

By Representative Geller

1 A bill to be entitled
 2 An act relating to amusement devices; amending
 3 s. 616.242, F.S.; providing safety standards
 4 for amusement devices; providing purpose and
 5 intent; providing definitions; requiring
 6 adoption of specified standards; prohibiting
 7 the operation of amusement devices without a
 8 permit and affidavit of compliance; providing
 9 for testing of amusement rides; requiring
 10 inspections; providing fees; providing
 11 exemptions; prescribing inspections standards
 12 for amusement devices; authorizing employees of
 13 the Department of Agriculture and Consumer
 14 Services to inspect and investigate; requiring
 15 owners to inspect amusement devices;
 16 authorizing the department to adopt rules;
 17 providing for the training of operators,
 18 attendants, and maintenance persons of
 19 amusement devices; prohibiting specified bungy
 20 operations; providing for issuance of orders,
 21 enforcement, and penalties; providing an
 22 effective date.

23
 24 Be It Enacted by the Legislature of the State of Florida:

25
 26 Section 1. Section 616.242, Florida Statutes, is
 27 amended to read:

28 (Substantial rewording of section. See
 29 s. 616.242, F.S., for present text.)
 30 616.242 Safety standards for amusement devices.--

31

1 (1) PURPOSE.--The purpose of this section is to guard
2 against personal injuries to patrons of amusement devices
3 within this state. All amusement devices must be designed,
4 constructed, assembled, disassembled, maintained, and operated
5 to prevent personal injuries to patrons.

6 (2) LEGISLATIVE INTENT.--

7 (a) It is the intent of the Legislature that the owner
8 of an amusement device is responsible for the safety of the
9 patrons of the amusement device. The owner of an amusement
10 device is responsible for ensuring that the owner and each
11 amusement device meet the requirements of this section.

12 (b) This section applies to all amusement devices in
13 this state unless exempt from this section under subsection
14 (11).

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

16 (a) "Amusement attraction" means any building or
17 structure around, over, or through which persons may move or
18 walk without the aid of any moving device integral to the
19 building or structure, which building or structure provides
20 amusement, pleasure, thrills, or excitement.

21 (b) "Amusement device" means any amusement ride or
22 amusement attraction.

23 (c) "Annual permit" means the United States Amusement
24 Identification Number and the numbered and dated decal issued
25 by the department, which signify that the amusement device has
26 been permitted by the department.

27 (d) "Amusement ride" means any mechanical device or
28 combination of devices that carries or conveys patrons on,
29 along, around, over, or through a fixed or restricted course
30 or within a defined area for the purpose of giving its patrons
31 amusement, pleasure, thrills, or excitement.

1 (e) "ASTM F-24" means the American Society of Testing
2 and Materials Committee on Amusement Rides and Devices,
3 Standards On Amusement Rides and Devices, Fifth Edition
4 (1995).

5 (f) "Bungy operation" means an amusement device which
6 utilizes as a component a bungy cord which is an elastic rope
7 made of rubber, latex, or other elastic type materials whether
8 natural or synthetic.

9 (g) "Go-kart" means an amusement ride vehicle
10 controlled or driven by patrons specifically designed for and
11 run on a fixed course.

12 (h) "Inspection certificate" means the document issued
13 by the department, which indicates that the amusement device
14 has undergone a recurring inspection by the department as
15 required by this section.

16 (i) "Kiddie device" means an amusement device designed
17 primarily for use by patrons up to 12 years of age.

18 (j) "Kiddie train" means a train designed as a kiddie
19 device which is operated on a flat surface or flat track,
20 carries no more than 14 patrons, and does not exceed a speed
21 of 3 miles per hour.

22 (k) "Major modification" means any change in either
23 the structural or operational characteristics of the amusement
24 device which will alter its performance from that specified in
25 the manufacturer's design criteria.

26 (l) "Manager" means a person having possession,
27 custody, or managerial control of an amusement device, whether
28 as owner, lessee, agent, operator, attendant, or otherwise.

