

By the Committee on Agriculture and Senator Forman

303-1794-98

1 A bill to be entitled
2 An act relating to amusement rides; amending s.
3 616.242, F.S.; providing safety standards for
4 amusement rides; providing for owner
5 responsibility; providing scope; providing
6 definitions; requiring adoption of specified
7 standards and rules; prohibiting the operation
8 of amusement rides without a permit and
9 affidavit of compliance; providing for testing
10 of amusement rides; requiring inspections;
11 providing fees; providing insurance
12 requirements; providing exemptions; prescribing
13 inspections standards for amusement rides;
14 authorizing employees of the Department of
15 Agriculture and Consumer Services to inspect
16 and investigate; requiring owners to inspect
17 amusement rides; providing for the training of
18 employees of amusement rides; prohibiting
19 specified bungy operations; providing fees;
20 providing for denial, suspension, and
21 revocation of permits and inspection
22 certificates; providing for issuance of orders,
23 enforcement, and penalties; amending ss.
24 212.08, 570.46, 616.13, F.S.; conforming
25 provisions; providing an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

28
29 Section 1. Section 616.242, Florida Statutes, is
30 amended to read:

31 (Substantial rewording of section. See

1 s. 616.242, F.S., for present text.)
2 616.242 Safety standards for amusement rides.--
3 (1) OWNER RESPONSIBILITY.--The owner of an amusement
4 ride, and each amusement ride, must meet at all times the
5 requirements of this section and any rules adopted thereunder.
6 (2) SCOPE.--This section applies to all amusement
7 rides within this state unless exempt under subsection (10).
8 (3) DEFINITIONS.--As used in this section, the term:
9 (a) "Amusement ride" means any building, structure, or
10 mechanical device or combination thereof through which a
11 patron moves, walks, or is carried or conveyed on, along,
12 around, over, or through a fixed or restricted course or
13 within a defined area for the purpose of giving its patrons
14 amusement, pleasure, thrills, or excitement.
15 (b) "Annual permit" means the United States Amusement
16 Identification Number and the numbered and dated decal issued
17 by the department, which signify that the amusement ride has
18 been permitted by the department.
19 (c) "Bungy operation" means an amusement ride which
20 utilizes as a component a bungy cord which is an elastic rope
21 made of rubber, latex, or other elastic type materials whether
22 natural or synthetic.
23 (d) "Go-kart" means an amusement ride vehicle
24 controlled or driven by patrons specifically designed for and
25 run on a fixed course.
26 (e) "Inspection certificate" means the document issued
27 by the department, which indicates that the amusement ride has
28 undergone a recurring inspection by the department as required
29 by this section.
30 (f) "Kiddie ride" means an amusement ride designed
31 primarily for use by patrons up to 12 years of age.

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

5 (h) "Major modification" means any change in either
6 the structural or operational characteristics of the amusement
7 ride which will alter its performance from that specified in
8 the manufacturer's design criteria.

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

12 (j) "Nondestructive testing" is the development and
13 application of technical methods, including, but not limited
14 to, radiographic, magnetic particle, ultrasonic, liquid
15 penetrant, electromagnetic, neutron radiographic, acoustic
16 emission, visual, and leak testing to examine materials or
17 components in ways that do not impair the future usefulness
18 and serviceability in order to detect, locate, measure, and
19 evaluate discontinuities, defects, and other imperfections; to
20 assess integrity, properties and composition; and to measure
21 geometrical characters.

22 (k) "Owner" means the person exercising ultimate
23 dominion and control over an amusement ride.

24 (l) "Patron" means any person who is in the immediate
25 vicinity of an amusement ride, getting on or off, or entering
26 or exiting an amusement ride, or using an amusement ride. The
27 term does not include employees, agents, or servants of the
28 owner while they are engaged in the duties of their
29 employment.

30 (m) "Permanent amusement ride" means an amusement ride
31 that is not regularly relocated.

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

4 (o) "Private event" means an event that is not open to
5 the general public and where no admission is charged.

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

10 (q) "Qualified inspector" means an employee or agent
11 of an insurance underwriter of an amusement ride who documents
12 to the department in a manner established by rule of the
13 department the following qualifications:

14 1. A minimum of 5 years experience in the amusement
15 ride field, at least 2 years of which were involved in actual
16 amusement ride inspection with a manufacturer, government
17 agency, park, carnival, or insurance underwriter;

18 2. The completion of 32 hours per year of continuing
19 education at a school approved by rule of the department,
20 which includes inservice industry or manufacturer updates and
21 seminars; and

22 3. At least 80 hours of formal education during the
23 past 5 years from a school approved by rule of the department
24 for amusement ride safety. Nondestructive-testing training, as
25 determined by rule of the department, may be substituted for
26 up to one-half of the 80 hours of education.

