass any
374 department inspection, the owner or manager may request
375 reinspection, which must ~~shall~~ be submitted in writing to the
376 department on a form prescribed by department rule ~~of the~~
377 ~~department~~. The department shall reinspect the amusement ride as
378 soon as practicable after ~~practical following~~ receipt of the
379 written request for reinspection and any applicable reinspection
380 fees set by department rule ~~of the department~~. Inspections must
381 ~~will~~ be assigned on a first-come, first-served ~~first come, first~~
382 ~~served~~ basis, and the overflow requests must ~~will~~ be scheduled
383 on the closest date to the date for which the inspection was
384 requested.

385 ~~(g)~~ ~~If the amusement ride passes inspection and the owner~~
386 ~~pays the applicable fee set by rule of the department, the~~
387 ~~department shall issue an inspection certificate on a form~~
388 ~~prescribed by rule of the department.~~

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389 ~~(h) The inspection certificate must contain the date of~~
390 ~~inspection, the site of the inspection, and the name of the~~
391 ~~inspector.~~

392 ~~(i) The inspection certificate is valid only for the site~~
393 ~~stated on the inspection certificate. The inspection certificate~~
394 ~~is valid for a period of not more than 6 months from the date of~~
395 ~~issuance, and is not transferable.~~

396 ~~(j) The inspection certificate must be displayed on the~~
397 ~~amusement ride at a place readily visible to patrons of the~~
398 ~~amusement ride.~~

399 ~~(d)(k)~~ If the owner or manager fails to timely cancel a
400 scheduled ~~Request for~~ inspection, requests holiday or weekend
401 inspections, or is required to have a replacement USAID plate
402 issued by the department, the owner or manager may be charged an
403 appropriate fee to be set by department ~~of the department~~.

404 (e) In order to align inspection dates at permanent
405 facilities, the department may shorten or extend the 6-month
406 inspection interval. Fees for rides with shortened inspection
407 intervals must be prorated. Extensions of inspection intervals
408 may not exceed 2 months.

409 ~~(9)(8)~~ FEES.—

410 (a) The department shall ~~by rule~~ establish by rule fees to
411 cover the costs and expenditures associated with the fair rides
412 inspection program, including all direct and indirect costs. If
413 the Legislature does not appropriate ~~there is not sufficient~~

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414 general revenue sufficient to cover such costs and expenditures
415 ~~appropriated by the Legislature~~, the industry shall pay ~~for~~ the
416 remainder remaining cost of the program. The fees must be
417 deposited in the General Inspection Trust Fund.

418 (b) An ~~Any~~ owner or manager of an amusement ride who has
419 not paid ~~all~~ the fees required under this section or who has any
420 unpaid fine outstanding under this section may not operate any
421 amusement ride in this state until the fees or ~~and~~ fines have
422 been paid to the department.

423 (10) ~~(9)~~ INSURANCE REQUIREMENTS.-

424 (a) An owner or manager may not operate an amusement ride
425 unless the owner or manager has in effect at all times of
426 operation an insurance policy in an amount of at least \$1
427 million per occurrence, \$1 million in the aggregate, which
428 insures the owner or manager of the amusement ride against
429 liability for injury to persons arising out of the use of the
430 amusement ride.

431 (b) The policy must be procured from an insurer that is
432 licensed to transact business in this state or that is approved
433 as a surplus lines insurer.

434 (c) ~~The insurance requirements imposed under~~ This
435 subsection does ~~do~~ not apply to a governmental entity that is
436 covered under ~~by the provisions of~~ s. 768.28(16).

437 (11) ~~(10)~~ EXEMPTIONS.-

438 (a) This section does not apply to:

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439 1. Permanent facilities that employ at least 1,000 full-
440 time employees and that maintain full-time, in-house safety
441 inspectors. ~~However~~ ~~Furthermore~~, the permanent facilities must
442 file an affidavit of the annual inspection with the department,
443 on a form prescribed by department rule ~~of the department~~.
444 ~~Additionally~~, The department ~~of Agriculture and Consumer~~
445 ~~Services~~ may consult annually with the permanent facilities
446 regarding industry safety programs.

447 2. Any playground operated by a school, a local
448 government, or a business licensed under chapter 509, if the
449 playground is an incidental amenity and the operating entity is
450 not primarily engaged in providing amusement, pleasure, thrills,
451 or excitement.