29 (m) "Nondestructive testing" is the development and
30 application of technical methods, including, but not limited
31 to, radiographic, magnetic particle, ultrasonic, liquid

1 penetrant, electromagnetic, neutron radiographic, acoustic
2 emission, visual, and leak testing to examine materials or
3 components in ways that do not impair the future usefulness
4 and serviceability in order to detect, locate, measure, and
5 evaluate discontinuities, defects, and other imperfections; to
6 assess integrity, properties and composition; and to measure
7 geometrical characters.

8 (n) "Owner" means the person exercising ultimate
9 dominion and control over an amusement device.

10 (o) "Patron" means any person who is in the immediate
11 vicinity of an amusement device, getting on or off an
12 amusement device, or using an amusement device. The term does
13 not include employees, agents, or servants of the owner while
14 they are engaged in the duties of their employment.

15 (p) "Permanent amusement device" means an amusement
16 device that is not regularly relocated.

17 (q) "Permanent facility" means a location or place
18 from which amusement devices are not regularly relocated and
19 at which such devices operate as a lasting part of the
20 premises.

21 (r) "Private event" means an event that is not open to
22 the general public and where no admission is charged.

23 (s) "Professional engineer" means a person who holds a
24 valid license as a professional engineer issued by the
25 Department of Business and Professional Regulation or by an
26 equivalent licensing body in another state.

27 (t) "Qualified inspector" means a person who meets the
28 requirements of paragraphs (7)(a) and (b).

29 (u) "Serious injury" means an injury requiring
30 professional medical care, notwithstanding the definition
31 contained in ASTM F-24.

1 (v) "Simulator" means any amusement device that is a
2 self-contained unit requiring little or no assembly and that
3 uses a motion picture simulation, along with a mechanical
4 movement, to simulate activities that provide amusement or
5 excitement for the patron.

6 (w) "Sponsor of event" means the agency, organization,
7 or entity that hosts and promotes the event.

8 (x) "Temporary amusement device" means an amusement
9 device that is regularly relocated, with or without
10 disassembly.

11 (y) "Unscheduled cessation" means a rare, unusual, or
12 irregular stopping of an amusement device operation,
13 intentional or otherwise, that is considered abnormal or
14 potentially hazardous in nature due to its cause, method, or
15 result.

16 (z) "Water park" means a permanent facility with one
17 or more amusement devices that totally or partially immerse a
18 patron in water.

19 (4) ADOPTION OF STANDARDS; CONFLICTS.--

20 (a) The owner of an amusement device is responsible
21 for ensuring that each amusement device meets the following
22 standards at all times:

23 1. Amusement devices must comply with the American
24 Society for Testing and Materials Committee F-24 Standards on
25 Amusement Rides and Devices, Fifth Edition (1995).

26 2. Amusement devices must comply with the requirements
27 of the National Electrical Code Handbook (1996) Article 525.

28 3. Amusement devices must comply with the requirements
29 of the National Fire Protection Code 101 (1991) (chapters
30 8-4.6 and 9-4.6).

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1 4. Nondestructive testing technicians must comply with
2 the requirements of the ASTM Standards: E543 Practice for
3 Determining the Qualification of Nondestructive Testing
4 Agencies (1997), and the ASNT Document Recommended Practice
5 SNT-TC-1A Personnel Qualification and Certification in
6 Nondestructive Testing (1997).

7 (b) To the extent of any conflicts between this
8 section and any standards adopted by this section, this
9 section shall control.

10 (5) ANNUAL PERMIT FOR AMUSEMENT DEVICE.--

11 (a) An amusement device may not be operated without a
12 current annual permit.

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

17 1. The legal name, address, and primary place of
18 business of the owner.

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

22 3. A valid certificate of insurance or bond for each
23 amusement device.

24 4. An affidavit of compliance dated and executed no
25 earlier than 30 days prior to the date of the filing of the
26 application with the department.

27 5. A request for inspection.

28 6. Upon request of the department, a copy of the
29 manufacturer's operating instructions and any manufacturer's
30 bulletins concerning the amusement device.

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1 (c) An annual permit must be issued by the department
2 to the owner of an amusement device when a completed
3 application has been received, the amusement device has passed
4 the department's inspection, and all applicable fees have been
5 paid.

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

8 (e) The annual permit must be displayed on the
9 amusement device in a place visible to patrons of the
10 amusement device.

11 (f) Each go-kart track at the same permanent facility
12 is considered a separate amusement device.

