

Tab 1 SB 1228 by Book; (Similar to CS/H 01275) Amusement Rides							
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

AGRICULTURE
Senator Albritton, Chair
Senator Gainer, Vice Chair

MEETING DATE: Tuesday, February 18, 2020
TIME: 10:30 a.m.—12:00 noon
PLACE: 301 Senate Building

MEMBERS: Senator Albritton, Chair; Senator Gainer, Vice Chair; Senators Broxson, Montford, and Rader

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 1228 Book (Similar CS/H 1275)	Amusement Rides; Requiring amusement ride managers to meet certain requirements; revising standards for rules adopted by the Department of Agriculture and Consumer Services relating to amusement rides; removing the exemption from safety standards for certain museums and institutions; revising inspection standards for amusement rides, etc. AG 02/18/2020 Fav/CS AEG AP	Fav/CS Yeas 5 Nays 0
2	Update on Hurricane Michael Timber/Forestry Recovery and Florida Timber Block Grants by Jim Karels, Director of Florida Forest Service		Presented
3	Presentation on Precision Agriculture by UF/IFAS		Presented
Other Related Meeting Documents			

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Agriculture

BILL: CS/SB 1228

INTRODUCER: Agriculture Committee and Senator Book

SUBJECT: Amusement Rides

DATE: February 18, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Akhavein</u>	<u>Becker</u>	<u>AG</u>	<u>Fav/CS</u>
2.	<u> </u>	<u> </u>	<u>AEG</u>	<u> </u>
3.	<u> </u>	<u> </u>	<u>AP</u>	<u> </u>

I. Summary:

CS/SB 1228 modernizes the permitting and inspection processes of amusement ride safety. The Department of Agriculture and Consumer Services (department) is required to inspect all amusement rides in Florida, except those at large parks with more than 1,000 employees and inspectors on staff. All temporary amusement rides are inspected each time they are moved or set up at a new location, and permanent rides are inspected semiannually. All amusement rides are required to be permitted annually, required to undergo nondestructive testing for structural integrity, and must have an annual inspection by a professional engineer or qualified inspector. The department can investigate accidents, impose sanctions for violations, and close and impound amusement rides that are a danger to the public.

Specifically, the bill:

- Includes amusement ride managers as a responsible party for ensuring compliance with state regulations;
- Conforms state standards for testing, materials, electric, and fire protection to national standards;
- Separates the permitting process for permanent and temporary amusement rides and streamlines the application process;
- Authorizes the department to revise the 6-month inspection interval at permanent facilities;
- Exempts permanent rides from department inspection when inspected by an accredited trade organization;
- Requires ride documents to be submitted to the department in electronic format;
- Revises exemptions for museums and other exhibition related institutions;
- Requires signage containing department contact information to be displayed at temporary amusement` ride events;
- Requires certification to the department before a modified ride is placed back in operation;

- Grants subpoena powers to the department;
- Criminalizes the refusal or failure to testify pursuant to a department subpoena;
- Increases the limit for administrative fines from up to \$2,500 to up to \$10,000 per violation; and
- Allows the department to impose an additional fine of \$10,000 or more for violations resulting in serious injury or death.

II. Present Situation:

The Department of Agriculture and Consumer Services (department) is required to inspect all amusement rides in Florida, except those at large parks with more than 1,000 employees and an inspector on staff. The Bureau of Fair Rides Inspection within the department is required to inspect, investigate, and enforce the regulations related to amusement rides.¹

Amusement rides regulated in the state of Florida fall into two categories:

- Temporary rides are those that are regularly relocated with or without assembly; and
- Permanent rides are those that are not regularly relocated.²

All temporary amusement rides are inspected each time they are moved or set up at a new location, and permanent rides are inspected semiannually. All amusement rides are required to be permitted annually, are required to undergo nondestructive testing for structural integrity, and must have an annual inspection by a professional engineer or qualified inspector.³

The department also inspects go-kart tracks, water-related amusement rides, and zipline courses operating in the state.⁴

In addition, the department investigates accidents involving amusement rides and has the authority to impose sanctions on amusement ride owners for violation of the law. The department can close and impound amusement rides that pose an immediate serious danger to public health, safety, and welfare.⁵

Adoption of Standards

The department is required to adopt by rule standards for amusement rides which are the same as or similar to the following national standards:

- American Society for Testing and Materials (ASTM) Committee F-24 Standards on Amusement Rides and Devices.
- National Electric Code Handbook, Article 525.
- National Fire Protection Code 101 (chapters 8-4.6 and 9-4.6).
- ASTM Standards: E543 Practice for Determining the Qualification of Nondestructive Testing Agencies.

¹ Section 616.242, F.S.

² *Id.*

³ Florida Department of Agriculture and Consumer Services, Fair Rides Inspection, <https://fdacs.gov/Business-Services/Fairs/Fair-Rides-Inspection> (last visited February 12, 2020).

⁴ *Id.*

⁵ *Id.*

- American Society for Nondestructive Testing (ASNT) Document Recommended Practice for Nondestructive Testing Personnel Qualification and Certification (SNT-TC-1A).⁶

The department is authorized to adopt rules necessary to effectuate its statutory duties in the interest of public health, safety, and welfare and to promote patron safety in the design, construction, assembly, disassembly, maintenance, and operation of amusement rides in this state.⁷

There are no mandatory national safety standards for U.S. amusement rides, but the amusement ride industry has developed safety standards through the ASTM F-24 committee. The ASTM F-24 committee is responsible for standards related to amusement rides and devices. This includes waterslides, inflatables, go-karts, ziplines and challenge courses, trampoline courts, and a growing list of commercially-operated amusement experiences.⁸

According to the department, the following statutory language needs to be updated:

- The organization formerly known as American Society for Testing and Materials changed their name to ASTM International and the standard was incorrectly notated in statute as F-24. The proper notation is F24.
- Multiple National Electric Code Handbook Articles have requirements that pertain to amusement rides in addition to Article 525.
- There are fire codes located in other National Fire Protection Association documents that cover current amusement rides.
- ASTM E543 and ASNT SNT-TC-1a are not standards for amusement rides as indicated in the statute. These standards are qualifications for the qualification of personnel and agencies performing non-destructive testing.⁹

Annual Permits

Amusement rides may not operate without an annual permit. To apply, an owner must submit to the department a written application on a form prescribed by department rule, and include:

- The legal name, address, and primary place of business of the owner.
- A description, manufacturer's name, serial number, model number, and, if previously assigned, the United States Amusement Identification Number of the amusement ride.
- A valid certificate of insurance for each amusement ride.
- An affidavit of compliance (AOC) that the amusement ride was inspected and in general conformance with the law and applicable rules.
 - The AOC must be executed by a professional engineer or a qualified inspector no earlier than 60 days before, but not later than, the date of filing of the application with the department.
 - The owner is required to request inspection and permitting of the amusement ride within 60 days of the date of filing the application with the department.

⁶ Section 616.242(4), F.S.

⁷ *Id.*

⁸ ASTM International, *Committee F24 on Amusement Rides and Devices*, <https://www.astm.org/COMMITTEE/F24.htm> (Last visited February 12, 2020).

⁹ Email from Richard Kimsey, Assistant Director, Division of Consumer Services, Department of Agriculture and Consumer Services, RE: Amusement Ride Standards Acronyms (January 30, 2020).

- The department is required to inspect and permit the amusement ride within 60 days after the filing of the application with the department.
- If required, an affidavit of nondestructive testing dated and executed no earlier than 60 days before, but not later than, the date of the filing of the application with the department.
 - The owner is required to request inspection and permitting of the amusement ride within 60 days of the date of filing the application with the department.
 - The department is required to inspect and permit the amusement ride within 60 days after the filing of the application with the department.
- A request for inspection.¹⁰

Upon request, the owner must, at no cost to the department, provide the department with a copy of the manufacturer's current recommended operating instructions in the possession of the owner, the owner's operating fact sheet, and any written bulletins in the possession of the owner concerning the safety, operation, or maintenance of the amusement ride.¹¹

An annual permit must be issued to the owner when a completed application has been received, the amusement ride has passed department inspection, and all applicable fees, as set by department rule,¹² have been paid.¹³

The annual permit:

- Is valid for one year from the date of issuance;
- Is not transferable; and
- Must be displayed on the amusement ride in a place that is visible to patrons.¹⁴

According to the department, as of fiscal year 2018-2019, it had issued approximately 1,700 permits.¹⁵

Nondestructive Testing

In order to operate an amusement ride the owner must at all times have a current affidavit of nondestructive testing from a professional engineer or qualified inspector. The affidavit provides that the amusement ride has undergone nondestructive testing for metal fatigue at least annually.¹⁶ Nondestructive testing must be performed by a technician who meets the national standards for amusement rides provided in department rule.¹⁷

Nondestructive testing for metal fatigue must include visual and nonvisual testing and can be conducted more often than annually if required by any rule adopted under this section, the

¹⁰ Section 616.242(5), F.S.

¹¹ *Id.*

¹² R. 5J-18.012, F.A.C.

¹³ Section 616.242(5), F.S.

¹⁴ *Id.*

¹⁵ Email from Richard Kimsey, Assistant Director, Division of Consumer Services, Department of Agriculture and Consumer Services, Re: Amusement Rides Permitting and Inspection Process (Jan. 24, 2020).

¹⁶ Section 616.242(6), F.S.

¹⁷ *Id.*

manufacturer of the amusement ride, or the professional engineer or qualified inspector executing the affidavit of nondestructive testing.¹⁸

An affidavit of nondestructive testing must provide:

- That the amusement ride was inspected in person by the affiant.
- That all nondestructive testing requirements are current.
- That the nondestructive testing was performed by a qualified nondestructive testing technician.
- The components of the amusement ride for which the manufacturer has recommended or required nondestructive testing.
- The type of nondestructive testing required or recommended by the manufacturer.
- The frequency of the nondestructive testing required or recommended by the manufacturer.
- The components of the amusement ride for which the affiant has recommended or required nondestructive testing.
- The type of nondestructive testing required or recommended by the affiant.
- The frequency of the nondestructive testing as required or recommended by the affiant.
- That visual nondestructive testing is adequate for the amusement ride to be in general conformance with the requirements of this section, and all applicable rules, if only visual nondestructive testing is required or recommended by either the manufacturer or the affiant.¹⁹

Nondestructive testing is not required for:

- Fun houses;
- Houses of mirrors;
- Haunted houses;
- Mazes;
- Wave pools;
- Wave-making devices;
- Kiddie pools;
- Slides that are fully supported by an earthen mound;
- Non-motorized playground equipment that requires a manager; or
- Lazy-river type non-motorized floating carriers propelled by water.²⁰

Inspections

In order to obtain an annual permit, amusement rides must be inspected by DACS and receive an inspection certificate. In addition, the following requirements must be met:

- Permanent amusement rides must be inspected semiannually and receive an inspection certificate; and
- Temporary amusement rides must be inspected and receive an inspection certificate each time the ride is set up or moved to a new location in this state unless the ride is:
 - Used at a private event;
 - A simulator, the capacity of which does not exceed 16 persons; or

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

- A kiddie ride used at a public event, provided that there are no more than three amusement rides at the event, none of the kiddie rides at the event exceeds a capacity of 12 persons, and the ride has an inspection certificate that was issued within the preceding 6 months.²¹

To obtain a department inspection, the owner must submit a written request to the department on a department prescribed form, and provide the following information:

- The legal name, address, and primary place of business of the owner.
- A description, manufacturer's name, serial number, model number, and the United States Amusement Identification Number, if previously assigned, of the amusement ride.
- For a temporary amusement ride, for each time the amusement ride is set up or moved to a new location, the date of first intended use at the new location and the address or a description of the new location.²²

For permanent amusement rides, a request for inspection must be received by the department at least 15 days before the:

- Owner's planned opening date; or
- Expiration of the prior inspection certificate.²³

For temporary amusement rides, the request for inspection must be received by the department each time the amusement ride is set up or moved to a new location at least 14 days before the date of first intended use at the new location.²⁴

In both cases, if the request for inspection is received late, the department is authorized to inspect the amusement ride and charge a late fee. In addition, if the owner fails to timely cancel a Request for Inspection, requests holiday or weekend inspections, or is required to have a replacement United States Amusement ID Program (USAID) plate issued by the department, the owner may be charged an appropriate fee.²⁵

Inspections are assigned on a first come, first served basis, and overflow requests will be scheduled on the closest date to the date for which the inspection was requested. Upon failure of an amusement ride to pass an inspection, the owner may request in writing a reinspection. The department is required to reinspect the ride as soon as practical following receipt of the:

- Written request; and
- Applicable reinspection fees.²⁶

Upon passage of inspection and payment of the applicable fee, the department must issue an inspection certificate containing the following information:

- Date of inspection;
- Site of the inspection; and

²¹ Section 616.242(7), F.S.

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

- Name of the inspector.²⁷

Inspection certificates are valid only for the site stated on the certificate, for a period of not more than 6 months from the date of issuance. They are not transferable and must be displayed on the amusement ride at a place readily visible to patrons.²⁸

According to the department, during fiscal year 2018-2019, it inspected 8,689 amusement rides, and identified 19,249 deficiencies.²⁹

Fees

The department is required by rule to establish fees to cover the costs and expenditures associated with the fair rides inspection program, including all direct and indirect costs. If there is not sufficient general revenue appropriated by the Legislature, the industry is required to pay for the remaining cost of the program.³⁰

Fees must be deposited in the General Inspection Trust Fund. Any owner of an amusement ride who has not paid all the fees required under this section or who has any unpaid fine outstanding under this section are prohibited from operating any amusement ride in this state until the fees and fines have been paid to the department.³¹

DACS has adopted the following fees:³²

Annual permit for any amusement ride	\$500.00
Annual permit for any bungy jump	\$500.00
Inspection fee for each inspection of a kiddie amusement ride	\$45.00
Inspection fee for each inspection of a non-kiddie amusement ride	\$90.00
Inspection fee for each inspection of a super amusement ride	\$175.00
Inspection fee per go kart, in addition to the track inspection fee	\$10.00
Reinspection fee (return on-site)	\$500.00
Reinspection fee (return on-site)	\$100.00
Fee to replace a lost U.S. Amusement Identification (USAID) plate	\$100.00
Fee per amusement ride for late inspection request	\$100.00
Fee per amusement ride for failure to cancel inspection request	\$100.00
Additional fee per amusement ride for inspection on weekend or state holiday	\$75.00

In order to obtain a permit to operate an amusement ride in Florida, the ride owner must obtain injury liability insurance in the following amounts:

- One million dollars minimum per occurrence; and
- One million dollars in the aggregate.³³

²⁷ *Id.*

²⁸ *Id.*

²⁹ The Florida Department of Agriculture and Consumer Services, *Bureau of Fair Rides Inspection Statistical Data, Inspection/Deficiency Statistics.*

³⁰ Section 616.242(8), F.S.

³¹ *Id.*

³² R. 5J-18.012, F.A.C.

³³ Section 616.242(8), F.S.