452 3. ~~Museums or other institutions principally devoted to~~
453 ~~the exhibition of products of agriculture, industry, education,~~
454 ~~science, religion, or the arts.~~

455 4. ~~Conventions or trade shows for the sale or exhibit of~~
456 ~~amusement rides if there are a minimum of 15 amusement rides on~~
457 ~~display or exhibition, and if any operation of such amusement~~
458 ~~rides is limited to the registered attendees of the convention~~
459 ~~or trade show.~~

460 5. ~~Skating rinks;~~i ~~arcades;~~i ~~laser or paint ball war~~
461 ~~games;~~i ~~bowling alleys;~~i ~~miniature golf courses;~~i ~~mechanical~~
462 ~~bulls;~~i ~~inflatable rides;~~i ~~trampolines;~~i ~~ball crawls;~~i ~~exercise~~
463 ~~equipment;~~i ~~jet skis;~~i ~~paddle boats;~~i ~~airboats;~~i ~~helicopters;~~i

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464 airplanes;; parasails;; hot air or helium balloons, whether
465 tethered or untethered;; theatres;; batting cages;; stationary
466 spring-mounted fixtures;; rider-propelled merry-go-rounds;;
467 games;; side shows;; live animal rides;; or live animal shows.

468 ~~4.6.~~ Go-karts operated in competitive sporting events if
469 participation is not open to the public.

470 (b) All of the following are exempt from subsections (5),
471 (6), (8) and (9), but may be inspected by the department
472 following a complaint or pursuant to an accident that is
473 required to be reported under subsection (15), and such
474 exemption may be removed if the exempted amusement ride is found
475 to have been operating in a manner or circumstance that presents
476 a risk or resulted in a serious injury to patrons:

477 1. Museums or other institutions principally devoted to
478 the exhibition of products of agriculture, industry, education,
479 science, religion, or the arts.

480 2. Conventions or trade shows for the sale or exhibit of
481 amusement rides if there are a minimum of 15 amusement rides on
482 display or exhibition and if any operation of such amusement
483 rides is limited to the registered attendees of the convention
484 or trade show.

485 ~~3.7.~~ Nonmotorized playground equipment that is not
486 required to have a manager.

487 ~~4.8.~~ Coin-actuated amusement rides designed to be operated
488 by depositing coins, tokens, credit cards, debit cards, bills,

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489 or other cash money and which are not required to have a
490 manager, and which have a capacity of six persons or less.

491 ~~5.9.~~ Facilities described in s. 549.09(1)(a) when such
492 facilities are operating cars, trucks, or motorcycles only.

493 ~~6.10.~~ Battery-powered cars or other vehicles that are
494 designed to be operated by children 7 years of age or under and
495 that cannot exceed a speed of 4 miles per hour.

496 ~~7.11.~~—Mechanically driven vehicles that pull train cars,
497 carts, wagons, or other similar vehicles, that are not confined
498 to a metal track or confined to an area but are steered by an
499 operator and do not exceed a speed of 4 miles per hour.

500 ~~8.12.~~ A water-related amusement ride operated by a
501 business licensed under chapter 509 if the water-related
502 amusement ride is an incidental amenity and the operating
503 business is not primarily engaged in providing amusement,
504 pleasure, thrills, or excitement and does not offer day rates.

505 ~~9.13.~~ An amusement ride at a private, membership-only
506 facility if the amusement ride is an incidental amenity and the
507 facility is not open to the general public; is not primarily
508 engaged in providing amusement, pleasure, thrills, or
509 excitement; and does not offer day rates.

510 ~~10.14.~~ A nonprofit permanent facility registered under
511 chapter 496 which is not open to the general public.

512 ~~(c)(b)~~ The department may, ~~by rule,~~ establish by rule
513 exemptions from this section for specific rides or types of

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514 ~~rides nonmotorized or human-powered amusement rides or coin-~~
515 ~~actuated amusement rides.~~

516 (12) ~~(11)~~ INSPECTION STANDARDS.—An amusement ride must
517 conform to ~~and must be inspected by the department in accordance~~
518 ~~with~~ the following standards:

519 (a) All mechanical, structural, and electrical components
520 that affect patron safety must be in good working order.

521 (b) All control devices, speed-limiting devices, brakes,
522 and safety equipment ~~designated by the manufacturer~~ must be in
523 good working order.