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

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

3 (t) "Water park" means a permanent facility with one
4 or more amusement rides that totally or partially immerse a
5 patron in water.

6 (4) ADOPTION OF STANDARDS; RULES.--

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

10 1. American Society for Testing and Materials
11 Committee F-24 Standards on Amusement Rides and Devices.

12 2. National Electric Code Handbook, Article 525.

13 3. National Fire Protection Code 101 (chapters 8-4.6
14 and 9-4.6).

15 4. ASTM Standards: E543 Practice for Determining the
16 Qualification of Nondestructive Testing Agencies.

17 5. ASNT Document Recommended Practice SNT-TC-1A
18 Personnel Qualification and Certification in Nondestructive
19 Testing.

20 (b) The department may adopt rules necessary to
21 effectuate the statutory duties of the department in the
22 interest of public health, safety, and welfare and to promote
23 patron safety in the design, construction, assembly,
24 disassembly, maintenance, and operation of amusement rides in
25 this state.

26 (c) The Legislature finds that go-karts, amusement
27 rides at water parks, and bungy operations are amusement rides
28 that, because of their unique nature, pose safety risks to
29 patrons distinct from other amusement rides. Therefore, the
30 department shall adopt rules regulating their safe use and
31 operation and establish safety standards and inspection

1 requirements in addition to those required by this section or
2 other rule of the department.

3 (d) The Legislature finds that, as a result of
4 accidents or other unforeseen events, circumstances may arise
5 requiring additional safety standards for the protection of
6 patrons of amusement rides, and therefore the department may
7 adopt rules to address the circumstances that may arise
8 following an accident or unforeseen event.

9 (5) ANNUAL PERMIT.--

10 (a) An amusement ride may not be operated without a
11 current annual permit.

12 (b) To apply for an annual permit an owner must submit
13 to the department a written application on a form prescribed
14 by rule of the department, which must include the following:

15 1. The legal name, address, and primary place of
16 business of the owner.

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

20 3. A valid certificate of insurance or bond for each
21 amusement ride.

22 4. An affidavit of compliance that the amusement ride
23 was inspected in person by the affiant and that the amusement
24 ride is in general compliance with the requirements of this
25 section and all applicable rules adopted by the department.
26 The affidavit must be executed by a professional engineer or a
27 qualified inspector no earlier than 60 days before the date of
28 the filing of the application with the department.

29 5. If required by subsection (6), an affidavit of
30 nondestructive testing dated and executed no earlier than 60
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1 days prior to the date of the filing of the application with
2 the department.

3 6. A request for inspection.

4 7. A copy of the manufacturer's current recommended
5 operating instructions in the possession of the owner, the
6 owner's operating fact sheet, and any written bulletins in the
7 possession of the owner concerning the safety, operation, or
8 maintenance of the amusement ride.

9 (c) An annual permit must be issued by the department
10 to the owner of an amusement ride when a completed application
11 has been received, the amusement ride has passed the
12 department's inspection, and all applicable fees, as set by
13 rule of the department, have been paid.

14 (d) The annual permit is valid for 1 year from the
15 date of issue and is not transferable.

16 (e) The annual permit must be displayed on the
17 amusement ride in a place visible to patrons of the amusement
18 ride.

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

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

23 (6) NONDESTRUCTIVE TESTING; AFFIDAVIT; EXEMPTIONS.--

24 (a) Except as provided in paragraph (d), an owner may
25 not operate an amusement ride unless the owner has at all
26 times a current affidavit of nondestructive testing from a
27 professional engineer or qualified inspector that the
28 amusement ride has undergone nondestructive testing for metal
29 fatigue at least annually. The nondestructive testing for
30 metal fatigue must be conducted more often than annually, if
31 required by any rule adopted under this section, by the

1 manufacturer of the amusement ride or by the professional
2 engineer or qualified inspector executing the affidavit of
3 nondestructive testing. The nondestructive testing for metal
4 fatigue must consist at least of visual nondestructive
5 testing; in addition, nonvisual nondestructive testing for
6 metal fatigue must be conducted on the components of the
7 amusement ride as required by any rule adopted under this
8 section, by the manufacturer of the amusement ride, or by the
9 professional engineer or qualified inspector executing the
10 affidavit of nondestructive testing.