The policies must be procured from an insurer that is:

- Licensed to transact business in this state; or
- Approved as a surplus lines insurer.³⁴

The insurance requirements do not apply to a governmental entity that is covered by the provisions of s. 768.28(16), F.S., which authorizes the state and its agencies and subdivisions to:

- Be self-insured;
- Enter into risk management programs;
- Purchase liability insurance for whatever coverage they may choose; or
- Have any combination thereof.³⁵

Exemptions

The regulations related to amusement rides do not apply to the following:

- Permanent facilities that employ at least 1,000 full-time employees and that maintain full-time, in-house safety inspectors;
- Any playground operated by a school, local government, or business licensed under chapter 509, F.S., if the playground is an incidental amenity and the operating entity is not primarily engaged in providing amusement, pleasure, thrills, or excitement;
- Museums or other institutions principally devoted to the exhibition of products of agriculture, industry, education, science, religion, or the arts;
- Conventions or trade shows for the sale or exhibit of amusement rides if there are a minimum of 15 amusement rides on display or exhibition, and if any operation of such amusement rides is limited to the registered attendees of the convention or trade show;
- Skating rinks, arcades, laser or paint ball war games, bowling alleys, miniature golf courses, mechanical bulls, inflatable rides, trampolines, ball crawls, exercise equipment, jet skis, paddle boats, airboats, helicopters, airplanes, parasails, hot air or helium balloons whether tethered or untethered, theatres, batting cages, stationary spring-mounted fixtures, rider-propelled merry-go-rounds, games, side shows, live animal rides, or live animal shows;
- Go-karts operated in competitive sporting events if participation is not open to the public;
- Nonmotorized playground equipment that is not required to have a manager;
- Coin-actuated amusement rides designed to be operated by depositing coins, tokens, credit cards, debit cards, bills, or other cash money and which are not required to have a manager, and which have a capacity of six persons or less;
- Motorsports facilities described in s. 549.09(1)(a), F.S., when such facilities are operating cars, trucks, or motorcycles only;
- Battery-powered cars or other vehicles that are designed to be operated by children seven years of age or under and that cannot exceed a speed of four miles per hour;
- Mechanically driven vehicles that pull train cars, carts, wagons, or other similar vehicles, that are not confined to a metal track or confined to an area but are steered by an operator and do not exceed a speed of 4 miles per hour;
- Water-related amusement rides operated by a business licensed under chapter 509, F.S., if the water-related amusement ride is an incidental amenity and the operating business is not

³⁴ *Id.*

³⁵ *Id.*

primarily engaged in providing amusement, pleasure, thrills, or excitement and does not offer day rates;

- Amusement rides at a private, membership-only facility if the amusement ride is an incidental amenity and the facility is not open to the general public; is not primarily engaged in providing amusement, pleasure, thrills, or excitement; and does not offer day rates; and
- Nonprofit permanent facilities registered under chapter 496, F.S., which are not open to the general public.³⁶

The department is authorized to establish by rule exemptions from the regulations on amusement rides for “nonmotorized or human-powered amusement rides or coin-actuated amusement rides.”³⁷

Inspection Standards

Amusement rides are required to adhere to the following inspection standards:

- All mechanical, structural, and electrical components that affect patron safety must be in good working order.
- All control devices, speed-limiting devices, brakes, and safety equipment designated by the manufacturer must be in good working order.
- Parts must be properly aligned and not be bent, distorted, cut, or otherwise injured to force a fit. Parts requiring lubrication must be lubricated in the course of assembly. Fastening and locking devices must be installed where required for safe operation.
- Before being used by the public, an amusement ride must be placed or secured with blocking, cribbing, outriggers, guys, or other means so as to be stable under all operating conditions.
- Areas in which patrons may be endangered by the operation of an amusement ride must be fenced, barricaded, or otherwise effectively guarded against inadvertent contact.
- Machinery used in or with an amusement ride must be enclosed, barricaded, or otherwise effectively guarded against inadvertent contact.
- An amusement ride powered so as to be capable of exceeding its maximum safe operating speed must be provided with a maximum-speed-limiting device.
- The interior and exterior parts of all patron-carrying amusement rides with which a patron may come in contact must be smooth and rounded and free from sharp, rough, or splintered edges and corners, with no projecting studs, bolts, screws, or other projections which might cause injury.
- Signs that advise or warn patrons of age restrictions, size restrictions, health restrictions, weight limitations, or any other special consideration or use restrictions required or recommended for the amusement ride by the manufacturer must be prominently displayed at the patron entrance of each amusement ride.
- All amusement rides must comply with the section of law governing amusement rides and related rules.³⁸

³⁶ Section 616.242(10), F.S.

³⁷ *Id.*

³⁸ Section 616.242(11), F.S.

Major Modifications

After an amusement ride has undergone a major modification, and prior to the time it is placed in operation, a Florida Licensed professional engineer must certify that the amusement ride is in compliance with the entire section of law governing amusement ride safety, and all related rules.³⁹

Entry for Inspections

Authorized department employees may enter unannounced and inspect amusement rides at any time in a reasonable manner. Such employees are authorized to:

- Question any owner or manager;
- Inspect, investigate, photograph, and sample all pertinent places, areas, and devices; and
- Conduct all appropriate tests including nondestructive testing.⁴⁰

The department is authorized to impose fees for unannounced inspections and recover the cost of related tests.⁴¹

Reporting and Investigating Accidents and Defects

Accidents that the owner or manager have knowledge or, through the exercise of reasonable diligence should have knowledge, and for which a patron is transported to a hospital as defined in chapter 395, F.S., must be reported by the owner or manager to the department. Such reporting must be conducted by telephone within four hours after the accident and followed up by a written report to the department within 24 hours after the accident.

Any mechanical, structural, or electrical defects affecting patron safety for which an amusement ride is closed to patron use for more than four hours must be reported by the owner or manager to the department by telephone or facsimile within eight hours after the closing of the ride. A written report of the closing must be filed by the owner or manager with the department within 24 hours after the ride closes.

In addition, the department is authorized to impound amusement rides that have:

- Been involved in an accident for which a patron is transported to a hospital as defined in chapter 395, F.S.;
- A mechanical, structural, or electrical defect affecting patron safety.

In cases of impoundment, the department is authorized to impound any other amusement ride of a similar make and model and perform all necessary tests to determine the cause of the accident, defect, or safety of the ride and any other ride of a similar make and model. The ride owners are responsible for the cost of impoundment and relating testing.⁴²

³⁹ Section 616.242(12), F.S.

⁴⁰ Section 616.242(13), F.S.

⁴¹ *Id.*

⁴² Section 616.242(14), F.S.

According to the department, in fiscal year 2018-2019, there were 191 amusement ride accidents reported.⁴³

Owner/Manager Inspections

Prior to opening each day of operation, and before any inspection by the department, the owner or manager of an amusement ride is required to inspect and test the ride to ensure compliance with all requirements of the law governing amusement rides. Each inspection must be recorded on a form prescribed by department rule and signed by the person who conducted the inspection.⁴⁴

In lieu of using the department form, an owner or manager may request approval of an alternative form, which must include at least the information required on the department form. Inspection records of the last 14 daily inspections must be:

- Kept on site by the owner or manager; and
- Made immediately available to the department upon request.⁴⁵

Employee Training

Owners or managers of amusement rides are required to:

- Maintain a record of employee training for each employee who is authorized to operate, assemble, disassemble, transport, or conduct maintenance on an amusement ride; and
- Certify that each employee is trained on the amusement ride for which the employee is responsible.⁴⁶

The training record must be kept on site by the owner or manager and made immediately available to the department upon request. In lieu of using the department form, the owner or manager may request approval of an alternative form.⁴⁷ Training is prohibited when an amusement ride is open to the public, unless the training is conducted under the supervision of an employee who is trained in the operation of that ride.⁴⁸

Enforcement and Penalties

The department has the authority to deny, suspend for up to one year, or revoke any permit or inspection certificate. In addition, the department may impose an administrative fine pursuant to s. 570.971, F.S., not to exceed \$2,500 per violation, for each day the violation exists, against the owner of the amusement ride if the department finds that:

- An amusement ride has operated or is operating:

⁴³ The Florida Department of Agriculture and Consumer Services, *Bureau of Fair Rides Inspection Statistical Data*, Inspection/Deficiency Statistics.

⁴⁴ Section 616.242(15), F.S.

⁴⁵ *Id.*

⁴⁶ Section 616.242(16), F.S.

⁴⁷ *Id.*

⁴⁸ *Id.*

- With a mechanical, structural, or electrical defect that affects patron safety, of which the owner or manager has knowledge, or, through the exercise of reasonable diligence, should have knowledge;
- In a manner or circumstance that presents a risk of serious injury to patrons;
- At a speed in excess of its maximum safe operating speed;
- In violation of department rules or state law; or
- In violation of an order of the department or any court; or
- A manager in the course of his or her duties is under the influence of drugs or alcohol.⁴⁹

The department is required, in its order suspending a permit or inspection certificate, to specify the period during which the suspension is effective, which may not exceed 1 year. The permit or inspection certificate must remain suspended during the period, subject to any rescission or modification of the order by the department or modification or reversal by the court, prior to expiration of the suspension period.⁵⁰

The owner of an amusement ride whose permit or inspection certificate has been revoked by the department may not apply for another permit or inspection certificate for the amusement ride within two years after the date of the revocation. If judicial review is sought and a stay of the revocation is obtained, the owner may not apply for another permit or inspection certificate within two years after the final order of the court sustaining the revocation.⁵¹

During the period of suspension or revocation, the owner may not engage in or attempt to engage in any operation of the amusement ride for which a permit or inspection certificate is required.⁵²

When a department imposed suspension period has expired, the owner may reapply for a new permit or inspection certificate by submitting a complete application to the department.⁵³

In addition, and notwithstanding the existence of any adequate remedy at law, the department is authorized to bring an action to enjoin the violation of any provision, or rules adopted, under this section, in the circuit court of the county in which the violation occurs or is about to occur. Upon competent and substantial evidence presented by the department, the court is required to immediately issue the temporary or permanent injunction sought by the department without bond.⁵⁴

In addition to the penalties, the department is authorized to issue a letter of warning to the owner of the ride specifying the violation and requiring immediate corrective action.⁵⁵

⁴⁹ Section 616.242(19), F.S.

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *Id.*

Any person who knowingly violates any of the provisions of the regulations governing amusement rides commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, F.S.⁵⁶

According to the department, during fiscal year 2018-2019, it issued 169 stop operation orders and 801 out-of-service tags.⁵⁷

Consumer Product Safety Commission

The Consumer Product Safety Commission (Commission) is charged with protecting the public from unreasonable risks of injury or death associated with the use of the thousands of types of consumer products under the Commission’s jurisdiction. The Consumer Product Safety Act (Act)⁵⁸ authorizes the Commission to investigate serious accidents involving portable carnival rides, inflatables, and go-karts. Amusement rides operated at permanent parks (“permanently fixed to a site”) are exempt from compliance with the Act.⁵⁹

Ride manufacturers or owner/operators are required to notify the Commission if they obtain information which reasonably supports the conclusion that a portable amusement ride, inflatable device, go-kart or other non-exempt amusement device:

- Fails to comply with a consumer product safety standard or banning regulation established by the omission or a voluntary consumer product safety standard upon which the Commission has relied under section 9 of the Act;
- Contains a defect which could create a substantial product hazard described in section 15(a)(2) of the Act; or
- Creates an unreasonable risk of serious injury or death.⁶⁰

The Commission does not provide for an inspection program.

Other States

According to a consumer safety organization, Safeparks.org, the research of amusement ride laws in 50 states found the following:⁶¹

Degree of Oversight	Number of States
Comprehensive Government Oversight	20 States (Including Florida)
Partial Government Oversight	12 States
Private Sector Oversight	9 States
No State Agency with Jurisdiction	8 States
Electrical Inspections Only	1 State

⁵⁶ *Id.*

⁵⁷ The Florida Department of Agriculture and Consumer Services, *Bureau of Fair Rides Inspection Statistical Data, Inspection/Deficiency Statistics.*

⁵⁸ 15 U.S.C. ch. 47 § 2051 et seq.

⁵⁹ Safeparks, *United States Consumer Product Safety Commission*, <https://saferparks.org/agency/united-states-consumer-product-safety-commission> (last visited February 12, 2020)

⁶⁰ *Id.*

⁶¹ *Id.*

III. Effect of Proposed Changes:

Section 1 amends s. 616.242, F.S., to update and revise safety standards for amusement rides. Specific changes and updates to permitting and inspection are as follows:

Responsibilities

- Amusement ride managers, as well as owners, would become a responsible party for ensuring compliance with state safety standards for amusement rides.

Adoption of Standards

- The organization formerly known as American Society for Testing and Materials changed its name to ASTM International and the standard was incorrectly notated in statute as F-24. The bill properly notates it as F24.
- Multiple National Electric Code Handbook Articles have requirements that pertain to amusement rides in addition to Article 525, so the bill deletes that citation.
- ASTM E543 and ASNT SNT-TC-1a are not standards for amusement rides as indicated in the statute. These standards are qualifications for the qualification of personnel and agencies performing non-destructive testing.

Inspection and Permitting Process

- The permitting application and issuance process is streamlined, the requirement for an inspection certificate is removed, and deadlines are set for inspection by the department prior to the issuance of a permit for operation.
- The department is required to inspect permanent amusement rides six months after the issuance of the annual permit.
- An exemption is added from department inspection for permanent rides that prove that they were inspected and certified by an accredited trade organization.
- The permitting process for permanent amusement rides is separated from temporary amusement rides, and the two are distinguished by:
 - Establishing that a permanent ride permit is valid for one year and a temporary ride permit is valid for six months, or until the temporary ride is removed; and
 - Requiring permanent ride and temporary ride applications for permit to be submitted 15 and 14 days prior to their opening dates, respectively.
- An "amusement ride event" is defined as an event where an amusement ride is operated at a specific location and date as listed on an annual permit application or on a temporary amusement ride permit application.
- A "temporary amusement ride permit" is defined as the United States Amusement Identification Number and the decal issued by the department, which signify that the temporary amusement ride has been permitted by the department.
- In order to align inspection dates at permanent facilities, the bill authorizes the department to shorten or extend the 6-month inspection interval. Fees for rides with shortened inspection intervals must be prorated, and extensions of inspection intervals may not exceed two months.

- A ride's operating instructions, fact sheet, and any bulletins concerning the ride are required to be submitted to the department in electronic format as part of the permitting process.

Fees

- The bill clarifies the department's authority to establish, by rule, fees to cover the costs and expenditures associated with the fair rides inspection program.
- The industry shall pay the remaining cost of the program if there is not sufficient general revenue appropriated by the Legislature.

Exemptions

- The department's rulemaking authority is broadened to establish exemptions for types of rides from the amusement ride regulations by deleting the restriction that such exemptions only apply to nonmotorized or human-powered amusement rides or coin-actuated amusement rides.
- The bill exempts the following from required annual or temporary permits, inspections, and fees but may be inspected by the department following a complaint or certain accidents:
 - Museums or other institutions principally devoted to the exhibition of products of agriculture, industry, education, science, religion, or the arts.
 - Conventions or trade shows for the sale or exhibit of amusement rides if there are a minimum of 15 amusement rides on display or exhibition and if any operation of such amusement rides is limited to the registered attendees of the convention or trade show.

Inspection Standards

- Inspection standards are clarified.
- The requirement that an amusement ride be inspected by the department in accordance with the statutory standards is revised, and instead provides that rides presented for inspection as ready for operation must comply with the standards.

Operating Requirements

- Ride owners and operators are required to display the department's contact information for ride patrons' benefit. Specifically, a sign that contains the department's toll-free number and informs patrons to contact it with complaints or concerns regarding the operation of amusement rides must be posted in a manner conspicuous to the public at each entrance of a temporary amusement ride facility.
- The department is required to prescribe by rule specifications for such signs.
- After an amusement ride has undergone a major modification and before it is placed in operation, the bill requires upon request, the owner or manager of the amusement ride to provide to the department a copy of the required certification and all evidence used by the professional engineer to prepare the certification.
- The four-hour threshold is removed after which the owner or manager must report a mechanical, structural, or electrical defect, and "failures" are included in the types of electrical deficiencies that can trigger a reporting requirement.