13 (g) Amusement devices at water parks which operate
14 from the same deck or level are considered one amusement
15 device.

16 (6) NONDESTRUCTIVE TESTING FOR AMUSEMENT RIDES.--

17 (a) An owner may not operate an amusement ride unless
18 the owner has at all times a current affidavit of compliance
19 that the amusement ride has undergone nondestructive testing
20 for metal fatigue conducted at least annually, or more often
21 as required by ASTM F-24, by the manufacturer of the amusement
22 ride, or by the professional engineer or qualified inspector
23 executing the affidavit of compliance.

24 (b) When the manufacturer requires or recommends any
25 nondestructive testing for a particular amusement ride, the
26 nondestructive testing required or recommended by the
27 manufacturer must be conducted on the components designated by
28 the manufacturer at the frequency required or recommended by
29 the manufacturer.

30 (c) When the manufacturer requires or recommends only
31 visual nondestructive testing for a particular amusement ride,

1 the visual nondestructive testing required or recommended by
2 the manufacturer must be conducted on the components
3 designated by and at the frequency required or recommended by
4 the manufacturer, and, in addition, nondestructive testings
5 must be conducted on those components designated by, and at
6 the frequency required or recommended by, the professional
7 engineer or qualified inspector executing the affidavit of
8 compliance.

9 (d) When the manufacturer has neither recommended nor
10 required any nondestructive testing for a particular amusement
11 ride, the nondestructive testing must be conducted on the
12 components designated by, and at the frequency required or
13 recommended by, the professional engineer or qualified
14 inspector executing the affidavit of compliance.

15 (e) Nondestructive testings must be performed by a
16 technician who meets the requirements of subparagraph (4)(a)4.

17 (7) AFFIDAVIT OF COMPLIANCE.--

18 (a) An owner may not operate an amusement device
19 unless the owner has a current affidavit of compliance for the
20 amusement device from a professional engineer or a qualified
21 inspector who is an employee or an agent of the insurance
22 underwriter of the amusement device.

23 (b) For an inspector for the insurance underwriter to
24 become qualified to inspect amusement devices, the inspector
25 must document to the department in a manner established by
26 rule of the department the following qualifications:

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

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1 2. At least 80 hours of formal education from a school
2 approved by rule of the department for amusement ride safety
3 during the past 5 years; and

4 3. The completion of 40 hours per year of continuing
5 education at a school approved by rule of the department,
6 which includes inservice industry or manufacturer updates and
7 seminars.

8
9 Nondestructive testing training, as determined by rule of the
10 department, may be substituted for up to one-half of the
11 formal education required by this paragraph.

12 (c) An affidavit of compliance must state that:

13 1. All nondestructive testing requirements are
14 current.

15 2. The nondestructive testing was performed by a
16 qualified nondestructive testing technician.

17 3. The amusement ride was inspected in person by the
18 affiant.

19 4. The amusement ride complies with the requirements
20 of ASTM-F24, Article 525 of the National Electric Code
21 Handbook, the National Fire Protection Code 101 (chapters
22 8-4.6 and 9-4.6), section 612.242, Florida Statutes, and all
23 applicable rules adopted by the department.

24 5. The components of the amusement ride which require
25 nondestructive testing as recommended by the manufacturer.

26 6. The type of nondestructive testing required by the
27 manufacturer.

28 7. The frequency of the nondestructive testing
29 required by the manufacturer.

30 8. The components of the amusement ride which require
31 nondestructive testing as designated by the affiant.

1 9. The type of nondestructive testing required by the
2 affiant.

3 10. The frequency of the nondestructive testing as
4 required by the affiant.

5 (d) If only a visual nondestructive testing is
6 required by either the manufacturer or the affiant, the
7 affiant must provide an opinion that a visual nondestructive
8 testing is sufficient for patron safety.

9 (8) REQUIRED INSPECTIONS FOR AMUSEMENT DEVICES.--

10 (a) An amusement device may not be operated unless it
11 has passed an inspection by the department as required by
12 subsection (12) and has received an inspection certificate or
13 unless it is exempt under subsection (11).

14 (b) Each permanent amusement device must be inspected
15 by the department as required by subsection (12), unless it is
16 exempt under subsection (11).