11 (b) Nondestructive testings must be performed by a
12 technician who meets the requirements of subparagraphs
13 (4)(a)4. and 5.

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

15 1. That the amusement ride was inspected in person by
16 the affiant.

17 2. That all nondestructive testing requirements are
18 current.

19 3. That the nondestructive testing was performed by a
20 qualified nondestructive testing technician.

21 4. The components of the amusement ride for which the
22 manufacturer has recommended or required nondestructive
23 testing.

24 5. The type of nondestructive testing required or
25 recommended by the manufacturer.

26 6. The frequency of the nondestructive testing
27 required or recommended by the manufacturer.

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

30 8. The type of nondestructive testing required or
31 recommended by the affiant.

1 9. The frequency of the nondestructive testing as
2 required or recommended by the affiant.

3 10. That visual nondestructive testing is adequate for
4 the amusement ride to be in general conformance with the
5 requirements of this section, and all applicable rules, if
6 only visual nondestructive testing is required or recommended
7 by either the manufacturer or the affiant.

8 (d) Nondestructive testing is not required for fun
9 houses, houses of mirrors, haunted houses, mazes, wave pools,
10 wave-making devices, kiddie pools, slides that are fully
11 supported by an earthen mound, nonmotorized playground
12 equipment that requires a manager, or lazy-river-type
13 nonmotorized floating carriers propelled by water.

14 (7) DEPARTMENT INSPECTIONS.--

15 (a) In order to obtain an annual permit, an amusement
16 ride must be inspected by the department in accordance with
17 subsection (11) and receive an inspection certificate. In
18 addition, each permanent amusement ride must be inspected
19 semi-annually by the department in accordance with subsection
20 (11) and receive an inspection certificate, and each temporary
21 amusement ride must be inspected by the department in
22 accordance with subsection (11), and must receive an
23 inspection certificate each time the ride is set up or moved
24 to a new location in this state unless the temporary amusement
25 ride is:

26 1. Used at a private event;

27 2. Used at a public event when there are no more than
28 three amusement rides at the event, and the capacity of each
29 amusement ride at the event does not exceed eight persons;

30 3. A simulator, the capacity of which does not exceed
31 16 persons; or

1 4. A kiddie train used at a public event if there are
2 no more than three amusement rides at the event.

3 (b) To obtain a department inspection for an amusement
4 ride, the owner must submit to the department on a form
5 prescribed by rule of the department a written Request for
6 Inspection. The owner must provide the following information
7 to the department:

8 1. The legal name, address, and primary place of
9 business of the owner.

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

13 3. For a temporary amusement ride, for each time the
14 amusement ride is set up or moved to a new location, the date
15 of first intended use at the new location and the address or a
16 description of the new location.

17 (c) For permanent amusement rides the request for
18 inspection must be received by the department at least 15 days
19 before the owner's planned opening date or at least 15 days
20 before the expiration of the prior inspection certificate. If
21 the request for inspection is received less than 15 days
22 before the owner's planned opening date or less than 15 days
23 before the expiration of the prior inspection certificate, the
24 department may nevertheless inspect the amusement ride and
25 charge a late fee, as set by rule of the department.

26 (d) For temporary amusement rides, the request for
27 inspection must be received by the department for each time
28 the amusement ride is set up or moved to a new location at
29 least 15 days before the date of first intended use at the new
30 location. If the request for inspection is received less than
31 15 days before the date of first intended use at the new

1 location, the department may nevertheless inspect the
2 amusement ride and charge a late fee, as set by rule of the
3 department.

4 (e) Inspections will be assigned on a first come first
5 served basis, and overflow requests will be scheduled on the
6 closest date to the date for which the inspection was
7 requested.

8 (f) Upon failure of an amusement ride to pass any
9 department inspection, the owner may request reinspection
10 which shall be submitted in writing to the department on a
11 form prescribed by rule of the department. The department
12 shall reinspect the amusement ride as soon as practical
13 following receipt of the written request for reinspection and
14 any applicable reinspection fees set by rule of the
15 department. Inspections will be assigned on a first come first
16 served basis, and the overflow requests will be scheduled on
17 the closest date to the date for which the inspection was
18 requested.