- The affected ride is to remain closed until repairs are reviewed and the ride is released for operation by the department.

Witnesses and Evidence

- The department is provided with certain investigative and subpoena powers for application in its investigations performed under the amusement ride law. A person's refusal or failure to testify pursuant to such subpoena is guilty of a second-degree misdemeanor, punishable as provided in s. 775.083, F.S.
- Specifically, in any examination or investigation conducted by the department or a department appointed examiner, the department is authorized to:
 - Administer oaths;
 - Examine and cross-examine witnesses;
 - Receive oral and documentary evidence;
 - Subpoena witnesses;
 - Compel witness attendance and testimony; and
 - Require by subpoena the production of documents or other evidence that it deems relevant to the inquiry.
- If any person refuses to comply with the subpoena or to testify as to any relevant matter, the Circuit Court of Leon County, or the circuit court of the county in which such examination or investigation is being conducted or the county in which such person resides pursuant to an application filed with the department, is authorized to issue an order requiring such person to comply with the subpoena and to testify. Failure to obey an order may be punished by the court as contempt.
- Subpoenas must be served, and proof of such service must be made in the same manner as if issued by a circuit court. Witness fees and mileage, if claimed, must be allowed as they are for testimony in a circuit court. Any person willfully testifying falsely under oath as to any matter material to any such examination, investigation, or hearing commits perjury will be punished accordingly.
- Any person who asks to be excused from attending or testifying or from producing any documents or other evidence in connection with any examination, hearing, or investigation on the ground that the testimony or evidence required may tend to incriminate him or her or subject him or her to a penalty or forfeiture and who, nevertheless, is directed by the department and the Department of Legal Affairs to give such testimony or produce such evidence must comply with that directive. The person may not thereafter be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he or she may have testified or produced evidence, and no testimony given or evidence produced may be received against him or her in any criminal action, investigation, or proceeding.
- However, a person testifying is not exempt from prosecution or punishment for any perjury committed by him or her in such testimony, and the testimony or evidence given or produced is admissible against him or her in any criminal action, investigation, or proceeding concerning such perjury; and the person is not exempt from the refusal, suspension, or revocation of any license, permission, or authority conferred or to be conferred pursuant to this chapter.
- Any such individual may execute, acknowledge, and file with the department a statement expressly waiving such immunity or privilege with respect to any transaction, matter, or

thing specified in such statement; and upon such filing, the testimony of such individual or such evidence in relation to such transaction, matter, or thing may be received or produced before any judge or justice, court, tribunal, grand jury, or otherwise; and, if so received or produced, such individual is not entitled to any immunity or privileges on account of any testimony he or she may so give or evidence so produced.

Enforcement

- The limit for administrative fines is increased from “not to exceed \$2,500” to “not to exceed \$10,000” per violation.
- A violation is added for the presentment of a ride for inspection by the department that has a defect that is known, or should be known.
- An administrative fine of \$10,000, or more, is added for any violation resulting in serious injury or death to a patron.

Section 2 provides that this act shall take effect July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The bill increases fines for operating with safety violations from Class II (not to exceed \$2,500) to Class III (not to exceed \$10,000). The bill also allows for Class IV fines (greater than \$10,000) for a violation that resulted in serious injury or death of a patron.

B. Private Sector Impact:

Approximately 21 facilities will lose their exemptions and be required to permit their devices and have required safety inspections. The estimated impact on business is \$38,850 or an average of \$1,850 per business.

C. Government Sector Impact:**Revenues:**

According to the department, it will receive revenue from approximately 21 facilities that will lose their exemption for inspections in a total amount between \$14,280.62 and \$17,850. However, the increase in new exemptions for inspections will decrease revenue collections and may be off set.

Expenditures:

According to the department, it will incur expenditures based on the cost of the safety signage at each event, including 1,622 events times three signs per event times \$0.25 per sign, which would be a total cost to the department of approximately \$1,220.63 The bill has an indeterminate fiscal impact on the department for the increased cost to inspect facilities that lose exemptions.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends s. 616.242 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by the Agriculture Committee on February 18, 2020:

The committee substitute:

- Requires the Department of Agriculture and Consumer Services to inspect permanent amusement rides six months after the issuance of an annual permit;
- Specifies certain exemptions for museums, institutions that display aspects of agriculture, conventions, and trade shows; and
- Requires a sign that contains the department's toll-free number to be posted in a manner conspicuous to the public at each entrance of a temporary amusement ride facility rather than at each amusement ride event entrance.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



238626

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/18/2020	.	
	.	
	.	
	.	

The Committee on Agriculture (Book) recommended the following:

Senate Amendment (with title amendment)

Delete lines 331 - 568
and insert:

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

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



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12 ~~certificate, and each temporary amusement ride must be inspected~~
13 ~~by the department in accordance with subsection (11), and must~~
14 ~~receive an inspection certificate each time the ride is set up~~
15 ~~or moved to a new location in this state unless the temporary~~
16 ~~amusement ride is exempt from the required inspection if it is:~~

17 ~~a.1. Used at a private event;~~

18 ~~b.2. A simulator, the capacity of which does not exceed 16~~
19 ~~persons; or~~

20 ~~c.3. A kiddie ride used at a public event, provided that~~
21 ~~not there are no more than three amusement rides are at the~~
22 ~~event, ~~none of~~ the kiddie rides at the event do not exceed~~
23 ~~exceeds a capacity of 12 persons, and the kiddie ride passed a~~
24 ~~department inspection and was issued a permit ~~has an inspection~~~~
25 ~~certificate that was issued within the preceding 6 months. The~~
26 ~~capacity of a kiddie ride shall be determined by department rule~~
27 ~~~~of the department~~, unless the capacity of the ride has been~~
28 ~~determined and specified by the manufacturer. Any owner or~~
29 ~~manager of a kiddie ride operating under this exemption is~~
30 ~~responsible for ensuring that not no more than three amusement~~
31 ~~rides are operated at the event. The department shall inspect~~
32 ~~permanent amusement rides 6 months after the issuance of the~~
33 ~~annual permit.~~

34 ~~2.(b) The required inspection may be waived for a permanent~~
35 ~~amusement ride if it was inspected and certified by an~~
36 ~~accredited trade organization as defined by department rule ~~To~~~~
37 ~~~~obtain a department inspection for an amusement ride, the owner~~~~
38 ~~~~must submit to the department on a form prescribed by rule of~~~~
39 ~~~~the department a written Request for Inspection. The owner must~~~~
40 ~~~~provide the following information to the department:~~~~



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41 ~~1. The legal name, address, and primary place of business~~
42 ~~of the owner.~~

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

46 ~~3. For a temporary amusement ride, for each time the~~
47 ~~amusement ride is set up or moved to a new location, the date of~~
48 ~~first intended use at the new location and the address or a~~
49 ~~description of the new location.~~

50 ~~(c) For permanent amusement rides, the request for~~
51 ~~inspection must be received by the department at least 15 days~~
52 ~~before the owner's planned opening date or at least 15 days~~
53 ~~before the expiration of the prior inspection certificate. If~~
54 ~~the request for inspection is received less than 15 days before~~
55 ~~the owner's planned opening date or less than 15 days before the~~
56 ~~expiration of the prior inspection certificate, the department~~
57 ~~may nevertheless inspect the amusement ride and charge a late~~
58 ~~fee, as set by rule of the department.~~

59 ~~(d) For temporary amusement rides, the request for~~
60 ~~inspection must be received by the department for each time the~~
61 ~~amusement ride is set up or moved to a new location at least 14~~
62 ~~days before the date of first intended use at the new location.~~
63 ~~If the request for inspection is received less than 14 days~~
64 ~~before the date of first intended use at the new location, the~~
65 ~~department may nevertheless inspect the amusement ride and~~
66 ~~charge a late fee, as set by rule of the department.~~

67 ~~(b)(e) Inspections must will be assigned on a first-come,~~
68 ~~first-served first come, first served basis, and overflow~~
69 ~~requests must will be scheduled on the closest date to the date~~



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70 for which the inspection was requested.

71 ~~(c)-(f)~~ Upon failure of an amusement ride to pass any
72 department inspection, the owner or manager may request
73 reinspection, which must ~~shall~~ be submitted in writing to the
74 department on a form prescribed by department rule ~~of the~~
75 ~~department~~. The department shall reinspect the amusement ride as
76 soon as practicable after ~~practical following~~ receipt of the
77 written request for reinspection and any applicable reinspection
78 fees set by department rule ~~of the department~~. Inspections must
79 ~~will~~ be assigned on a first-come, first-served ~~first come, first~~
80 ~~served~~ basis, and the overflow requests must ~~will~~ be scheduled
81 on the closest date to the date for which the inspection was
82 requested.

83 ~~(g) If the amusement ride passes inspection and the owner~~
84 ~~pays the applicable fee set by rule of the department, the~~
85 ~~department shall issue an inspection certificate on a form~~
86 ~~prescribed by rule of the department.~~

87 ~~(h) The inspection certificate must contain the date of~~
88 ~~inspection, the site of the inspection, and the name of the~~
89 ~~inspector.~~

90 ~~(i) The inspection certificate is valid only for the site~~
91 ~~stated on the inspection certificate. The inspection certificate~~
92 ~~is valid for a period of not more than 6 months from the date of~~
93 ~~issuance, and is not transferable.~~

94 ~~(j) The inspection certificate must be displayed on the~~
95 ~~amusement ride at a place readily visible to patrons of the~~
96 ~~amusement ride.~~

97 ~~(d)-(k)~~ If the owner or manager fails to timely cancel a
98 scheduled Request ~~for~~ inspection, requests holiday or weekend



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99 inspections, or is required to have a replacement USAID plate
100 issued by the department, the owner or manager may be charged an
101 appropriate fee to be set by department rule ~~of the department~~.

102 (e) In order to align inspection dates at permanent
103 facilities, the department may shorten or extend the 6-month
104 inspection interval. Fees for rides with shortened inspection
105 intervals must be prorated. Extensions of inspection intervals
106 may not exceed 2 months.

107 (9)-(8) FEES.-

108 (a) The department shall ~~by rule~~ establish by rule fees to
109 cover the costs and expenditures associated with the fair rides
110 inspection program, including all direct and indirect costs. If
111 the Legislature does not appropriate there is not sufficient
112 general revenue sufficient to cover such costs and expenditures
113 appropriated by the Legislature, the industry shall pay ~~for~~ the
114 remainder remaining cost of the program. The fees must be
115 deposited in the General Inspection Trust Fund.

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

121 (10)-(9) INSURANCE REQUIREMENTS.-

122 (a) An owner or manager may not operate an amusement ride
123 unless the owner or manager has in effect at all times of
124 operation an insurance policy in an amount of at least \$1
125 million per occurrence, \$1 million in the aggregate, which
126 insures the owner or manager of the amusement ride against
127 liability for injury to persons arising out of the use of the



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128 amusement ride.

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

132 (c) ~~The insurance requirements imposed under~~ This
133 subsection does ~~de~~ not apply to a governmental entity that is
134 covered under ~~by the provisions of~~ s. 768.28(16).

135 (11) ~~(10)~~ EXEMPTIONS.—

136 (a) This section does not apply to:

137 1. Permanent facilities that employ at least 1,000 full-
138 time employees and that maintain full-time, in-house safety
139 inspectors. However ~~Furthermore~~, the permanent facilities must
140 file an affidavit of the annual inspection with the department,
141 on a form prescribed by department ~~of the department~~.
142 ~~Additionally, The department of Agriculture and Consumer~~
143 ~~Services~~ may consult annually with the permanent facilities
144 regarding industry safety programs.

145 2. Any playground operated by a school, a local government,
146 or a business licensed under chapter 509, if the playground is
147 an incidental amenity and the operating entity is not primarily
148 engaged in providing amusement, pleasure, thrills, or
149 excitement.

150 3. ~~Museums or other institutions principally devoted to the~~
151 ~~exhibition of products of agriculture, industry, education,~~
152 ~~science, religion, or the arts.~~

153 4. ~~Conventions or trade shows for the sale or exhibit of~~
154 ~~amusement rides if there are a minimum of 15 amusement rides on~~
155 ~~display or exhibition and if any operation of such amusement~~
156 ~~rides is limited to the registered attendees of the convention~~



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157 ~~or trade show.~~

158 ~~5.~~ Skating rinks;~~;~~ arcades;~~;~~ laser or paint ball war
159 games;~~;~~ bowling alleys;~~;~~ miniature golf courses;~~;~~ mechanical
160 bulls;~~;~~ inflatable rides;~~;~~ trampolines;~~;~~ ball crawls;~~;~~ exercise
161 equipment;~~;~~ jet skis;~~;~~ paddle boats;~~;~~ airboats;~~;~~ helicopters;~~;~~
162 airplanes;~~;~~ parasails;~~;~~ hot air or helium balloons, whether
163 tethered or untethered;~~;~~ theatres;~~;~~ batting cages;~~;~~ stationary
164 spring-mounted fixtures;~~;~~ rider-propelled merry-go-rounds;~~;~~
165 games;~~;~~ side shows;~~;~~ live animal rides;~~;~~ or live animal shows.

166 ~~4.6.~~ Go-karts operated in competitive sporting events if
167 participation is not open to the public.

168 (b) All of the following are exempt from subsections (5),
169 (6), (8) and (9), but may be inspected by the department
170 following a complaint or pursuant to an accident that is
171 required to be reported under subsection (15), and such
172 exemption may be removed if the exempted amusement ride is found
173 to have been operating in a manner or circumstance that presents
174 a risk or resulted in a serious injury to patrons:

175 1. Museums or other institutions principally devoted to the
176 exhibition of products of agriculture, industry, education,
177 science, religion, or the arts.

178 2. Conventions or trade shows for the sale or exhibit of
179 amusement rides if there are a minimum of 15 amusement rides on
180 display or exhibition and if any operation of such amusement
181 rides is limited to the registered attendees of the convention
182 or trade show.

183 ~~3.7.~~ Nonmotorized playground equipment that is not required
184 to have a manager.

185 ~~4.8.~~ Coin-actuated amusement rides designed to be operated



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186 by depositing coins, tokens, credit cards, debit cards, bills,
187 or other cash money and which are not required to have a
188 manager, and which have a capacity of six persons or less.

189 ~~5.9.~~ Facilities described in s. 549.09(1) (a) when such
190 facilities are operating cars, trucks, or motorcycles only.

191 ~~6.10.~~ Battery-powered cars or other vehicles that are
192 designed to be operated by children 7 years of age or under and
193 that cannot exceed a speed of 4 miles per hour.

194 ~~7.11.~~ Mechanically driven vehicles that pull train cars,
195 carts, wagons, or other similar vehicles, that are not confined
196 to a metal track or confined to an area but are steered by an
197 operator and do not exceed a speed of 4 miles per hour.

198 ~~8.12.~~ A water-related amusement ride operated by a business
199 licensed under chapter 509 if the water-related amusement ride
200 is an incidental amenity and the operating business is not
201 primarily engaged in providing amusement, pleasure, thrills, or
202 excitement and does not offer day rates.

203 ~~9.13.~~ An amusement ride at a private, membership-only
204 facility if the amusement ride is an incidental amenity and the
205 facility is not open to the general public; is not primarily
206 engaged in providing amusement, pleasure, thrills, or
207 excitement; and does not offer day rates.

208 ~~10.14.~~ A nonprofit permanent facility registered under
209 chapter 496 which is not open to the general public.

210 ~~(c) (b)~~ The department may, ~~by rule,~~ establish by rule
211 exemptions from this section for specific rides or types of
212 rides nonmotorized or human-powered amusement rides or coin-
213 actuated amusement rides.