524 (c) Parts must be properly aligned, ~~and they~~ may not be
525 bent, distorted, cut, or otherwise injured to force a fit. Parts
526 requiring lubrication must be lubricated in the course of
527 assembly. Fastening and locking devices must be installed when
528 ~~where~~ required for safe operation.

529 (d) ~~Before being used by the public,~~ An amusement ride
530 must be placed or secured with blocking, cribbing, outriggers,
531 guys, or other means so as to be stable under all operating
532 conditions.

533 (e) Areas in which patrons may be endangered by the
534 operation of an amusement ride must be fenced, barricaded, or
535 otherwise effectively guarded against inadvertent contact.

536 (f) Machinery used in or with an amusement ride must be
537 enclosed, barricaded, or otherwise effectively guarded against
538 inadvertent contact.

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539 (g) An amusement ride powered so as to be capable of
540 exceeding its maximum safe operating speed must be provided with
541 a maximum-speed-limiting device.

542 (h) The interior and exterior parts of all patron-carrying
543 amusement rides with which a patron may come in contact must be
544 smooth and rounded and free from sharp, rough, or splintered
545 edges and corners, and from ~~with no~~ projecting studs, bolts, and
546 screws, or other projections that ~~which~~ might cause injury.

547 (i) Signs that advise or warn patrons of age restrictions,
548 size restrictions, health restrictions, weight limitations, or
549 any other special consideration or use restrictions required or
550 recommended for the amusement ride by the manufacturer must
551 ~~shall~~ be prominently displayed at the patron entrance of each
552 amusement ride.

553 (j) All amusement rides presented for inspection as ready
554 for operation or in operation must comply with this section and
555 department rule ~~the rules adopted hereunder~~.

556 (k) A sign containing the toll-free number of the
557 department and informing patrons that they may contact the
558 department with complaints or concerns regarding the operation
559 of amusement rides must be posted in a manner conspicuous to the
560 public at each entrance of a temporary amusement ride facility.
561 The department shall prescribe by rule specifications for such
562 signs.

563 ~~(13)-(12)~~ MAJOR MODIFICATION.—After an amusement ride has

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564 undergone a major modification, and before ~~prior to~~ the time it
565 is placed in operation, a professional engineer licensed by the
566 state in which the certification is performed must certify that
567 the amusement ride is in compliance with this section and
568 department rule all rules adopted pursuant thereto. Upon
569 request, the owner or manager of the amusement ride shall
570 provide to the department a copy of the required certification
571 and all evidence used by the professional engineer to prepare
572 the certification.

573 (14)-(13) ENTRY FOR INSPECTION OR INVESTIGATION.—Upon
574 presentation of identification, an authorized employee of the
575 department may enter unannounced and inspect amusement rides at
576 any time and in a reasonable manner and has the right to
577 question any owner or manager; to inspect, investigate,
578 photograph, and sample all pertinent places, areas, and devices;
579 and to conduct or have conducted all appropriate tests including
580 nondestructive testing. The department may impose fees for
581 unannounced inspections and recover the cost of tests authorized
582 by this subsection.

583 (15)-(14) REPORTING AND INVESTIGATION OF ACCIDENTS AND
584 DEFECTS; IMPOUNDMENTS.—

585 (a) Any accident of which the owner or manager has
586 knowledge or, through the exercise of reasonable diligence
587 should have knowledge, and for which a patron is transported to
588 a hospital, as defined in chapter 395, must be reported by the

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589 owner or manager to the department by telephone within 4 hours
590 after the occurrence of the accident and must be followed up by
591 a written report to the department within 24 hours after the
592 occurrence of the accident.

593 (b) Any mechanical, structural, or electrical defects or
594 failures affecting patron safety for which an amusement ride is
595 closed to patron use ~~for more than 4 hours~~ must be reported by
596 the owner or manager to the department by telephone or facsimile
597 within 8 hours after the closing of the ride. A written report
598 of the closing of the ride, on a form prescribed by department
599 ~~rule of the department~~, must be filed by the owner or manager
600 with the department within 24 hours after the closing of the
601 amusement ride. The affected ride must remain closed until
602 repairs are reviewed and the ride is released for operation by
603 the department.