19 (g) If the amusement ride passes inspection and the
20 owner pays the applicable fee set by rule of the department,
21 the department shall issue an inspection certificate, on a
22 form prescribed by rule of the department.

23 (h) The inspection certificate must contain the date
24 of inspection, the site of the inspection, and the name of the
25 inspector.

26 (i) The inspection certificate is valid only for the
27 site stated on the inspection certificate. The inspection
28 certificate is valid for a period of not more than 6 months
29 from the date of issuance, and is not transferable.

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1 (j) The inspection certificate must be displayed on
2 the amusement ride at a place readily visible to patrons of
3 the amusement ride.

4 (k) If the owner fails to timely cancel a Request for
5 Inspection, requests holiday or weekend inspections, or is
6 required to have a replacement USAID plate issued by the
7 department, the owner may be charged an appropriate fee to be
8 set by rule of the department.

9 (8) FEES.--

10 (a) The department shall by rule establish fees to
11 cover 100 percent of all costs and expenditures associated
12 with the Bureau of Fair Rides Inspection, including all direct
13 costs, all indirect costs, and all division, data center and
14 administrative overhead. The fees must be deposited in the
15 General Inspection Trust Fund.

16 (b) Any owner of an amusement ride who has not paid
17 all the fees required under this section or who has any unpaid
18 fine outstanding under this section may not operate any
19 amusement ride in this state until the fees and fines have
20 been paid to the department.

21 (9) INSURANCE REQUIREMENTS.--

22 (a) An owner may not operate an amusement ride unless
23 the owner has in effect at all times of operation insurance
24 meeting the following requirements:

25 1. An insurance policy in an amount of not less than
26 \$1 million per occurrence, \$1 million in the aggregate, which
27 insures the owner of the amusement ride against liability for
28 injury to persons arising out of the use of the amusement
29 ride; or

1 2. A bond in a like amount; however, the aggregate
2 liability of the surety under the bond may not exceed the face
3 amount thereof.

4 (b) The policy or bond must be procured from an
5 insurer or surety that is licensed to transact business in
6 this state or that is approved as a surplus lines insurer.

7 (10) EXEMPTIONS.--

8 (a) This section does not apply to:

9 1. Permanent facilities that employ at least 1,000
10 full-time employees and that maintain full-time, in-house
11 safety inspectors.

12 2. Any playground operated by a school, local
13 government, or business licensed under chapter 509, if the
14 playground is an incidental amenity and the operating entity
15 is not primarily engaged in providing amusement, pleasure,
16 thrills, or excitement.

17 3. Museums or other institutions principally devoted
18 to the exhibition of products of agriculture, industry,
19 education, science, religion, or the arts.

20 4. Conventions or trade shows for the sale or exhibit
21 of amusement rides if there are a minimum of 15 amusement
22 rides on display or exhibition, and if any operation of such
23 amusement rides is limited to the registered attendees of the
24 convention or trade show.

25 5. Skating rinks, arcades, lazer or paint ball war
26 games, bowling alleys, miniature golf courses, mechanical
27 bulls, inflatable rides, trampolines, ball crawls, exercise
28 equipment, jet skis, paddle boats, air boats, helicopters,
29 airplanes, parasails, hot air or helium balloons whether
30 tethered or untethered, theatres, batting cages, stationary

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1 spring-mounted fixtures, rider-propelled merry-go-rounds,
2 games, side shows, live animal rides, or live animal shows.

3 6. Go-karts operated in competitive sporting events if
4 participation is not open to the public.

5 7. Nonmotorized playground equipment that is not
6 required to have a manager.

7 8. Coin-actuated amusement rides designed to be
8 operated by depositing coins, tokens, credit cards, debit
9 cards, bills, or other cash money and which are not required
10 to have a manager, and which have a capacity of six persons or
11 less.

12 (b) The department may, by rule, establish exemptions
13 from this section for nonmotorized or human-powered amusement
14 rides or coin-actuated amusement rides.

15 (11) INSPECTION STANDARDS.--An amusement ride must
16 conform to and must be inspected by the department in
17 accordance with the following standards:

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

21 (b) All control devices, speed-limiting devices,
22 brakes, and safety equipment designated by the manufacturer
23 must be in good working order.

24 (c) Parts must be properly aligned, and they may not
25 be bent, distorted, cut, or otherwise injured to force a fit.
26 Parts requiring lubrication must be lubricated in the course
27 of assembly. Fastening and locking devices must be installed
28 where required for safe operation.