214 ~~(12) (11)~~ INSPECTION STANDARDS.—An amusement ride must



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215 conform to ~~and must be inspected by the department in accordance~~
216 ~~with~~ the following standards:

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

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

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

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

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

234 (f) Machinery used in or with an amusement ride must be
235 enclosed, barricaded, or otherwise effectively guarded against
236 inadvertent contact.

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

240 (h) The interior and exterior parts of all patron-carrying
241 amusement rides with which a patron may come in contact must be
242 smooth and rounded and free from sharp, rough, or splintered
243 edges and corners, and from ~~with no~~ projecting studs, bolts, and



244 screws~~7~~ or other projections that ~~which~~ might cause injury.

245 (i) Signs that advise or warn patrons of age restrictions,
246 size restrictions, health restrictions, weight limitations, or
247 any other special consideration or use restrictions required or
248 recommended for the amusement ride by the manufacturer must
249 ~~shall~~ be prominently displayed at the patron entrance of each
250 amusement ride.

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

254 (k) A sign containing the toll-free number of the
255 department and informing patrons that they may contact the
256 department with complaints or concerns regarding the operation
257 of amusement rides must be posted in a manner conspicuous to the
258 public at each entrance of a temporary amusement ride facility.
259 The

260
261 ===== T I T L E A M E N D M E N T =====

262 And the title is amended as follows:

263 Delete lines 13 - 15

264 and insert:

265 providing exemptions from provisions relating to
266 permits, testing, inspections, and fees for certain
267 museums, institutions, specific ride types, and
268 facilities; authorizing the department to establish
269 exemptions from safety standards for specific rides
270 and types of rides; revising inspection standards for
271 amusement

By Senator Book

32-01140-20

20201228__

A bill to be entitled

An act relating to amusement rides; amending s. 616.242, F.S.; requiring amusement ride managers to meet certain requirements; defining and redefining terms; revising standards for rules adopted by the Department of Agriculture and Consumer Services relating to amusement rides; revising provisions for permanent amusement ride annual permits; providing for temporary amusement ride permits; revising provisions for nondestructive testing and department testing of amusement rides; removing the exemption from safety standards for certain museums and institutions; removing the limitation on the authority of the department to establish exemptions from safety standards; revising inspection standards for amusement rides; directing the department to prescribe by rule specified signage to be posted at amusement ride events; revising requirements for compliance certifications after major modifications to amusement rides; revising requirements for amusement ride inspections by owners and managers; providing procedures for the introduction and examination of witnesses and evidence in examinations and investigations conducted by the department; revising civil penalties; providing an effective date.

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

Section 1. Section 616.242, Florida Statutes, is amended to

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

32-01140-20

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read:

616.242 Safety standards for amusement rides.—

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

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

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

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

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

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

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

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

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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59 fixed course.

60 ~~(e) "Inspection certificate" means the document issued by~~
 61 ~~the department, which indicates that the amusement ride has~~
 62 ~~undergone a recurring inspection by the department as required~~
 63 ~~by this section.~~

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

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

70 (h) "Major modification" means any change in ~~either~~ the
 71 structural or operational characteristics of an ~~the~~ amusement
 72 ride which will alter its performance from that specified in the
 73 manufacturer's design criteria.

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

77 (j) "Nondestructive testing" is the development and
 78 application of technical methods, including, but not limited to,
 79 radiographic, magnetic particle, ultrasonic, liquid penetrant,
 80 electromagnetic, neutron radiographic, acoustic emission,
 81 visual, and leak testing, to examine materials or components in
 82 ways that do not impair their future usefulness and
 83 serviceability in order to detect, locate, measure, and evaluate
 84 discontinuities, defects, and other imperfections; to assess
 85 integrity, properties, and composition; and to measure
 86 geometrical characters.

87 (k) "Owner" means the person exercising ultimate dominion

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88 and control over an amusement ride.

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

94 (m) "Permanent amusement ride" means an amusement ride that
 95 is not regularly relocated.

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

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

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

105 (q) "Qualified inspector" means an employee or agent of an
 106 insurance underwriter of an amusement ride who documents to the
 107 department in a manner established by department rule ~~of the~~
 108 ~~department~~ the following qualifications:

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

113 2. The completion of 32 hours per year of continuing
 114 education at a school approved by department rule ~~of the~~
 115 ~~department~~, which includes inservice industry or manufacturer
 116 updates and seminars; and

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117 3. At least 80 hours of formal education during the past 5
 118 years from a school approved by department rule ~~of the~~
 119 ~~department~~ for amusement ride safety. Nondestructive-testing
 120 training, as determined by department rule ~~of the department~~,
 121 may be substituted for up to one-half of the 80 hours of
 122 education.

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

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

130 (t) "Temporary amusement ride permit" means the United
 131 States Amusement Identification Number and the decal issued by
 132 the department, which signify that the temporary amusement ride
 133 has been permitted by the department.

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

137 (4) ADOPTION OF STANDARDS; RULES.—

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

141 1. ASTM International American Society for Testing and
 142 Materials Committee F24 F-24 Standards on Amusement Rides and
 143 Devices.

144 2. The National Electric Code Handbook, Article 525.

145 3. National Fire Protection Association standards Code 101

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146 ~~(chapters 8-4.6 and 9-4.6).~~

147 4. ASTM Standards: E543 Practice for Determining the
 148 Qualification of Nondestructive Testing Agencies.

149 5. ASNT Document Recommended Practice SNT-TC-1A Personnel
 150 Qualification and Certification in Nondestructive Testing.

151 (b) The department may adopt rules necessary to effectuate
 152 the statutory duties of the department in the interest of the
 153 public health, safety, and welfare and to promote patron safety
 154 in the design, construction, assembly, disassembly, maintenance,
 155 and operation of amusement rides in this state.

156 (c) The Legislature finds that go-karts, amusement rides at
 157 water parks, and bungy operations are amusement rides that,
 158 because of their unique nature, pose safety risks to patrons
 159 distinct from other amusement rides. Therefore, the department
 160 shall adopt rules regulating their safe use and operation and
 161 establish safety standards and inspection requirements in
 162 addition to those required by this section or other department
 163 rule of the department.

164 (d) The Legislature finds that, as a result of accidents or
 165 other unforeseen events, circumstances may arise requiring
 166 additional safety standards for the protection of patrons of
 167 amusement rides, ~~and~~ Therefore, the department may adopt rules
 168 to address the circumstances that may arise following an
 169 accident or unforeseen event.

170 (5) PERMANENT AMUSEMENT RIDE ANNUAL PERMIT.—

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

173 (b) To apply for an annual permit, an owner or manager must
 174 submit to the department a written application on a form

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175 prescribed by department rule ~~of the department~~, which must
 176 include the following:

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

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

182 3. A valid certificate of insurance for each amusement
 183 ride.

184 4. If required under subsection (7), an annual affidavit of
 185 compliance and nondestructive testing certifying that the
 186 amusement ride was inspected in person by the affiant and that
 187 the amusement ride is in general conformance with the
 188 requirements of this section and all applicable department rules
 189 adopted by the department. The affidavit must have been be
 190 executed by a professional engineer or a qualified inspector
 191 within the last calendar year no earlier than 60 days before,
 192 but not later than, the date of the filing of the application
 193 with the department. The owner shall request inspection and
 194 permitting of the amusement ride within 60 days of the date of
 195 filing the application with the department. The department shall
 196 inspect and permit the amusement ride within 60 days after
 197 filing the application with the department.

198 5. ~~If required by subsection (6), an affidavit of~~
 199 ~~nondestructive testing dated and executed no earlier than 60~~
 200 ~~days before, but not later than, the date of the filing of the~~
 201 ~~application with the department. The owner shall request~~
 202 ~~inspection and permitting of the amusement ride within 60 days~~
 203 ~~of the date of filing the application with the department. The~~

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204 ~~department shall inspect and permit the amusement ride within 60~~
 205 ~~days after filing the application with the department.~~

206 ~~6. A request for inspection.~~

207 ~~5.7. Upon request,~~ The owner or manager shall, at no cost
 208 to the department, provide the department an electronic ~~a~~ copy
 209 of the manufacturer's current recommended operating instructions
 210 ~~in the possession of the owner~~, the owner's operating fact
 211 sheet, and any written bulletins ~~in the possession of the owner~~
 212 concerning the safety, operation, or maintenance of the
 213 amusement ride.

214 (c) An annual permit application must be received by the
 215 department at least 15 days before the planned opening date. If
 216 an application is received less than 15 days before the planned
 217 opening date or less than 15 days before the expiration of the
 218 previous permit, the department may inspect the amusement ride
 219 and charge a penalty as established by department rule.

220 (d)(e) An annual permit must be issued by the department to
 221 the owner or manager of an amusement ride when a completed
 222 application has been received, the amusement ride has passed the
 223 department's inspection, and all applicable fees, as set by
 224 department rule of the department, have been paid.

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

227 (f)(e) The annual permit must be displayed in an accessible
 228 location on the amusement ride in a place visible to patrons of
 229 the amusement ride.

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

232 (h)(g) Amusement rides at water parks which operate from

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233 the same deck or level are considered one amusement ride.
 234 (6) TEMPORARY AMUSEMENT RIDE PERMIT.--
 235 (a) A temporary amusement ride may not be operated without
 236 a current permit.
 237 (b) To apply for a permit, an owner or manager must submit
 238 to the department a written application on a form prescribed by
 239 department rule, which must include the following:
 240 1. The legal name, address, and primary place of business
 241 of the owner or manager, as applicable.
 242 2. A description, manufacturer's name, serial number, model
 243 number and, if previously assigned, the United States Amusement
 244 Identification Number of the amusement ride.
 245 3. A valid certificate of insurance for each amusement
 246 ride.
 247 4. If required under subsection (7), an affidavit of
 248 compliance and nondestructive testing certifying that the
 249 amusement ride was inspected in person by the affiant and that
 250 the amusement ride is in general conformance with the
 251 requirements of this section and all applicable department
 252 rules. The affidavit must be executed by a professional engineer
 253 or a qualified inspector.
 254 5. The owner or manager shall, at no cost to the
 255 department, provide the department an electronic copy of the
 256 manufacturer's current recommended operating instructions, the
 257 operating fact sheet, and any written bulletins concerning the
 258 safety, operation, or maintenance of the amusement ride.
 259 (c) A temporary amusement ride permit application must be
 260 received by the department each time the amusement ride is
 261 relocated, with or without disassembly, at least 14 days before

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262 the date of the ride's first intended use at the new location.
 263 If the permit application is received less than 14 days before
 264 the date of the ride's first intended use at the new location,
 265 the department may inspect the amusement ride and charge a
 266 penalty, as set by department rule.
 267 (d) The department must issue a permit to the owner or
 268 manager of an amusement ride when a completed application has
 269 been received, the amusement ride has passed the department's
 270 inspection, and all applicable fees, as set by department rule,
 271 have been paid.
 272 (e) The permit is valid for 6 months after the date of
 273 issue or until the ride is relocated, with or without
 274 disassembly, and is not transferable.
 275 (f) The permit must be displayed in an accessible location
 276 on the amusement ride.
 277 (7) ~~(6)~~ NONDESTRUCTIVE TESTING; ANNUAL AFFIDAVIT;
 278 EXEMPTIONS.--
 279 (a) Except as provided in paragraph (d), an owner or
 280 manager may not operate an amusement ride unless the owner or
 281 manager ~~has~~ at all times has a current affidavit of
 282 nondestructive testing from a professional engineer or qualified
 283 inspector that the amusement ride has undergone nondestructive
 284 testing for metal fatigue at least annually. The nondestructive
 285 testing for metal fatigue must be conducted more often than
 286 annually, if required by any rule adopted under this section, by
 287 the manufacturer of the amusement ride, or by the professional
 288 engineer or qualified inspector executing the affidavit of
 289 nondestructive testing. The nondestructive testing for metal
 290 fatigue must consist at least of visual nondestructive testing,

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291 ~~as well as, in addition,~~ nonvisual nondestructive testing for
 292 metal fatigue, which must be conducted on the components of the
 293 amusement ride as required by any rule adopted under this
 294 section, by the manufacturer of the amusement ride, or by the
 295 professional engineer or qualified inspector executing the
 296 affidavit of nondestructive testing.

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

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

301 1. That the amusement ride was inspected in person by the
 302 affiant.

303 2. That all nondestructive testing requirements are
 304 current.

305 3. That the nondestructive testing was performed by a
 306 qualified nondestructive testing technician.

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

309 5. The type of nondestructive testing required or
 310 recommended by the manufacturer.

311 6. The frequency of the nondestructive testing required or
 312 recommended by the manufacturer.

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

315 8. The type of nondestructive testing required or
 316 recommended by the affiant.

317 9. The frequency of the nondestructive testing as required
 318 or recommended by the affiant.

319 10. That visual nondestructive testing is adequate for the

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320 amusement ride to be in general conformance with the
 321 requirements of this section, and all applicable rules, only if
 322 only visual nondestructive testing is required or recommended by
 323 ~~either~~ the manufacturer or the affiant.

324 (d) Nondestructive testing is not required for fun houses,
 325 houses of mirrors, haunted houses, mazes, wave pools, wave-
 326 making devices, kiddie pools, slides that are fully supported by
 327 an earthen mound, nonmotorized playground equipment that
 328 requires a manager, or lazy-river-type nonmotorized floating
 329 carriers propelled by water.

330 ~~(8)(7)~~ DEPARTMENT INSPECTIONS.—

331 (a) Except as provided in subparagraphs 1. and 2., in order
 332 to obtain an annual or a temporary amusement ride permit, an
 333 amusement ride must be inspected by the department.

334 1. A in accordance with subsection (11) and receive an
 335 inspection certificate. In addition, each permanent amusement
 336 ride must be inspected semiannually by the department in
 337 accordance with subsection (11) and receive an inspection
 338 certificate, and each temporary amusement ride must be inspected
 339 by the department in accordance with subsection (11), and must
 340 receive an inspection certificate each time the ride is set up
 341 or moved to a new location in this state unless the temporary
 342 amusement ride is exempt from the required inspection if it is:

343 a.1- Used at a private event;

344 b.2- A simulator, the capacity of which does not exceed 16
 345 persons; or

346 c.3- A kiddie ride used at a public event, provided that
 347 not there are no more than three amusement rides are at the
 348 event, ~~none of~~ the kiddie rides at the event do not exceed

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349 exceeds a capacity of 12 persons, and the kiddie ride passed a
 350 department inspection and was issued a permit ~~has an inspection~~
 351 ~~certificate that was issued within the preceding 6 months.~~ The
 352 capacity of a kiddie ride shall be determined by department rule
 353 ~~of the department~~, unless the capacity of the ride has been
 354 determined and specified by the manufacturer. Any owner or
 355 manager of a kiddie ride operating under this exemption is
 356 responsible for ensuring that not ~~no~~ more than three amusement
 357 rides are operated at the event.