17 (c) Each temporary amusement device must be inspected
18 by the department, as required by subsection (12) each time
19 the device is set up or moved to a new location in this state,
20 unless it is exempt under subsection (11).

21 (d) To obtain a department inspection for an amusement
22 device, the owner must submit to the department on a form
23 prescribed by rule of the department a written Request for
24 Inspection. The owner must provide the following information
25 to the department:

26 1. The legal name, address, and primary place of
27 business of the owner.

28 2. A description, manufacturer's name, serial number,
29 model number, and the United States Amusement Identification
30 Number of the amusement device.

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1 3. For a temporary amusement device, for each time the
2 amusement device is set up or moved to a new location, the
3 date of first intended use at the new location and the address
4 or a description of the new location.

5 (e) For permanent amusement devices the request for
6 inspection must be received by the department at least 15 days
7 before the owner's planned opening date or at least 15 days
8 before the expiration of the prior inspection certificate. If
9 the request for inspection is received less than 15 days
10 before the owner's planned opening date or less than 15 days
11 before the expiration of the prior inspection certificate, the
12 department may nevertheless inspect the amusement device and
13 charge a late fee, as set by rule of the department.

14 (f) For temporary amusement devices, the request for
15 inspection must be received by the department for each time
16 the amusement device is set up or moved to a new location at
17 least 15 days before the date of first intended use at the new
18 location. If the request for inspection is received less than
19 15 days before the date of first intended use at the new
20 location, the department may nevertheless inspect the
21 amusement device and charge a late fee, as set by rule of the
22 department.

23 (g) The timely request for an inspection does not
24 guarantee an inspection by the department on the date
25 requested.

26 (h) Upon failure of an amusement device to pass any
27 department inspection, the owner may request reinspection
28 which shall be submitted in writing to the department on a
29 form prescribed by rule of the department. The department
30 shall reinspect the amusement device as soon as practical
31 following receipt of the written request for reinspection.

1 However, the request for reinspection does not guarantee a
2 reinspection by the department on the date requested.

3 (i) If the amusement device passes inspection and the
4 owner pays the applicable fee, the department shall issue an
5 inspection certificate, on a form prescribed by rule of the
6 department.

7 (j) The inspection certificate must contain the date
8 of inspection, the site of the inspection, and the name of the
9 inspector.

10 (k) The inspection certificate is valid only for the
11 site stated on the inspection certificate. The inspection
12 certificate is valid for a period of not more than 6 months
13 from the date of issuance, and is not transferable.

14 (l) The inspection certificate must be displayed on
15 the amusement device at a place readily visible to patrons of
16 the amusement device.

17 (9) FEES.--

18 (a) The department shall by rule establish fees for
19 annual permits, replacement of USAID plate, late inspection
20 requests, failure to cancel requests for inspection, holiday
21 and weekend inspections, and all department inspections of
22 amusement devices at a rate that will cover 100 percent of all
23 expenditures associated with the program, including all direct
24 costs, all indirect costs, and all division, data center and
25 administrative overhead. The fees must be deposited in the
26 General Inspection Trust Fund.

27 (b) Any owner of an amusement device who has not paid
28 all the fees required under this section or who has any unpaid
29 fine outstanding under this section may not operate any
30 amusement device in this state until the fees and fines have
31 been paid to the department.

- 1 (10) INSURANCE REQUIREMENTS.--
2 (a) An owner may not operate an amusement device
3 unless the owner has in effect at all times of operation
4 insurance meeting the following requirements:
5 1. An insurance policy in an amount of not less than
6 \$1 million per occurrence, \$1 million in the aggregate, which
7 insures the owner of the amusement device against liability
8 for injury to persons arising out of the use of the amusement
9 device; or
10 2. A bond in a like amount; however, the aggregate
11 liability of the surety under the bond may not exceed the face
12 amount thereof.
13 (b) The policy or bond must be procured from an
14 insurer or surety that is licensed to transact business in
15 this state or that is approved as a surplus lines insurer.
16 (11) EXEMPTIONS.--
17 (a) This section does not apply to:
18 1. Permanent facilities that employ at least 1,000
19 full-time employees and that maintain full-time, in-house
20 safety inspectors.
21 2. Any playground operated by a school, local
22 government, or business licensed under chapter 509, if the
23 playground is an incidental amenity and the operating entity
24 is not primarily engaged in providing amusement, pleasure,
25 thrills, or excitement.
26 3. Enterprises principally devoted to the exhibition
27 of products of agriculture, industry, education, science,
28 religion, or the arts.
29 4. Conventions or trade shows for the sale or exhibit
30 of amusement devices if there are a minimum of 15 amusement
31 devices on display or exhibition, and if any operation of such

1 amusement devices is limited to the registered attendees of
2 the convention or trade show.