604 (c) The department may impound an amusement ride involved
605 in an accident for which a patron is transported to a hospital
606 as defined in chapter 395 or which has a mechanical, structural,
607 or electrical defect affecting patron safety; ~~and~~ and may impound
608 any other amusement ride of a similar make and model; ~~and~~ and may
609 perform all necessary tests to determine the cause of the
610 accident or the mechanical, structural, or electrical defect, ~~or~~ or
611 to determine the safety of the amusement ride and any other
612 amusement ride of a similar make and model. The cost of
613 impounding the amusement ride and performing the necessary tests

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614 must be borne by the owner of the amusement ride.

615 ~~(16)(15)~~ INSPECTION BY OWNER OR MANAGER.—Before opening on
616 each day of operation and before any inspection by the
617 department, the owner or manager of an amusement ride must
618 inspect and test each ~~the~~ amusement ride to ensure compliance
619 with ~~all requirements of~~ this section. Each inspection must be
620 recorded on a form prescribed by department rule ~~of the~~
621 ~~department~~ and signed by the person who conducted the
622 inspection. In lieu of the form prescribed by department rule ~~of~~
623 ~~the department~~, the owner or manager may request approval of an
624 alternative form that ~~if the alternative form~~ includes, at a
625 minimum, the information required on the form prescribed by
626 department rule ~~of the department~~. Inspection records of the
627 last 14 daily inspections must be kept on site by the owner or
628 manager and made immediately available to the department upon
629 request.

630 ~~(17)(16)~~ TRAINING OF EMPLOYEES.—The owner or manager of an
631 amusement ride shall maintain a record of employee training for
632 each employee authorized to operate, assemble, disassemble,
633 transport, or conduct maintenance on an amusement ride on a form
634 prescribed by department rule ~~of the department~~. In lieu of the
635 form prescribed by department rule ~~of the department~~, the owner
636 or manager may request approval of an alternative form that ~~if~~
637 ~~the alternative form~~ includes, at a minimum, the information
638 required on the form prescribed by department rule ~~of the~~

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639 ~~department~~. The training record must be kept on site by the
640 owner or manager and made immediately available to the
641 department upon request. Training may not be conducted when an
642 amusement ride is open to the public unless the training is
643 conducted under the supervision of an employee who is trained in
644 the operation of that ride. The owner or manager shall certify
645 that each employee is trained, as required by this section and
646 any rules adopted thereunder, on the amusement ride for which
647 the employee is responsible.

648 (18)~~(17)~~ PROHIBITIONS RELATED TO BUNGY OPERATIONS.—The
649 following bungee operations are prohibited:

650 (a) A bungee operation conducted with balloons, blimps,
651 helicopters, or other aircraft.

652 (b) Sand bagging, which is the practice of holding onto
653 any object, including another person, while bungee jumping, for
654 the purpose of exerting more force on the bungee cord to stretch
655 it further, and then releasing the object during the jump
656 causing the jumper to rebound with more force than could be
657 created by the jumper's weight alone.

658 (c) Tandem or multiple bungee jumping.

659 (d) Bungee jumping from any bridge, overpass, or any other
660 structure not specifically designed as an amusement ride.

661 (e) The practice of bungee catapulting or reverse bungee
662 jumping.

663 (19)~~(18)~~ IMMEDIATE FINAL ORDERS.—

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664 (a) An amusement ride that fails to meet the requirements
665 of this section or pass the inspections required by this
666 section;~~7 or an amusement ride~~ that is involved in an accident
667 for which a patron is transported to a hospital as defined in
668 chapter 395;~~7 or an amusement ride~~ that has a mechanical,
669 structural, or electrical defect that affects patron safety may
670 be considered an immediate serious danger to the public health,
671 safety, and welfare and, upon issuance of an immediate final
672 order prohibiting patron use of the ride, may not be operated
673 for patron use until it has passed a subsequent inspection by or
674 at the direction of the department.

675 (b) An amusement ride of a similar make and model to an
676 amusement ride described in paragraph (a) may be considered an
677 immediate serious danger to the public health, safety, and
678 welfare and, upon issuance of an immediate final order
679 prohibiting patron use of the ride, may not be operated for
680 patron use until it has passed a subsequent inspection by or at
681 the direction of the department.