358 2.(b) The required inspection may be waived for a permanent
 359 amusement ride if it was inspected and certified by an
 360 accredited trade organization as defined by department rule ~~To~~
 361 ~~obtain a department inspection for an amusement ride, the owner~~
 362 ~~must submit to the department on a form prescribed by rule of~~
 363 ~~the department a written Request for Inspection. The owner must~~
 364 ~~provide the following information to the department:~~

365 1. ~~The legal name, address, and primary place of business~~
 366 ~~of the owner.~~

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

370 3. ~~For a temporary amusement ride, for each time the~~
 371 ~~amusement ride is set up or moved to a new location, the date of~~
 372 ~~first intended use at the new location and the address or a~~
 373 ~~description of the new location.~~

374 ~~(c) For permanent amusement rides, the request for~~
 375 ~~inspection must be received by the department at least 15 days~~
 376 ~~before the owner's planned opening date or at least 15 days~~
 377 ~~before the expiration of the prior inspection certificate. If~~

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378 ~~the request for inspection is received less than 15 days before~~
 379 ~~the owner's planned opening date or less than 15 days before the~~
 380 ~~expiration of the prior inspection certificate, the department~~
 381 ~~may nevertheless inspect the amusement ride and charge a late~~
 382 ~~fee, as set by rule of the department.~~

383 ~~(d) For temporary amusement rides, the request for~~
 384 ~~inspection must be received by the department for each time the~~
 385 ~~amusement ride is set up or moved to a new location at least 14~~
 386 ~~days before the date of first intended use at the new location.~~
 387 ~~If the request for inspection is received less than 14 days~~
 388 ~~before the date of first intended use at the new location, the~~
 389 ~~department may nevertheless inspect the amusement ride and~~
 390 ~~charge a late fee, as set by rule of the department.~~

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

395 ~~(c)(f) Upon failure of an amusement ride to pass any~~
 396 ~~department inspection, the owner~~ or manager ~~may request~~
 397 ~~reinspection, which~~ must ~~shall~~ be submitted in writing to the
 398 department on a form prescribed by department rule ~~of the~~
 399 ~~department.~~ The department shall reinspect the amusement ride as
 400 soon as practicable after practical ~~following~~ receipt of the
 401 written request for reinspection and any applicable reinspection
 402 fees set by department rule ~~of the department.~~ Inspections must
 403 ~~will~~ be assigned on a first-come, first-served ~~first come, first~~
 404 ~~served~~ basis, and the overflow requests must ~~will~~ be scheduled
 405 on the closest date to the date for which the inspection was
 406 requested.

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407 ~~(g) If the amusement ride passes inspection and the owner~~
 408 ~~pays the applicable fee set by rule of the department, the~~
 409 ~~department shall issue an inspection certificate on a form~~
 410 ~~prescribed by rule of the department.~~

411 ~~(h) The inspection certificate must contain the date of~~
 412 ~~inspection, the site of the inspection, and the name of the~~
 413 ~~inspector.~~

414 ~~(i) The inspection certificate is valid only for the site~~
 415 ~~stated on the inspection certificate. The inspection certificate~~
 416 ~~is valid for a period of not more than 6 months from the date of~~
 417 ~~issuance, and is not transferable.~~

418 ~~(j) The inspection certificate must be displayed on the~~
 419 ~~amusement ride at a place readily visible to patrons of the~~
 420 ~~amusement ride.~~

421 ~~(d) (k) If the owner or manager fails to timely cancel a~~
 422 ~~scheduled Request for inspection, requests holiday or weekend~~
 423 ~~inspections, or is required to have a replacement USAID plate~~
 424 ~~issued by the department, the owner or manager may be charged an~~
 425 ~~appropriate fee to be set by department rule of the department.~~

426 ~~(e) In order to align inspection dates at permanent~~
 427 ~~facilities, the department may shorten or extend the 6-month~~
 428 ~~inspection interval. Fees for rides with shortened inspection~~
 429 ~~intervals must be prorated. Extensions of inspection intervals~~
 430 ~~may not exceed 2 months.~~

431 ~~(9) (8) FEES.-~~

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

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

440 (b) An ~~any~~ owner or manager of an amusement ride who has
 441 not paid ~~all~~ the fees required under this section or who has any
 442 unpaid fine outstanding under this section may not operate any
 443 amusement ride in this state until the fees or ~~and~~ fines have
 444 been paid to the department.

445 ~~(10) (9) INSURANCE REQUIREMENTS.-~~

446 (a) An owner or manager may not operate an amusement ride
 447 unless the owner or manager has in effect at all times of
 448 operation an insurance policy in an amount of at least \$1
 449 million per occurrence, \$1 million in the aggregate, which
 450 insures the owner or manager of the amusement ride against
 451 liability for injury to persons arising out of the use of the
 452 amusement ride.

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

456 (c) ~~The insurance requirements imposed under~~ This
 457 subsection ~~does de~~ not apply to a governmental entity that is
 458 covered under ~~by the provisions of~~ s. 768.28(16).

459 ~~(11) (10) EXEMPTIONS.-~~

460 (a) This section does not apply to:

461 1. Permanent facilities that employ at least 1,000 full-
 462 time employees and that maintain full-time, in-house safety
 463 inspectors. However ~~Furthermore~~, the permanent facilities must
 464 file an affidavit of the annual inspection with the department.

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465 on a form prescribed by department rule of the department.
 466 ~~Additionally, The department of Agriculture and Consumer~~
 467 ~~Services~~ may consult annually with the permanent facilities
 468 regarding industry safety programs.

469 2. Any playground operated by a school, a local government,
 470 or a business licensed under chapter 509, if the playground is
 471 an incidental amenity and the operating entity is not primarily
 472 engaged in providing amusement, pleasure, thrills, or
 473 excitement.

474 ~~3. Museums or other institutions principally devoted to the~~
 475 ~~exhibition of products of agriculture, industry, education,~~
 476 ~~science, religion, or the arts.~~

477 ~~3.4.~~ Conventions or trade shows for the sale or exhibit of
 478 amusement rides, if there are a minimum of 15 amusement rides on
 479 display or exhibition, and if any operation of such amusement
 480 rides is limited to the registered attendees of the convention
 481 or trade show.

482 ~~4.5.~~ Skating rinks;; arcades;; laser or paint ball war
 483 games;; bowling alleys;; miniature golf courses;; mechanical
 484 bulls;; inflatable rides;; trampolines;; ball crawls;; exercise
 485 equipment;; jet skis;; paddle boats;; airboats;; helicopters;;
 486 airplanes;; parasails;; hot air or helium balloons, whether
 487 tethered or untethered;; theatres;; batting cages;; stationary
 488 spring-mounted fixtures;; rider-propelled merry-go-rounds;;
 489 games;; side shows;; live animal rides;; or live animal shows.

490 ~~5.6.~~ Go-karts operated in competitive sporting events if
 491 participation is not open to the public.

492 ~~6.7.~~ Nonmotorized playground equipment that is not required
 493 to have a manager.

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494 ~~7.8.~~ Coin-actuated amusement rides designed to be operated
 495 by depositing coins, tokens, credit cards, debit cards, bills,
 496 or other cash money and which are not required to have a
 497 manager, and which have a capacity of six persons or less.

498 ~~8.9.~~ Facilities described in s. 549.09(1)(a), when such
 499 facilities are operating only cars, trucks, or motorcycles only.

500 ~~9.10.~~ Battery-powered cars or other vehicles that are
 501 designed to be operated by children 7 years of age or younger
 502 ~~under~~ and that cannot exceed a speed of 4 miles per hour.

503 ~~10.11.~~ Mechanically driven vehicles that pull train cars,
 504 carts, wagons, or other similar vehicles;; that are not confined
 505 to a metal track or confined to an area but are steered by an
 506 operator; and that cannot ~~do not~~ exceed a speed of 4 miles per
 507 hour.

508 ~~11.12.~~ A water-related amusement ride operated by a
 509 business licensed under chapter 509, if the water-related
 510 amusement ride is an incidental amenity and the operating
 511 business is not primarily engaged in providing amusement,
 512 pleasure, thrills, or excitement and does not offer day rates.

513 ~~12.13.~~ An amusement ride at a private, membership-only
 514 facility if the amusement ride is an incidental amenity, and the
 515 facility is not open to the general public; is not primarily
 516 engaged in providing amusement, pleasure, thrills, or
 517 excitement; and does not offer day rates.

518 ~~13.14.~~ A nonprofit permanent facility registered under
 519 chapter 496 which is not open to the general public.

520 (b) The department may, ~~by rule,~~ establish by rule
 521 exemptions from this section for nonmotorized or human-powered
 522 amusement rides or coin-actuated amusement rides.

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523 (12)~~(11)~~ INSPECTION STANDARDS.—An amusement ride must
 524 conform to ~~and must be inspected by the department in accordance~~
 525 ~~with~~ the following standards:

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

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

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

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

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

543 (f) Machinery used in or with an amusement ride must be
 544 enclosed, barricaded, or otherwise effectively guarded against
 545 inadvertent contact.

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

549 (h) The interior and exterior parts of all patron-carrying
 550 amusement rides with which a patron may come in contact must be
 551 smooth and rounded and free from sharp, rough, or splintered

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552 edges and corners, and from ~~with no~~ projecting studs, bolts, and
 553 screws, or other projections that ~~which~~ might cause injury.

554 (i) Signs that advise or warn patrons of age restrictions,
 555 size restrictions, health restrictions, weight limitations, or
 556 any other special consideration or use restrictions required or
 557 recommended for the amusement ride by the manufacturer must
 558 ~~shall~~ be prominently displayed at the patron entrance of each
 559 amusement ride.

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

563 (k) A sign containing the toll-free number of the
 564 department and informing patrons that they may contact the
 565 department with complaints or concerns regarding the operation
 566 of amusement rides must be posted in a manner conspicuous to the
 567 public at each entrance of an amusement ride event, unless such
 568 facility or event is exempt under subsection (11). The
 569 department shall prescribe by rule specifications for such
 570 signs.

571 (13)~~(12)~~ MAJOR MODIFICATION.—After an amusement ride has
 572 undergone a major modification, and before ~~prior to~~ the time it
 573 is placed in operation, a professional engineer licensed by the
 574 state in which the certification is performed must certify that
 575 the amusement ride is in compliance with this section and
 576 department rule ~~all rules adopted pursuant thereto~~. Upon
 577 request, the owner or manager of the amusement ride shall
 578 provide to the department a copy of the required certification
 579 and all evidence used by the professional engineer to prepare
 580 the certification.

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581 (14)~~(13)~~ ENTRY FOR INSPECTION OR INVESTIGATION.—Upon
 582 presentation of identification, an authorized employee of the
 583 department may enter unannounced and inspect amusement rides at
 584 any time and in a reasonable manner and has the right to
 585 question any owner or manager; to inspect, investigate,
 586 photograph, and sample all pertinent places, areas, and devices;
 587 and to conduct or have conducted all appropriate tests including
 588 nondestructive testing. The department may impose fees for
 589 unannounced inspections and recover the cost of tests authorized
 590 by this subsection.

591 (15)~~(14)~~ REPORTING AND INVESTIGATION OF ACCIDENTS AND
 592 DEFECTS; IMPOUNDMENTS.—

593 (a) Any accident of which the owner or manager has
 594 knowledge or, through the exercise of reasonable diligence
 595 should have knowledge, and for which a patron is transported to
 596 a hospital, as defined in chapter 395, must be reported by the
 597 owner or manager to the department by telephone within 4 hours
 598 after the occurrence of the accident and must be followed up by
 599 a written report to the department within 24 hours after the
 600 occurrence of the accident.

601 (b) Any mechanical, structural, or electrical defects or
 602 failures affecting patron safety for which an amusement ride is
 603 closed to patron use ~~for more than 4 hours~~ must be reported by
 604 the owner or manager to the department by telephone or facsimile
 605 within 8 hours after the closing of the ride. A written report
 606 of the closing of the ride, on a form prescribed by department
 607 ~~rule of the department~~, must be filed by the owner or manager
 608 with the department within 24 hours after the closing of the
 609 amusement ride. The affected ride must remain closed until

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610 repairs are reviewed and the ride is released for operation by
 611 the department.

612 (c) The department may impound an amusement ride involved
 613 in an accident for which a patron is transported to a hospital
 614 as defined in chapter 395 or which has a mechanical, structural,
 615 or electrical defect affecting patron safety;~~7~~ and may impound
 616 any other amusement ride of a similar make and model;~~7~~ and may
 617 perform all necessary tests to determine the cause of the
 618 accident or the mechanical, structural, or electrical defect;~~7~~ or
 619 to determine the safety of the amusement ride and any other
 620 amusement ride of a similar make and model. The cost of
 621 impounding the amusement ride and performing the necessary tests
 622 must be borne by the owner of the amusement ride.

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

638 (17)~~(16)~~ TRAINING OF EMPLOYEES.—The owner or manager of an

Page 22 of 29

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639 amusement ride shall maintain a record of employee training for
 640 each employee authorized to operate, assemble, disassemble,
 641 transport, or conduct maintenance on an amusement ride on a form
 642 prescribed by department rule ~~of the department~~. In lieu of the
 643 form prescribed by department rule ~~of the department~~, the owner
 644 or manager may request approval of an alternative form that if
 645 ~~the alternative form~~ includes, at a minimum, the information
 646 required on the form prescribed by department rule ~~of the~~
 647 ~~department~~. The training record must be kept on site by the
 648 owner or manager and made immediately available to the
 649 department upon request. Training may not be conducted when an
 650 amusement ride is open to the public unless the training is
 651 conducted under the supervision of an employee who is trained in
 652 the operation of that ride. The owner or manager shall certify
 653 that each employee is trained, as required by this section and
 654 any rules adopted thereunder, on the amusement ride for which
 655 the employee is responsible.

656 ~~(18)-(17)~~ PROHIBITIONS RELATED TO BUNGY OPERATIONS.—The
 657 following bungee operations are prohibited:

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

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

666 (c) Tandem or multiple bungee jumping.

667 (d) Bungee jumping from any bridge, overpass, or any other

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668 structure not specifically designed as an amusement ride.
 669 (e) The practice of bungee catapulting or reverse bungee
 670 jumping.
 671 ~~(19)-(18)~~ IMMEDIATE FINAL ORDERS.—
 672 (a) An amusement ride that fails to meet the requirements
 673 of this section or pass the inspections required by this
 674 section; ~~or an amusement ride~~ that is involved in an accident
 675 for which a patron is transported to a hospital as defined in
 676 chapter 395; ~~or an amusement ride~~ that has a mechanical,
 677 structural, or electrical defect that affects patron safety may
 678 be considered an immediate serious danger to the public health,
 679 safety, and welfare and, upon issuance of an immediate final
 680 order prohibiting patron use of the ride, may not be operated
 681 for patron use until it has passed a subsequent inspection by or
 682 at the direction of the department.
 683 (b) An amusement ride of a similar make and model to an
 684 amusement ride described in paragraph (a) may be considered an
 685 immediate serious danger to the public health, safety, and
 686 welfare and, upon issuance of an immediate final order
 687 prohibiting patron use of the ride, may not be operated for
 688 patron use until it has passed a subsequent inspection by or at
 689 the direction of the department.
 690 (20) WITNESSES AND EVIDENCE.—
 691 (a) In any examination or investigation conducted by the
 692 department or by an examiner appointed by the department, the
 693 department may administer oaths, examine and cross-examine
 694 witnesses, receive oral and documentary evidence, subpoena
 695 witnesses, compel witness attendance and testimony, and require
 696 by subpoena the production of documents or other evidence that

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697 it deems relevant to the inquiry.

698 (b) If any person refuses to comply with such subpoena or
 699 to testify as to any relevant matter, the Circuit Court of Leon
 700 County, or the circuit court of the county in which such
 701 examination or investigation is being conducted or the county in
 702 which such person resides pursuant to an application filed with
 703 the department, may issue an order requiring such person to
 704 comply with the subpoena and to testify. Any failure to obey
 705 such an order of the court may be punished by the court as a
 706 contempt thereof.