29 (d) Before being used by the public, an amusement ride
30 must be placed or secured with blocking, cribbing, outriggers,
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1 guys, or other means so as to be stable under all operating
2 conditions.

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

6 (f) Machinery used in or with an amusement ride must
7 be enclosed, barricaded, or otherwise effectively guarded
8 against inadvertent contact.

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

12 (h) The interior and exterior parts of all
13 patron-carrying amusement rides with which a patron may come
14 in contact must be smooth and rounded and free from sharp,
15 rough, or splintered edges and corners, with no projecting
16 studs, bolts, screws, or other projections which might cause
17 injury.

18 (i) All amusement rides must comply with this section
19 and the rules adopted hereunder.

20 (12) MAJOR MODIFICATION.--After an amusement ride has
21 undergone a major modification, and prior to the time it is
22 placed in operation, a professional engineer licensed by the
23 state in which the certification is performed must certify
24 that the amusement ride is in compliance with this section and
25 all rules adopted pursuant thereto.

26 (13) ENTRY FOR INSPECTION OR INVESTIGATION.--Upon
27 presentation of identification, an authorized employee of the
28 department may enter unannounced and inspect amusement rides
29 at any time and in a reasonable manner and has the right to
30 question any owner or manager; to inspect, investigate,
31 photograph, and sample all pertinent places, areas, and

1 devices; and to conduct or have conducted all appropriate
2 tests including nondestructive testing. The department may
3 impose fees for unannounced inspections and recover the cost
4 of tests authorized by this subsection.

5 (14) REPORTING AND INVESTIGATION OF ACCIDENTS AND
6 DEFECTS; IMPOUNDMENTS.--

7 (a) Any accident of which the owner or manager has
8 knowledge or, through the exercise of reasonable diligence
9 should have knowledge, and for which a patron is transported
10 to a hospital, as defined in chapter 395, must be reported by
11 the owner or manager to the department by telephone or
12 facsimile within 4 hours after the occurrence of the accident.
13 A written report of the accident, on a form prescribed by rule
14 of the department, must be filed by the owner or manager with
15 the department within 24 hours after the accident.

16 (b) Any mechanical, structural, or electrical defects
17 affecting patron safety for which an amusement ride is closed
18 to patron use for more than 4 hours must be reported by the
19 owner or manager to the department by telephone or facsimile
20 within 8 hours after the closing of the ride. A written report
21 of the closing of the ride, on a form prescribed by rule of
22 the department, must be filed by the owner or manager with the
23 department within 24 hours after the closing of the amusement
24 ride.

25 (c) The department may impound an amusement ride
26 involved in an accident for which a patron is transported to a
27 hospital as defined in chapter 395 or which has a mechanical,
28 structural, or electrical defect affecting patron safety, and
29 may impound any other amusement ride of a similar make and
30 model, and may perform all necessary tests to determine the
31 cause of the accident or the mechanical, structural, or

1 electrical defect, or to determine the safety of the amusement
2 ride and any other amusement ride of a similar make and model.
3 The cost of impounding the amusement ride and performing the
4 necessary tests must be borne by the owner of the amusement
5 ride.

6 (15) INSPECTION BY OWNER OR MANAGER.--Prior to opening
7 on each day of operation and prior to any inspection by the
8 department, the owner or manager of an amusement ride must
9 inspect and test the amusement ride to ensure compliance with
10 all requirements of this section. Each inspection must be
11 recorded on a form prescribed by rule of the department and
12 signed by the person who conducted the inspection. Inspection
13 records of the last 14 daily inspections must be kept on site
14 by the owner or manager and made immediately available to the
15 department upon request.

16 (16) TRAINING OF EMPLOYEES.--The owner or manager of
17 any amusement ride shall maintain a record of employee
18 training for each employee authorized to operate, assemble,
19 disassemble, transport, or conduct maintenance on an amusement
20 ride, on a form prescribed by rule of the department. The
21 training record must be kept on site by the owner or manager
22 and made immediately available to the department upon request.
23 Training may not be conducted when an amusement ride is open
24 to the public unless the training is conducted under the
25 supervision of an employee who is trained in the operation of
26 that ride. The owner or manager shall certify that each
27 employee is trained, as required by this section and any rules
28 adopted thereunder, on the amusement ride for which the
29 employee is responsible.