682 (20) WITNESSES AND EVIDENCE.—

683 (a) In any examination or investigation conducted by the
684 department or by an examiner appointed by the department, the
685 department may administer oaths, examine and cross-examine
686 witnesses, receive oral and documentary evidence, subpoena
687 witnesses, compel witness attendance and testimony, and require
688 by subpoena the production of documents or other evidence that

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689 it deems relevant to the inquiry.

690 (b) If any person refuses to comply with such subpoena or
691 to testify as to any relevant matter, the Circuit Court of Leon
692 County, or the circuit court of the county in which such
693 examination or investigation is being conducted or the county in
694 which such person resides pursuant to an application filed with
695 the department, may issue an order requiring such person to
696 comply with the subpoena and to testify. Any failure to obey
697 such an order of the court may be punished by the court as a
698 contempt thereof.

699 (c) Subpoenas must be served, and proof of such service
700 must be made, in the same manner as if issued by a circuit
701 court. Witness fees and mileage, if claimed, must be allowed as
702 they are for testimony in a circuit court.

703 (d) Any person willfully testifying falsely under oath as
704 to any matter material to any such examination, investigation,
705 or hearing commits perjury and shall be punished accordingly.

706 (e) Any person who asks to be excused from attending or
707 testifying or from producing any documents or other evidence in
708 connection with any examination, hearing, or investigation on
709 the ground that the testimony or evidence required may tend to
710 incriminate him or her or subject him or her to a penalty or
711 forfeiture and who, nevertheless, is directed by the department
712 and the Department of Legal Affairs to give such testimony or
713 produce such evidence shall comply with that directive. The

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714 person may not thereafter be prosecuted or subjected to any
715 penalty or forfeiture for or on account of any transaction,
716 matter, or thing concerning which he or she may have testified
717 or produced evidence, and no testimony given or evidence
718 produced may be received against him or her in any criminal
719 action, investigation, or proceeding. However, a person so
720 testifying is not exempt from prosecution or punishment for any
721 perjury committed by him or her in such testimony, and the
722 testimony or evidence given or produced is admissible against
723 him or her in any criminal action, investigation, or proceeding
724 concerning such perjury; and the person is not exempt from the
725 refusal, suspension, or revocation of any license, permission,
726 or authority conferred or to be conferred pursuant to this
727 chapter.

728 (f) Any such individual may execute, acknowledge, and file
729 with the department a statement expressly waiving such immunity
730 or privilege with respect to any transaction, matter, or thing
731 specified in such statement; and upon such filing, the testimony
732 of such individual or such evidence in relation to such
733 transaction, matter, or thing may be received or produced before
734 any judge or justice, court, tribunal, grand jury, or otherwise;
735 and, if so received or produced, such individual is not entitled
736 to any immunity or privileges on account of any testimony he or
737 she may so give or evidence so produced.

738 (g) Any person who refuses or fails without lawful cause

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739 to testify relative to the affairs of any person, when
740 subpoenaed and requested by the department to so testify,
741 commits a misdemeanor of the second degree, punishable as
742 provided in s. 775.083.

743 (21)-(19) ENFORCEMENT AND PENALTIES.-

744 (a) The department may deny, suspend for a period not to
745 exceed 1 year, or revoke any permit ~~or inspection certificate.~~
746 In addition to denial, suspension, or revocation, the department
747 may impose an administrative fine in the Class III ~~Class II~~
748 category pursuant to s. 570.971 not to exceed \$10,000 ~~\$2,500~~ for
749 each violation, for each day the violation exists, against the
750 owner or manager of the amusement ride if it finds that:

751 1. An amusement ride has operated or is operating:

752 a. With a mechanical, structural, or electrical defect
753 that affects patron safety, of which the owner or manager has
754 knowledge, or, through the exercise of reasonable diligence,
755 should have knowledge;

756 b. In a manner or circumstance that presents a risk of
757 serious injury to patrons;

758 c. At a speed in excess of its maximum safe operating
759 speed;

760 d. In violation of this section or department ~~any rule~~
761 ~~adopted under this section;~~ or

762 e. In violation of an order of the department or order of
763 any court; ~~or~~

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764 2. An owner, a manager, or an operator in the course of
765 his or her duties is under the influence of drugs or alcohol; or

766 3. An amusement ride was presented for inspection as ready
767 for operation with a mechanical, structural, or electrical
768 defect that affects patron safety, of which the owner or manager
769 has knowledge or, through the exercise of reasonable diligence,
770 should have knowledge.