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

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

714 (e) Any person who asks to be excused from attending or
 715 testifying or from producing any documents or other evidence in
 716 connection with any examination, hearing, or investigation on
 717 the ground that the testimony or evidence required may tend to
 718 incriminate him or her or subject him or her to a penalty or
 719 forfeiture and who, nevertheless, is directed by the department
 720 and the Department of Legal Affairs to give such testimony or
 721 produce such evidence shall comply with that directive. The
 722 person may not thereafter be prosecuted or subjected to any
 723 penalty or forfeiture for or on account of any transaction,
 724 matter, or thing concerning which he or she may have testified
 725 or produced evidence, and no testimony given or evidence

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726 produced may be received against him or her in any criminal
 727 action, investigation, or proceeding. However, a person so
 728 testifying is not exempt from prosecution or punishment for any
 729 perjury committed by him or her in such testimony, and the
 730 testimony or evidence given or produced is admissible against
 731 him or her in any criminal action, investigation, or proceeding
 732 concerning such perjury; and the person is not exempt from the
 733 refusal, suspension, or revocation of any license, permission,
 734 or authority conferred or to be conferred pursuant to this
 735 chapter.

736 (f) Any such individual may execute, acknowledge, and file
 737 with the department a statement expressly waiving such immunity
 738 or privilege with respect to any transaction, matter, or thing
 739 specified in such statement; and upon such filing, the testimony
 740 of such individual or such evidence in relation to such
 741 transaction, matter, or thing may be received or produced before
 742 any judge or justice, court, tribunal, grand jury, or otherwise;
 743 and, if so received or produced, such individual is not entitled
 744 to any immunity or privileges on account of any testimony he or
 745 she may so give or evidence so produced.

746 (g) Any person who refuses or fails without lawful cause to
 747 testify relative to the affairs of any person, when subpoenaed
 748 and requested by the department to so testify, commits a
 749 misdemeanor of the second degree, punishable as provided in s.
 750 775.083.

751 ~~(21)-(19)~~ ENFORCEMENT AND PENALTIES.—

752 (a) The department may deny, suspend for a period not to
 753 exceed 1 year, or revoke any permit ~~or inspection certificate~~.
 754 In addition to denial, suspension, or revocation, the department

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755 may impose an administrative fine in the Class III ~~Class II~~
 756 category pursuant to s. 570.971 not to exceed \$10,000 ~~\$2,500~~ for
 757 each violation, for each day the violation exists, against the
 758 owner or manager of the amusement ride if it finds that:

- 759 1. An amusement ride has operated or is operating:
- 760 a. With a mechanical, structural, or electrical defect that
 761 affects patron safety, of which the owner or manager has
 762 knowledge, or, through the exercise of reasonable diligence,
 763 should have knowledge;
- 764 b. In a manner or circumstance that presents a risk of
 765 serious injury to patrons;
- 766 c. At a speed in excess of its maximum safe operating
 767 speed;
- 768 d. In violation of this section or department any rule
 769 ~~adopted under this section~~; or
- 770 e. In violation of an order of the department or order of
 771 any court; ~~or~~
- 772 2. An owner, a manager, or an operator in the course of his
 773 or her duties is under the influence of drugs or alcohol; or
- 774 3. An amusement ride was presented for inspection as ready
 775 for operation with a mechanical, structural, or electrical
 776 defect that affects patron safety, of which the owner or manager
 777 has knowledge or, through the exercise of reasonable diligence,
 778 should have knowledge.
- 779 (b) In addition to the administrative fine provided in
 780 paragraph (a), the department may impose an additional
 781 administrative fine in the Class IV category pursuant to s.
 782 570.971 of \$10,000 or more against the owner or manager if a
 783 violation resulted in serious injury or death to a patron.

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784 ~~(c)(b)~~ ~~The department shall,~~ In its order suspending a
 785 permit ~~or inspection certificate,~~ the department shall specify
 786 the period during which the suspension is effective, ~~which, but~~
 787 ~~such period~~ may not exceed 1 year. The permit ~~must or inspection~~
 788 ~~certificate shall~~ remain suspended during the period so
 789 specified, subject, however, to any rescission or modification
 790 of the order by the department, or modification or reversal
 791 thereof by the court, before ~~prior to~~ expiration of the
 792 suspension period.

793 ~~(d)(c)~~ ~~The owner of an amusement ride,~~ If the permit ~~or~~
 794 ~~inspection certificate~~ for the amusement ride has been revoked
 795 by the department, the owner or manager of such ride may not
 796 apply for another permit ~~or inspection certificate~~ for the
 797 amusement ride within 2 years after the date of such revocation.
 798 If judicial review is sought and a stay of the revocation is
 799 obtained, the owner or manager may not apply for another permit
 800 ~~or inspection certificate~~ within 2 years after the final order
 801 of the court sustaining the revocation.

802 ~~(e)(d)~~ During the period of suspension or revocation of a
 803 permit ~~or inspection certificate,~~ the owner or manager may not
 804 engage in or attempt to engage in any operation of the amusement
 805 ride for which a permit ~~or inspection certificate~~ is required
 806 under this section.

807 ~~(f)(e)~~ When a suspension period imposed by the department
 808 has expired, an owner or manager whose ~~annual~~ permit ~~or~~
 809 ~~inspection certificate~~ has expired may reapply for a new permit
 810 ~~or inspection certificate~~ by submitting a complete application
 811 to the department.

812 ~~(g)(f)~~ In addition to the remedies provided in this

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813 section, and notwithstanding the existence of any adequate
814 remedy at law, the department may bring an action to enjoin the
815 violation ~~of any provision~~ of this section, or rules adopted
816 under this section, in the circuit court of the county in which
817 the violation occurs or is about to occur. Upon presentation
818 ~~competent and substantial evidence presented~~ by the department
819 to the court of competent and substantial evidence of the
820 violation or threatened violation, the court must immediately
821 issue the temporary or permanent injunction sought by the
822 department. The injunction must be issued without bond.

823 (h) ~~(g)~~ In addition to the penalties authorized ~~to be~~
824 ~~imposed~~ for any violation of this section or any rule adopted
825 under this section, the department may issue a letter of warning
826 to the owner or manager of the amusement ride specifying the
827 violation and directing the owner or manager to immediately
828 correct the violation.

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/18/2020

Meeting Date

Amendment

1228

Bill Number (if applicable)

238626

Amendment Barcode (if applicable)

Topic Amusement Rides

Name Melanie Bostick

Job Title _____

Address P.O. Box 390

Street

Tallahassee

City

FL

State

32302

Zip

Phone (850) 841-1726

Email melanie@libertypartnersfl.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Attractions Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

Duplicate
Bill

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/18/2020

1228

Meeting Date

Bill Number (if applicable)

Topic Amusement Rides

Amendment Barcode (if applicable)

Name Emily Duda Buckley

Job Title Legislative Affairs Director

Address 400 S. Monroe St

Phone 8506177700

Street

Tallahassee

FL

32399

Email emily.buckley@fdacs.gov

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Department of Agriculture and Consumer Services

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

February 18, 2020
Meeting Date

1228
Bill Number (if applicable)

Topic Amusement Games

Amendment Barcode (if applicable)

Name Josh Aubuchon

Job Title Attorney

Address 315 S. Calhoun
Street

Phone 224-7000

Tallahassee FL 32301
City State Zip

Email

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Dave & Busters

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-18-20

Meeting Date

SB 1228

Bill Number (if applicable)

Topic SB 1228

Amendment Barcode (if applicable)

Name Mark Anderson

Job Title Lobbyist

Address 110 S Monroe St

Phone 813-205-0658

Street

Tallahassee

City

FL

State

32301

Zip

Email Mark@consultanderson.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing H

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/18/2020

Meeting Date

1228

Bill Number (if applicable)

Topic Amusement Rides

Amendment Barcode (if applicable)

Name Melanie Bostick

Job Title _____

Address P.O. Box 390

Phone (850)891-1726

Street

Tallahassee

FL

32302

Email melanie@libertypartnersfl.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Attractions Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/18/2020

Meeting Date

1228

Bill Number (if applicable)

Topic Amusement Rides

Amendment Barcode (if applicable)

Name Rick Kimsey

Job Title Assistant Director of Consumer Services

Address 400 S. Monroe St

Phone 8506177700

Street

Tallahassee

FL

32399

Email richard.kimsey@fdacs.gov

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Department of Agriculture and Consumer Services

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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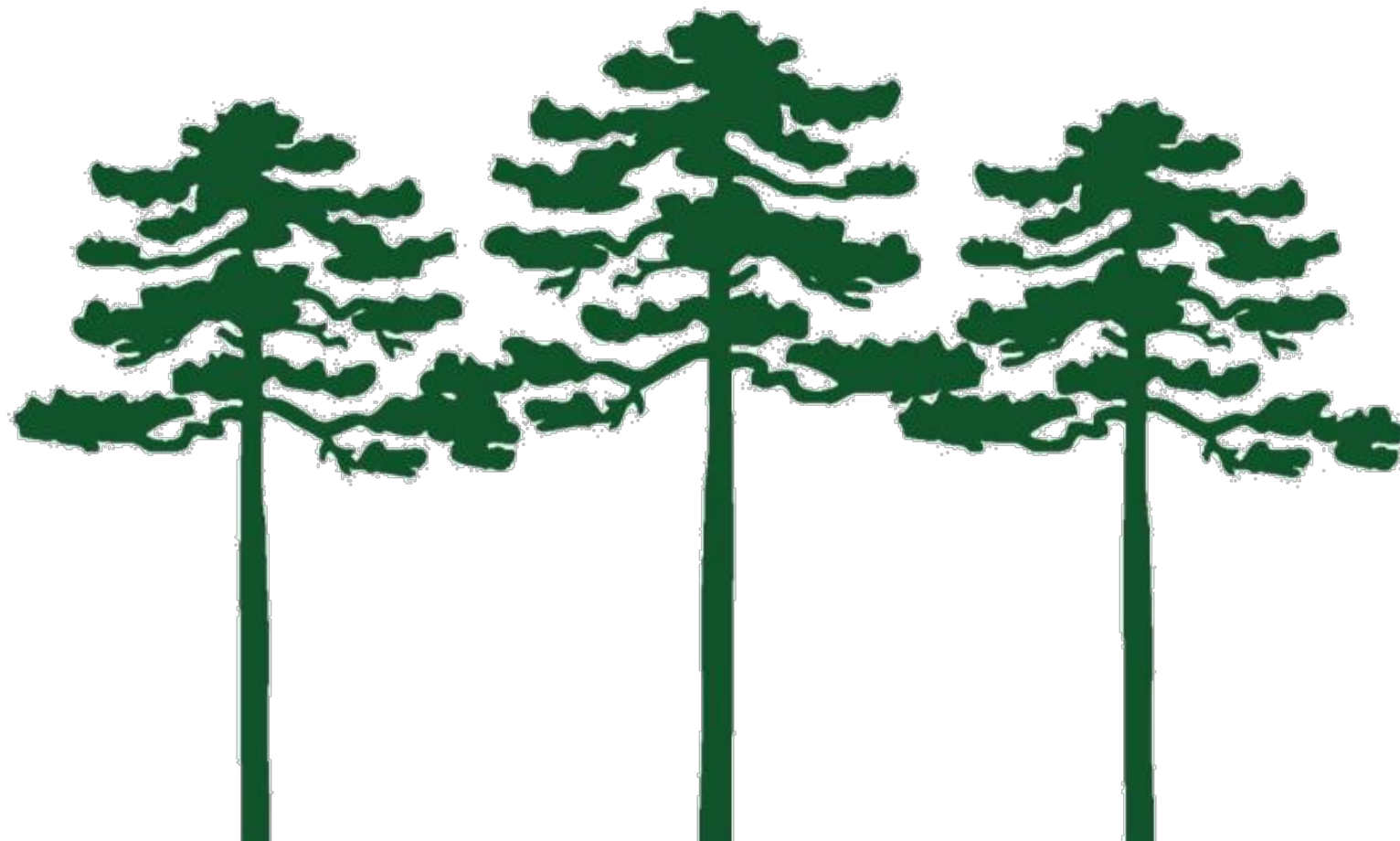
TAB 2

Update on Hurricane Michael
Timber/Forestry

Recovery and Florida Timber Block
Grants

Presenter: Jim Karels,

Director of Florida Forest Service



Hurricane Michael Block Grant Update



James R. "Jim" Karels
State Forester/Director
Florida Forest Service
Senate Agriculture
February 18, 2020

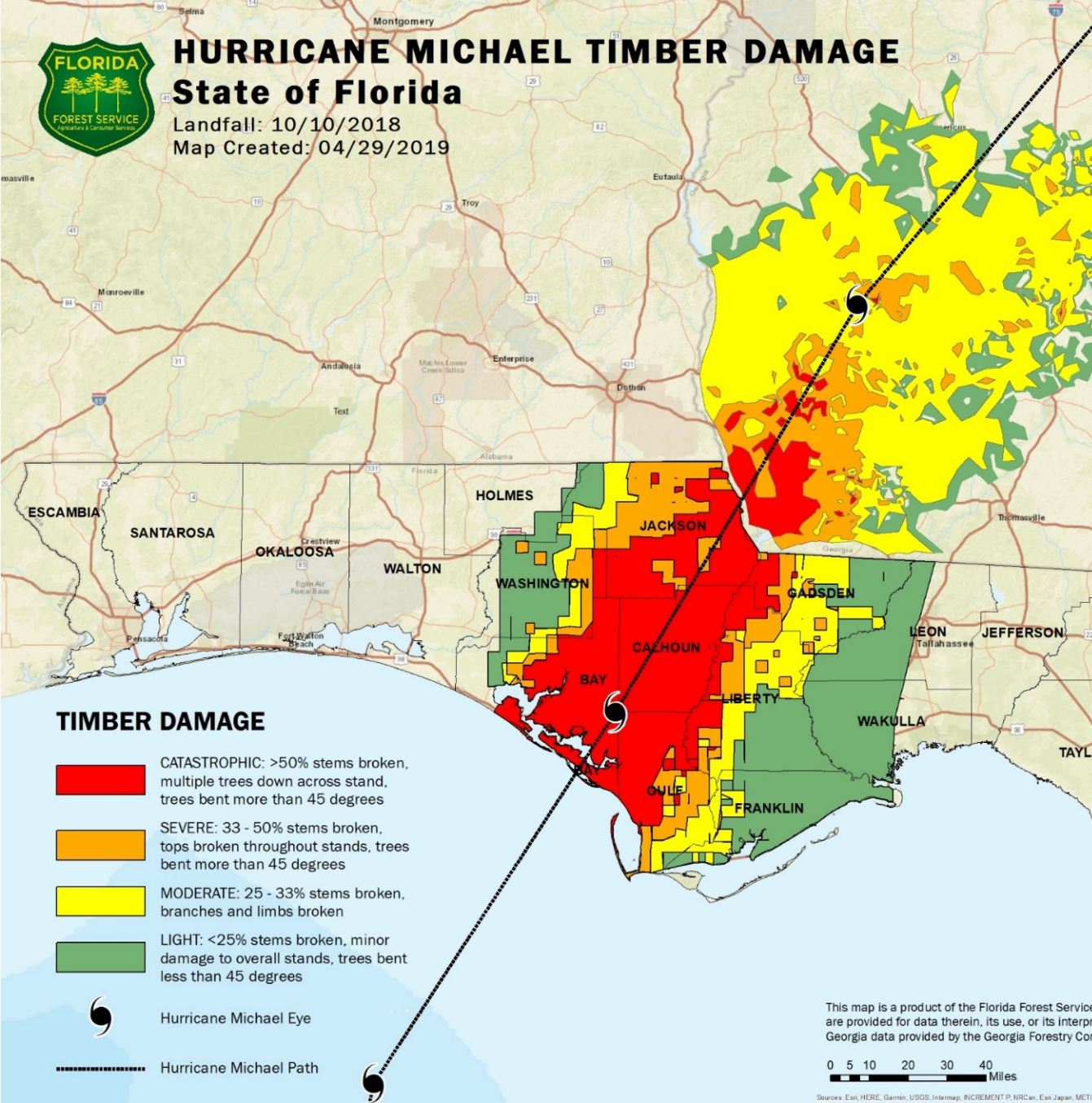


HURRICANE MICHAEL TIMBER DAMAGE

State of Florida

Landfall: 10/10/2018

Map Created: 04/29/2019



TIMBER DAMAGE

- CATASTROPHIC: >50% stems broken, multiple trees down across stand, trees bent more than 45 degrees
- SEVERE: 33 - 50% stems broken, tops broken throughout stands, trees bent more than 45 degrees
- MODERATE: 25 - 33% stems broken, branches and limbs broken
- LIGHT: <25% stems broken, minor damage to overall stands, trees bent less than 45 degrees

Hurricane Michael Eye

Hurricane Michael Path

This map is a product of the Florida Forest Service. No warranties are provided for data therein, its use, or its interpretation. Georgia data provided by the Georgia Forestry Commission.