30 (17) PROHIBITIONS RELATED TO BUNGY OPERATIONS.--The
31 following bungee operations are prohibited:

1 (a) A bungy operation conducted with balloons, blimps,
2 helicopters, or other aircraft.

3 (b) Sand bagging, which is the practice of holding
4 onto any object, including another person, while bungy
5 jumping, for the purpose of exerting more force on the bungy
6 cord to stretch it further, and then releasing the object
7 during the jump causing the jumper to rebound with more force
8 than could be created by the jumper's weight alone.

9 (c) Tandem or multiple bungy jumping.

10 (d) Bungy jumping from any bridge, overpass, or any
11 other structure not specifically designed as an amusement
12 ride.

13 (18) IMMEDIATE FINAL ORDERS.--

14 (a) An amusement ride that fails to meet the
15 requirements of this section or pass the inspections required
16 by this section, or an amusement ride that is involved in an
17 accident for which a patron is transported to a hospital as
18 defined in chapter 395, or an amusement ride that has a
19 mechanical, structural, or electrical defect that affects
20 patron safety may be considered an immediate serious danger to
21 public health, safety, and welfare and, upon issuance of an
22 immediate final order prohibiting patron use of the ride, may
23 not be operated for patron use until it has passed a
24 subsequent inspection by or at the direction of the
25 department.

26 (b) An amusement ride of a similar make and model to
27 an amusement ride described in paragraph (a) may be considered
28 an immediate serious danger to the public health, safety, and
29 welfare and, upon issuance of an immediate final order
30 prohibiting patron use of the ride, may not be operated for
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1 patron use until it has passed a subsequent inspection by or
2 at the direction of the department.

3 (19) ENFORCEMENT AND PENALTIES.--

4 (a) The department may deny, suspend for a period not
5 to exceed 1 year, or revoke any permit or inspection
6 certificate. In addition to denial, suspension, or revocation,
7 the department may impose an administrative fine of up to
8 \$5000 per violation, per day, against the owner of the
9 amusement ride if it finds that:

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

11 a. With a mechanical, structural, or electrical defect
12 that affects patron safety, of which the owner or manager has
13 knowledge, or, through the exercise of reasonable diligence,
14 should have knowledge;

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

17 c. At a speed in excess of its maximum safe operating
18 speed;

19 d. In violation of this section or any rule adopted
20 under this section; or

21 e. In violation of any order of the department or
22 order of any court.

23 2. Any manager in the course of his or her duties is
24 under the influence of drugs or alcohol.

25 (b) The department shall, in its order suspending a
26 permit or inspection certificate, specify the period during
27 which the suspension is effective; but such period may not
28 exceed 1 year. The permit or inspection certificate shall
29 remain suspended during the period so specified, subject,
30 however, to any rescission or modification of the order by the
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1 department, or modification or reversal thereof by the court,
2 prior to expiration of the suspension period.

3 (c) The owner of an amusement ride, if the permit or
4 inspection certificate for the amusement ride has been revoked
5 by the department, may not apply for another permit or
6 inspection certificate for the amusement ride within 2 years
7 after the date of such revocation. If judicial review is
8 sought and a stay of the revocation is obtained, the owner may
9 not apply for another permit or inspection certificate within
10 2 years after the final order of the court sustaining the
11 revocation.

12 (d) During the period of suspension or revocation of a
13 permit or inspection certificate, the owner may not engage in
14 or attempt to engage in any operation of the amusement ride
15 for which a permit or inspection certificate is required under
16 this section.

17 (e) When a suspension period imposed by the department
18 has expired, an owner whose annual permit or inspection
19 certificate has expired may reapply for a new permit or
20 inspection certificate by submitting a complete application to
21 the department.

22 (f) In addition to the remedies provided in this
23 section, and notwithstanding the existence of any adequate
24 remedy at law, the department may bring an action to enjoin
25 the violation of any provision of this section, or rules
26 adopted under this section, in the circuit court of the county
27 in which the violation occurs or is about to occur. Upon
28 competent and substantial evidence presented by the department
29 to the court of the violation or threatened violation, the
30 court must immediately issue the temporary or permanent
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1 injunction sought by the department. The injunction must be
2 issued without bond.

3 (g) In addition to the penalties authorized to be
4 imposed for any violation of this section or any rule adopted
5 under this section, the department may issue a letter of
6 warning to the owner of the amusement ride specifying the
7 violation and directing the owner to immediately correct the
8 violation.