771 (b) In addition to the administrative fine provided in
772 paragraph (a), the department may impose an additional
773 administrative fine in the Class IV category pursuant to s.
774 570.971 of \$10,000 or more against the owner or manager if a
775 violation resulted in serious injury or death to a patron.

776 (c) ~~(b)~~ ~~The department shall,~~ In its order suspending a
777 permit ~~or inspection certificate,~~ the department shall specify
778 the period during which the suspension is effective, which, ~~but~~
779 ~~such period~~ may not exceed 1 year. The permit must ~~or inspection~~
780 ~~certificate shall~~ remain suspended during the period so
781 specified, subject, however, to any rescission or modification
782 of the order by the department, or modification or reversal
783 thereof by the court, before ~~prior to~~ expiration of the
784 suspension period.

785 (d) ~~(c)~~ ~~The owner of an amusement ride,~~ If the permit ~~or~~
786 ~~inspection certificate~~ for the amusement ride has been revoked
787 by the department, the owner or manager of such ride may not
788 apply for another permit ~~or inspection certificate~~ for the

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789 amusement ride within 2 years after the date of such revocation.
790 If judicial review is sought and a stay of the revocation is
791 obtained, the owner or manager may not apply for another permit
792 ~~or inspection certificate~~ within 2 years after the final order
793 of the court sustaining the revocation.

794 ~~(e)(d)~~ During the period of suspension or revocation of a
795 permit ~~or inspection certificate~~, the owner or manager may not
796 engage in or attempt to engage in any operation of the amusement
797 ride for which a permit ~~or inspection certificate~~ is required
798 under this section.

799 ~~(f)(e)~~ When a suspension period imposed by the department
800 has expired, an owner or manager whose ~~annual permit or~~
801 ~~inspection certificate~~ has expired may reapply for a new permit
802 ~~or inspection certificate~~ by submitting a complete application
803 to the department.

804 ~~(g)(f)~~ In addition to the remedies provided in this
805 section, and notwithstanding the existence of any adequate
806 remedy at law, the department may bring an action to enjoin the
807 violation ~~of any provision~~ of this section, or rules adopted
808 under this section, in the circuit court of the county in which
809 the violation occurs or is about to occur. Upon presentation
810 ~~competent and substantial evidence~~ presented by the department
811 to the court of competent and substantial evidence of the
812 violation or threatened violation, the court must immediately
813 issue the temporary or permanent injunction sought by the

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814 department. The injunction must be issued without bond.

815 (h)~~(g)~~ In addition to the penalties authorized ~~to be~~
816 ~~imposed~~ for any violation of this section or any rule adopted
817 under this section, the department may issue a letter of warning
818 to the owner or manager of the amusement ride specifying the
819 violation and directing the owner or manager to immediately
820 correct the violation.

821 (i)~~(h)~~ Any person who knowingly violates ~~any provision of~~
822 this section commits a misdemeanor of the second degree,
823 punishable as provided in s. 775.082 or s. 775.083.

824 Section 2. This act shall take effect July 1, 2020.

825

826 -----

827 **T I T L E A M E N D M E N T**

828 Remove everything before the enacting clause and insert:

829 A bill to be entitled

830 An act relating to amusement rides; amending s.

831 616.242, F.S.; requiring amusement ride managers to

832 meet certain requirements; defining and redefining

833 terms; revising standards for rules adopted by the

834 Department of Agriculture and Consumer Services

835 relating to amusement rides; revising provisions for

836 permanent amusement ride annual permits; providing for

837 temporary amusement ride permits; revising provisions

838 for nondestructive testing and department testing of

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839 amusement rides; removing the exemption from safety
840 standards for certain museums and institutions;
841 providing exemptions from provisions relating to
842 permits, testing, inspections, and fees for certain
843 museums, institutions, specific ride types, and
844 facilities; authorizing the department to establish
845 exemptions from safety standards for specific rides
846 and types of rides; revising inspection standards for
847 amusement rides; directing the department to prescribe
848 by rule specified signage to be posted at amusement
849 ride events; revising requirements for compliance
850 certifications after major modifications to amusement
851 rides; revising requirements for amusement ride
852 inspections by owners and managers; providing
853 procedures for the introduction and examination of
854 witnesses and evidence in examinations and
855 investigations conducted by the department; revising
856 civil penalties; providing an effective date.

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