0 5 10 20 30 40 Miles

Made landfall as **Category 5** on October 10, 2018 near Mexico Beach with **160 MPH** sustained winds.

2.8 million acres of timber damaged

500 million trees

4.4 years of annual forest harvest in Florida

Valued at **\$1.3 billion**

16,000+ private forest landowners

Increased **wildfire threat**

233 communities at risk

NICOLE "NIKKI" FRIED, COMMISSIONER



DEPARTMENT OF AGRICULTURE & CONSUMER SERVICES

Federal Disaster Supplemental Aid

Current Status

- The Governor's Office (DEM) and the Department of Agriculture & Consumer Services (FFS) have received notification of funding award made available to forest landowners in the form of state block grants.
 - **\$370 million** for forest landowner production losses
 - **\$10 million** for infrastructure recovery for a total of \$380 million.



Federal Disaster Supplemental Aid

Current Status (cont'd)

Timber Loss Payment = (Assigned Volume x Assigned Value x Damaged Acreage) x 50%

PINE			
Age	Assigned Volume in Tons per acre	Assigned Value per ton	Payment per acre to landowner
0.5-15	30	\$12.37	\$185.55
16-30	70	\$16.39	\$573.65
31+	50	\$24.32	\$608.00
HARDWOOD			
Age	Assigned Volume in Tons per acre	Assigned Value per ton	Payment per acre to landowner
0.5-30	60	\$7.78	\$233.40
31+	120	\$11.90	\$714.00
MIXED PINE/HARDWOOD			
Age	Assigned Volume in Tons per acre	Assigned Value per ton	Payment per acre to landowner
0.5-30	30	\$12.18	\$182.70
31+	50	\$18.11	\$452.75



Federal Disaster Supplemental Aid

Current Status (cont'd)

- Original request for funding was based on a 10,000 acre cap that could recover nearly **750,000** acres
- Current USDA guidance limits the funding to \$900,000 or 1480 acres per applicant (including any infrastructure repair) which would recover **595,000** acres at best.



Federal Disaster Supplemental Aid

Current Status (cont'd)

- Currently, as many as 8,000 landowners may participate in this program.
- However, as time passes, more landowners are seeking other alternatives including sales and conversion.



Federal Disaster Supplemental Aid

Current Status (cont'd)

- 13,500 forest industry jobs are at risk in the impacted area of Hurricane Michael.
- Wildfire risk remains high throughout this area and every acre that is restored will help reduce the threat of costly catastrophic wildfire.
- Without an aggressive restoration program, invasive species will spread rapidly.



Federal Disaster Supplemental Aid

Closing remarks

- Helping landowners restore as many acres as possible with the funds appropriated by Congress will help ensure a continued strong forest economy, a reduced wildfire threat and help control the spread of invasive species.
- Advocate for an acreage cap of up to 5,000 acres per landowner.





Questions?





THE FLORIDA SENATE APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/18/2020

Meeting Date

Bill Number (if applicable)

Topic Update on Hurrican Michael Timber/Forestry Recovery

Amendment Barcode (if applicable)

Name Jim Karels

Job Title Director of Florida Forest Service

Address 400 S. Monroe St

Phone 8506177700

Street

Tallahassee

FL

32399

Email jim.karels@fdacs.gov

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Department of Agriculture and Consumer Services

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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TAB 3

Presentation on Precision Agriculture
by UF/IFAS

Presenter:

Kati Migliaccio, PhD PE

Professor and Chair Department of
Agricultural and Biological
Engineering UF IFAS



PRECISION AGRICULTURE: FLORIDA SENATE COMMITTEE ON AGRICULTURE

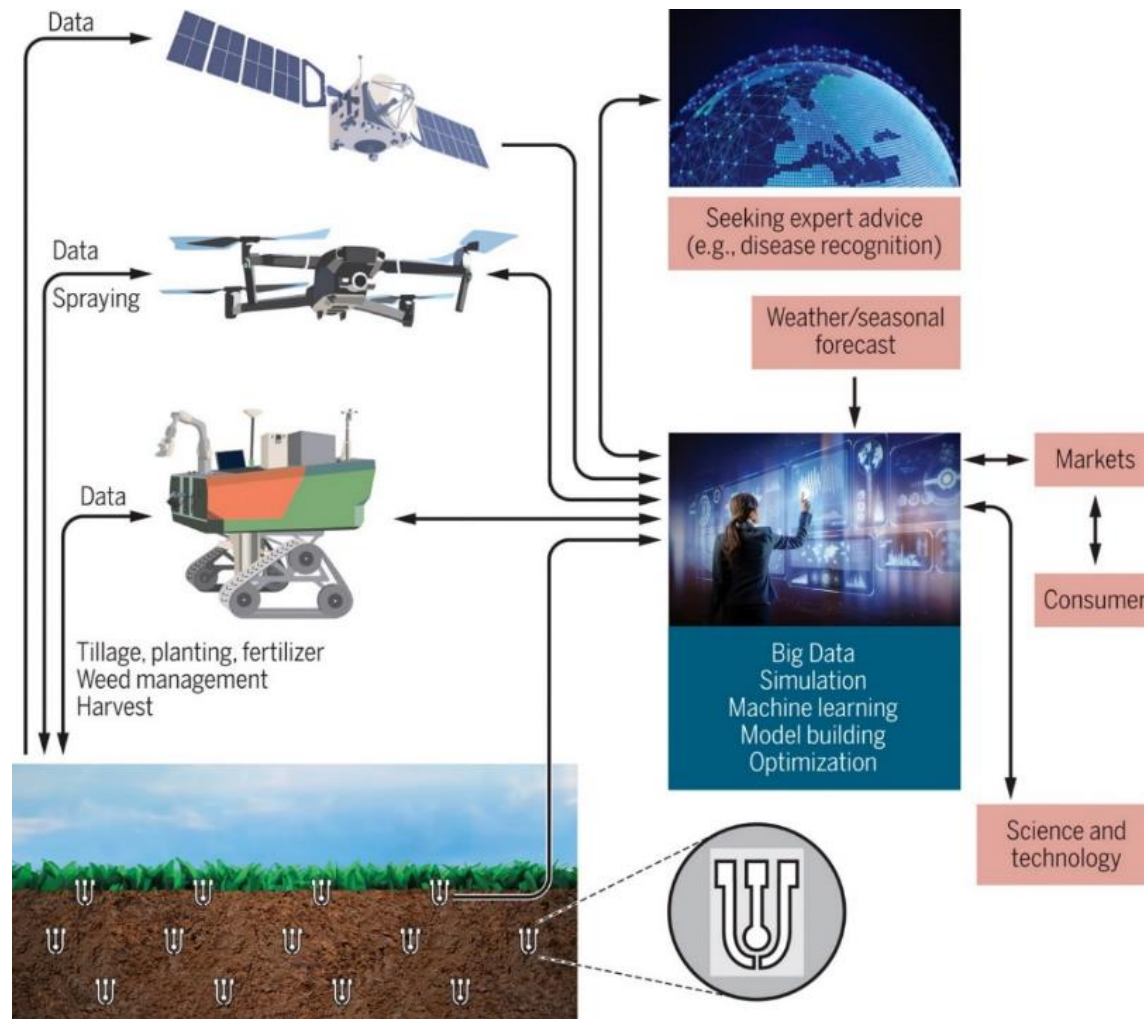
Kati Migliaccio, PhD PE

Professor and Chair, Department of Agricultural and Biological Engineering
University of Florida, Institute of Food and Agricultural Sciences

AGRICULTURAL & BIOLOGICAL
ENGINEERING



UF | IFAS
UNIVERSITY of FLORIDA



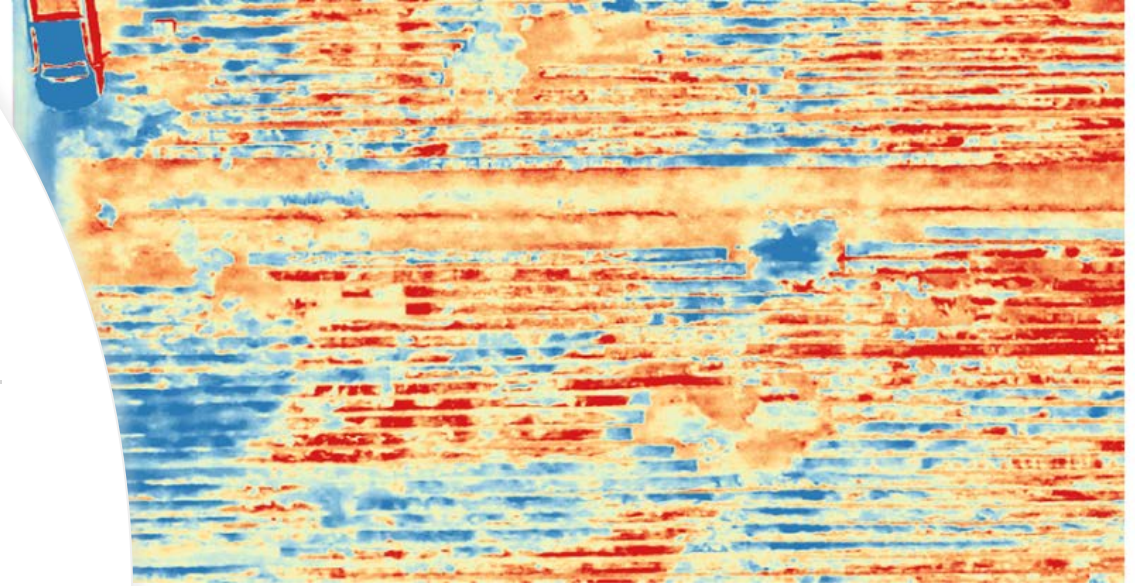
Precision agriculture

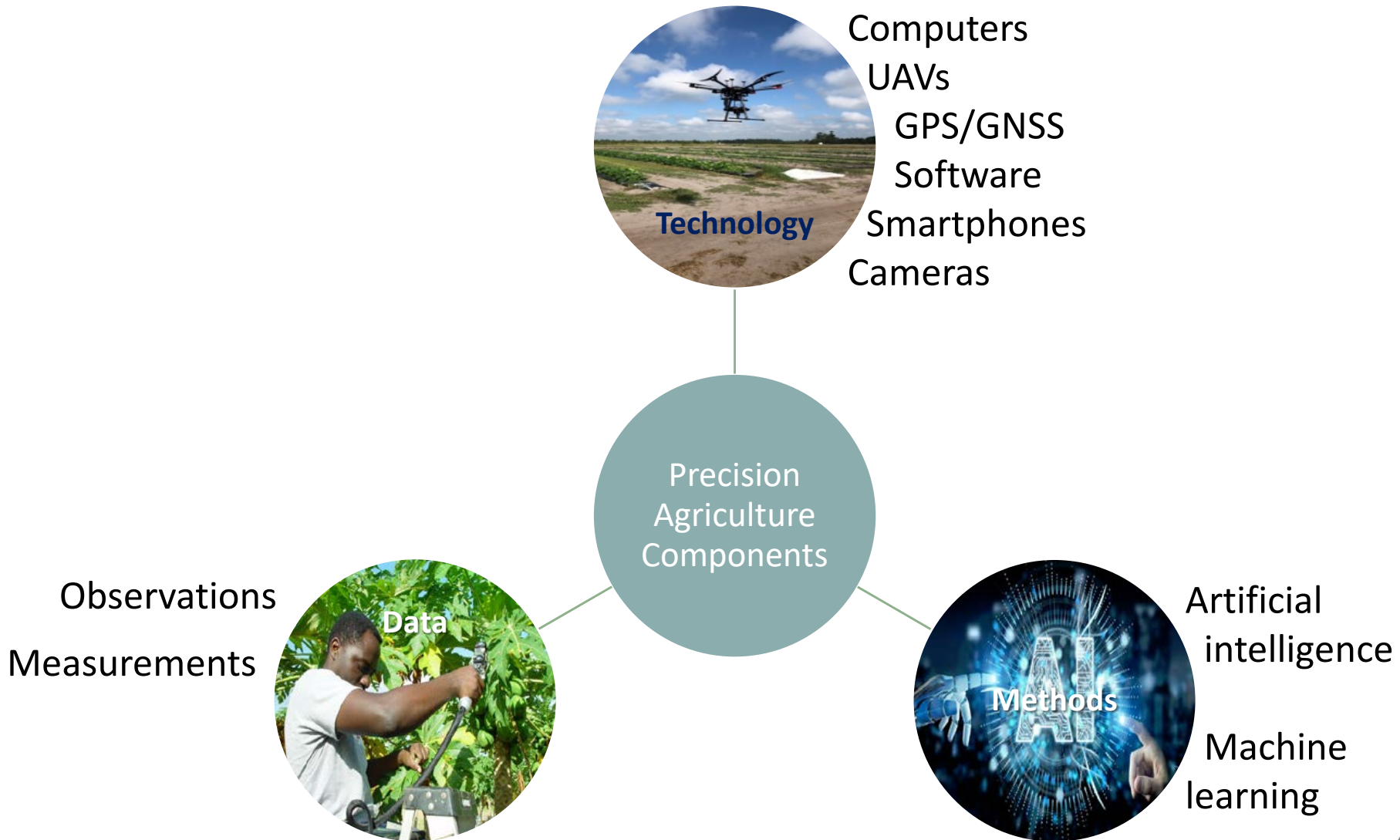
- Market valued at \$5.3 billion (2019); expected to reach **\$14.1 billion** (2026)
- Data, drones, artificial intelligence
- Smart-tech in field, hand, and decision
- **Decreased use of water and nutrients & transport of nutrients away from plant system, reduced impact on natural ecosystems**

Asseng & Asche, Science Robotics 2019;
 Senthod Asseng, ABE Professor

Precision agriculture

- Agricultural production where decisions are made using observations and measurements that consider time and spatial variations
- “Information management”
- “Variable rate”





Artificial intelligence

Developing computer systems to 'think' or do some function normally conducted by humans



Machine learning

A computer learns through 'experience' instead of being programmed



Precision agriculture research: UAV, soils, nutrient management

- Managing water and nutrients using precision agriculture UAVs/imaging
- Three farms: St John's County, Osceola County and Brevard County
- Data used to predict soil nutrient concentrations