9 (h) Any person who knowingly violates any provision of
10 this section commits a misdemeanor of the second degree,
11 punishable as provided in s. 775.082 or s. 775.083.

12 Section 2. Paragraph (jj) of subsection (7) of section
13 212.08, Florida Statutes, is amended to read:

14 212.08 Sales, rental, use, consumption, distribution,
15 and storage tax; specified exemptions.--The sale at retail,
16 the rental, the use, the consumption, the distribution, and
17 the storage to be used or consumed in this state of the
18 following are hereby specifically exempt from the tax imposed
19 by this chapter.

20 (7) MISCELLANEOUS EXEMPTIONS.--

21 (jj) Fair associations.--Also exempt from the tax
22 imposed by this chapter is the sale, use, lease, rental, or
23 grant of a license to use, made directly to or by a fair
24 association, of real or tangible personal property; any charge
25 made by a fair association, or its agents, for parking,
26 admissions, or for temporary parking of vehicles used for
27 sleeping quarters; rentals, subleases, and sublicenses of real
28 or tangible personal property between the owner of the central
29 amusement attraction and any owner of an amusement ride
30 ~~devices and amusement attractions~~, as those terms are used in
31 ss. 616.15(1)(b) and 616.242(3)(a) ~~and (i)~~, for the furnishing

1 of amusement rides ~~devices and amusement attractions~~ at a
2 public fair or exposition; and other transactions of a fair
3 association which are incurred directly by the fair
4 association in the financing, construction, and operation of a
5 fair, exposition, or other event or facility that is
6 authorized by s. 616.08. As used in this paragraph, the terms
7 "fair association" and "public fair or exposition" have the
8 same meaning as those terms are defined in s. 616.001. This
9 exemption does not apply to the sale of tangible personal
10 property made by a fair association through an agent or
11 independent contractor; sales of admissions and tangible
12 personal property by a concessionaire, vendor, exhibitor, or
13 licensee; or rentals and subleases of tangible personal
14 property or real property between the owner of the central
15 amusement attraction and a concessionaire, vendor, exhibitor,
16 or licensee, except for the furnishing of amusement rides
17 ~~devices or amusement attractions~~, which transactions are
18 exempt.

19 Section 3. Subsection (4) of section 570.46, Florida
20 Statutes, is amended to read:

21 570.46 Division of Standards; powers and duties.--The
22 duties of the Division of Standards include, but are not
23 limited to:

24 (4) Administering the provisions of chapter 616
25 relating to amusement rides ~~device inspections, inspection~~
26 ~~fees, and safety requirements at public fairs and expositions,~~
27 ~~carnivals, festivals, celebrations, bazaars, permanent~~
28 ~~facilities, and parking lot still dates.~~

29 Section 4. Section 616.13, Florida Statutes, is
30 amended to read:

31

1 616.13 Licenses upon shows within 5 miles of
2 fair.--Every person engaged in the business of providing
3 temporary amusement rides ~~devices and amusement attractions~~
4 within 5 miles of and within 30 days before or during any
5 public fair or exposition being operated by a fair
6 association, when not operating in connection with that fair
7 or exposition, shall pay a license tax of \$1,000 per day.

8 Section 5. This act shall take effect October 1, 1998.

9
10 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
11 COMMITTEE SUBSTITUTE FOR
12 Senate Bill 1460

13 This Committee Substitute:

- 14 - Revises the definition of "patron."
- 15 - Deletes the definition for "sponsor of event."
- 16 - Requires an affidavit of compliance to be executed by a
17 professional engineer or a qualified inspector no earlier
18 than 60 days, rather than 30 days, before the date of the
19 filing of the application.
- 20 - Requires an affidavit of nondestructive testing to be
21 dated and executed no earlier than 60 days, rather than
22 30 days, prior to the date of the filing of the
23 application.
- 24 - Revises the information provided on an affidavit of
25 nondestructive testing.
- 26 - Deletes a provision relating to amusement ride
27 inspections by the Department of Agriculture and Consumer
28 Services that the timely request for an inspection does
29 not guarantee an inspection by the department on the date
30 requested.
- 31 - Deletes an inspection standard that all parts of
amusement rides used by patrons must be maintained in a
sanitary condition.
- Deletes the department's authority to deny, suspend or
revoke a permit or inspection certificate if an amusement
ride is operated with patrons whose faculties are
impaired due to drugs or alcohol.
- Revises enforcement standards for permits and inspection
certificates that have been revoked.