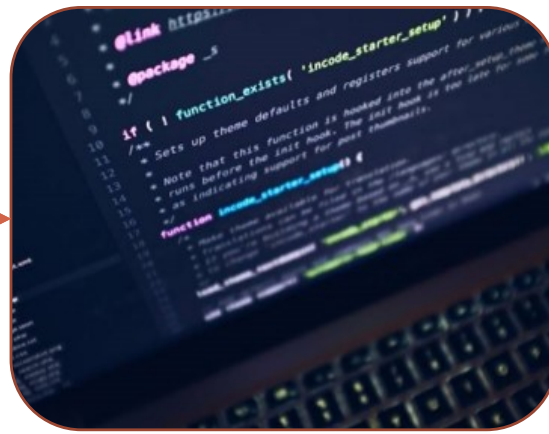
Aditya Singh, ABE
UF/IFAS



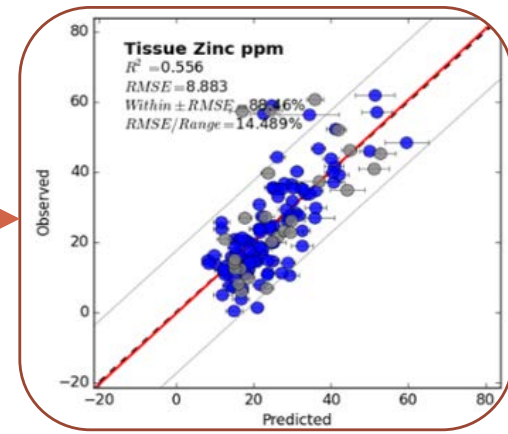
UAV, multispectral data



Soil samples



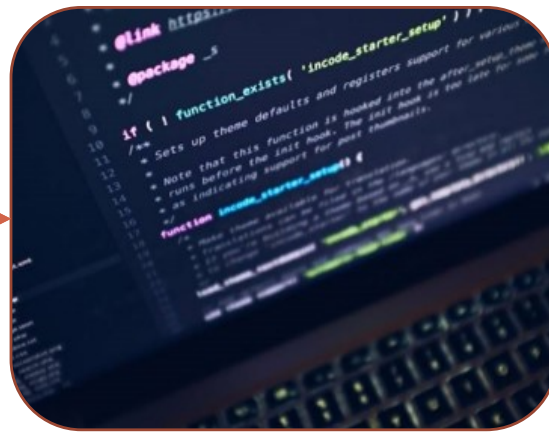
Data processing



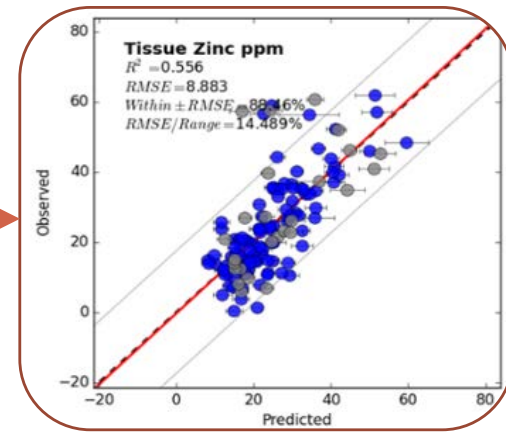
Model building



UAV, multispectral data



Data processing



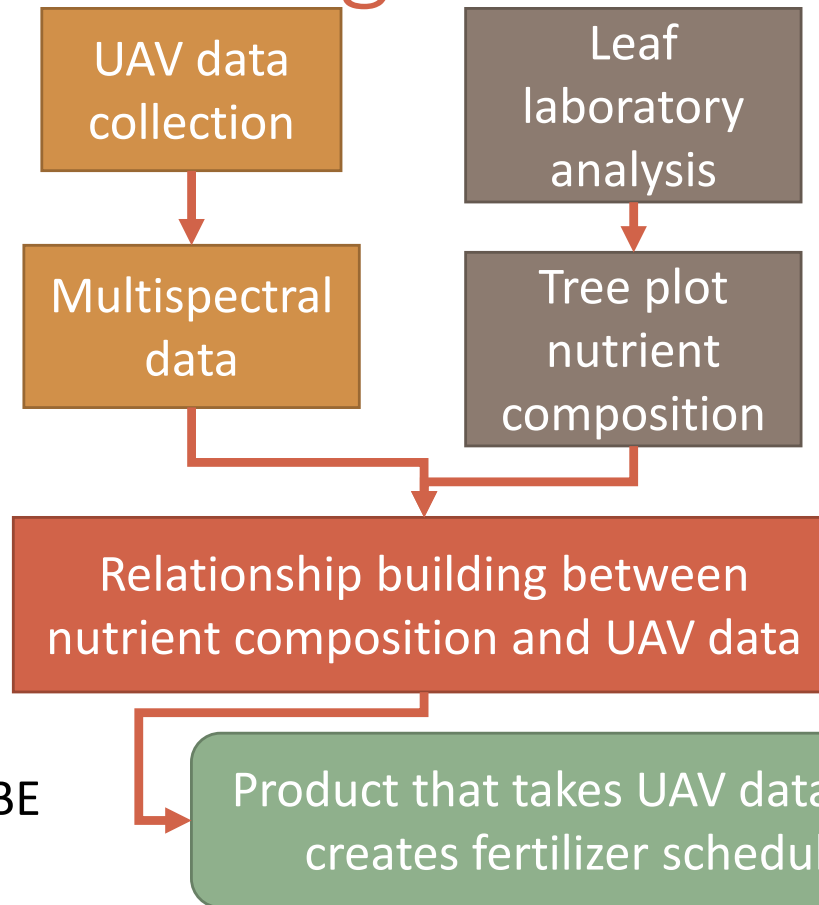
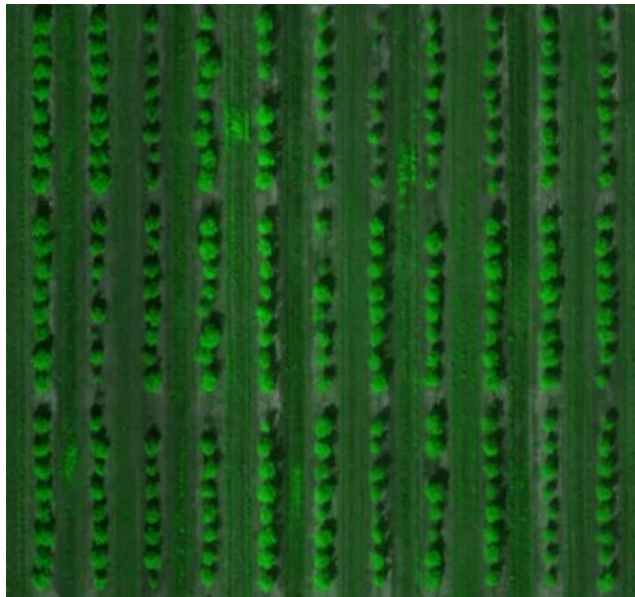
Model building



Soil samples



Precision agriculture research: UAV, leaves, nutrient management



Yiannis Ampatzidis, SWFREC & ABE
UF/IFAS

Economics and functionality

UAV-based nutrient estimation & precision fertilizer applications

Manual data collection

- 800 trees
- 8 hours sample collection
- 4 people
- 2 weeks lab analysis
- Estimated cost: \$10,500

UAV-based with Agrovie

- 5,000 trees
- 30 min flight
- 1 person
- 5 min analysis
- Estimated cost: \$100



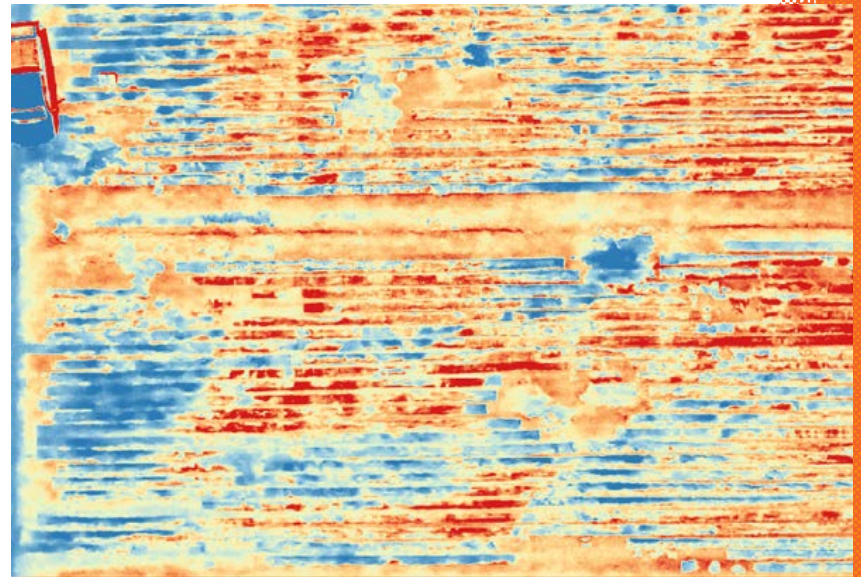
Yiannis Ampatzidis, SWFREC & ABE
UF/IFAS

Benefits of precision agriculture

- Growing population, **growing food** needs could be met by minimizing inputs for outputs
- Potential to **reduce costs** in terms of labor and inputs
- Boost education skills in rural areas, bring better job opportunities to rural populations
- **Less use and transport off site of nutrients/pesticides** due to spatially specific management

Nutrient connection

- Improved mapping for nutrient applications
- Improved delivery
- Optimized systems for low yielding areas
- Faster identification of problems to prevent loss
- Use of past, present, and future information (e.g., rainfall) to integrate forecast information into decision



UF/IFAS and precision agriculture

- Foundation for precision agriculture: data, artificial intelligence/AI, machine learning, UAVs
- Application specific knowledge
 - Pest or disease
 - Crop
 - Nutrient chemistry
- Extension & stakeholders

TODAY!

*Taste and see the future of
Florida orange juice and citrus!*

Meet researchers from UF/IFAS who are working on new varieties of disease tolerant and great tasting citrus that helps Florida lead the way in orange juice production and precision agriculture!

**Visit us at the UF/IFAS booth on the plaza level
of the Capitol rotunda during UF Gator Day.**

Tuesday, February 18, 2020 | 9:00AM-3:00PM

THE FLORIDA SENATE
APPEARANCE RECORD



(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/18/20

Meeting Date

Bill Number (if applicable)

Topic Precision Agriculture

Amendment Barcode (if applicable)

Name Dr. Kati Migliaccio

Job Title Chair UF/IFAS Ag & Biological Engineering Dept

Address 1741 Museum Rd

Phone 352 294 6743

Street

Gainesville FL 32611

City

State

Zip

Email klwhite@ufl.edu

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing UF/IFAS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/20

Meeting Date

Bill Number (if applicable)

Topic Precision Agriculture

Amendment Barcode (if applicable)

Name Dr. Michael Rogers

Job Title Director Lake Alfred Research Station

Address 700 Experiment Station

Phone 863 956 5897

Street

Lake Alfred FL 33850

City

State

Zip

Email mrgrs@ufl.edu

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing UF/IFAS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

Court Smart Tag Report

Room: SB 301
Caption: Senate Committee on Agriculture

Case No.:

Type:
Judge:

Started: 2/18/2020 10:38:57 AM

Ends: 2/18/2020 11:55:16 AM Length: 01:16:20

10:38:56 AM Chair Albritton calls meeting to order
10:39:04 AM Chair Albritton ask for roll call
10:39:20 AM Chair Albritton ask to stand for pledge
10:39:54 AM Chair Albritton speaking
10:40:03 AM Chair Albritton advise we are taking up SB 1228
10:40:41 AM Senator Book is explaining the bill
10:42:11 AM Chair Albritton advised to take up amendment barcode 238626
10:42:39 AM Senator Book is explaining the amendment
10:42:51 AM Chair Albritton ask if there are any questions
10:42:56 AM Senator Broxson has a question
10:43:17 AM Senator Book answers
10:44:59 AM Chair Albritton speaking
10:45:10 AM Senator Broxson with a question
10:45:14 AM Senator Book answers
10:46:38 AM Senator Broxson with a question
10:46:43 AM Senator Book answers
10:46:50 AM Senator Rader with a question
10:47:28 AM Senator Book answers
10:47:50 AM Senator Rader with question
10:48:20 AM Senator Book answers
10:48:49 AM Senator Rader with question
10:49:13 AM Senator Book answers
10:50:17 AM Chair Albritton ask if there any other questions on the amendment
10:50:35 AM Melanie Bostick with Florida Attractions Association waives in support
10:50:48 AM Chair Albritton ask if there is any debate
10:50:53 AM Senator Montford is debating
10:52:06 AM Chair Albritton is speaking
10:52:24 AM Senator Book is speaking
10:52:46 AM Chair Albritton is talking
10:52:55 AM Chair Albritton advise show amendment 238626 adopted
10:53:03 AM Chair Albritton states now taking appearance cards
10:53:09 AM Emily Duda Buckley of FDACS waives in support
10:53:19 AM Josh Aubuchon of Dave & Buster's waives in support
10:53:49 AM Mark Anderson a lobbyist is speaking
10:55:53 AM Melanie Bostick of Florida Attractions Association waives in support
10:56:02 AM Chair Albritton ask if there is any debate on the bill
10:56:07 AM Senator Rader is speaking
10:57:42 AM Chair Albritton ask if there is any other debate
10:57:53 AM Chair Albritton speaking to Rick Kimsey
10:58:28 AM Rick Kimsey of FDACS is speaking
10:59:17 AM Chair Albritton any further debate
10:59:25 AM Chair Albritton is speaking
11:00:44 AM Senator Book closes on bill as amended
11:00:52 AM Laureen call roll
11:01:06 AM Chair Albritton advises by your vote the bill is favorable
11:01:17 AM Chair Albritton talking
11:02:33 AM Senator Gainer speaking
11:03:05 AM Chair Albritton speaking
11:03:50 AM Chair Albritton introduces Jim Karels of Florida Forest Service
11:05:18 AM Mr. Karels is speaking
11:13:45 AM Senator Broxson with question
11:15:14 AM Mr. Karels answers

11:16:47 AM Senator Montford with question
11:17:01 AM Mr. Karels answers
11:17:57 AM Senator Montford with question
11:18:50 AM Mr. Karels answers
11:19:35 AM Senator Montford with question
11:19:42 AM Mr. Karels answers
11:20:01 AM Senator Montford with question
11:20:28 AM Mr. Karels answers
11:21:31 AM Senator Montford with question
11:21:43 AM Mr. Karels answers
11:22:29 AM Vice-Chair Gainer has question
11:22:36 AM Mr. Karels answers
11:26:06 AM Senator Montford with question
11:26:37 AM Mr. Karels answers
11:27:20 AM Senator Montford with question
11:28:12 AM Vice-Chair Gainer with question
11:28:20 AM Mr. Karels answers
11:29:50 AM Senator Broxson with a statement
11:30:17 AM Senator Montford with question
11:31:00 AM Mr. Karels answers
11:31:47 AM Vice-Chair Gainer with question
11:31:57 AM Mr. Karel thanks for opportunity to speak
11:32:58 AM Senator Montford is speaking
11:33:33 AM Vice-Chair Gainer is speaking
11:33:47 AM Dr. Kati Migliaccio of UF/IFAS is giving presentation
11:49:21 AM Senator Broxson with question
11:49:54 AM Dr. Migliaccio answers
11:50:40 AM Senator Broxson with question
11:50:51 AM Dr. Migliaccio answers
11:51:11 AM Vice-Chair Gainer with question
11:51:20 AM Dr. Migliaccio answers
11:51:44 AM Michael Rogers speaking
11:53:02 AM Vice Chair Gainer any other questions
11:53:13 AM Senator Montford with question
11:53:38 AM Mr. Rogers answers
11:54:09 AM Senator Montford with question
11:54:27 AM Mr. Rogers answers
11:54:50 AM Vice-Chair Gainer thanks presenter
11:55:01 AM Vice-Chair Gainer states that Senator Broxson moves we adjourn