3 5. Facilities and amusement devices, including skating
4 rinks, arcades, bowling alleys, miniature golf courses,
5 mechanical bulls, inflatable bounces or moonwalks,
6 trampolines, ball crawls, exercise equipment, jet skis,
7 parasails, hot air or helium balloons, whether tethered or
8 untethered, theatres, batting cages, or live animal rides.

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

11 7. Unpowered, nonmechanized equipment that is not
12 required to have an operator:

13 a. Playground equipment;

14 b. Stationary spring mounted fixtures; and

15 c. Rider-propelled merry-go-rounds.

16 8. Coin actuated amusement devices designed to be
17 operated by depositing coins, tokens, credit cards, debit
18 cards, bills or other cash money and which are not required to
19 have an operator, and which have a capacity of six persons or
20 less.

21 (b) An inspection certificate is not required for:

22 1. A temporary amusement device used at a private
23 event;

24 2. A temporary amusement device used at a public event
25 when there are no more than three amusement devices at the
26 event, and the capacity of each amusement device at the event
27 does not exceed eight persons;

28 3. A simulator, the capacity of which does not exceed
29 16 persons; or

30 4. A kiddie train used at a public event if there are
31 no more than three amusement devices at the event.

1 (c) The department may, by rule, establish exemptions
2 for unpowered or nonmechanized or coin-actuated amusement
3 devices.

4 (12) INSPECTION STANDARDS FOR AMUSEMENT DEVICES.--An
5 amusement device must conform to and must be inspected by the
6 department in accordance with the following standards:

7 (a) All control devices, speed-limiting devices,
8 brakes, and safety equipment designated by the manufacturer
9 must be in good working order.

10 (b) Parts must be properly aligned, and they may not
11 be bent, distorted, cut, or otherwise injured to force a fit.
12 Parts requiring lubrication must be lubricated in the course
13 of assembly. Fastening and locking devices must be installed
14 where required for safe operation.

15 (c) Before being used by the public, an amusement
16 device must be placed or secured with blocking, cribbing,
17 outriggers, guys, or other means so as to be stable under all
18 operating conditions.

19 (d) Areas in which persons may be endangered by the
20 operation of an amusement device must be fenced, barricaded,
21 or otherwise effectively guarded against contact.

22 (e) Machinery used in or with an amusement device must
23 be enclosed, barricaded, or otherwise effectively guarded
24 against contact.

25 (f) An amusement ride powered so as to be capable of
26 exceeding its maximum safe operating speed must be provided
27 with a maximum-speed-limiting device.

28 (g) The interior and exterior parts of all
29 patron-carrying amusement rides with which a patron may come
30 in contact must be smooth and rounded and free from sharp,
31 rough, or splintered edges and corners, with no projecting

1 studs, bolts, screws, or other projections which might cause
2 injury. Interior parts upon or against which a patron may come
3 in contact with must be adequately padded.

4 (h) All parts of amusement devices used by patrons
5 must be maintained in a sanitary condition.

6 (i) All amusement devices must comply with the
7 requirements of the National Electrical Code, Article 525.

8 (j) All amusement devices must comply with the
9 requirements of the National Fire Protection Code 101
10 (chapters 8-4.6 and 9-4.6).

11 (k) All amusement devices must comply with the ASTM
12 F-24 standards.

13 (l) All amusement devices must comply with this
14 section and the rules adopted hereunder.

15 (13) MAJOR MODIFICATION OF AMUSEMENT DEVICE.--If an
16 amusement device is substantially modified to change the
17 structure, mechanism, or capacity of the amusement device, the
18 owner must cause the amusement device to comply with all ASTM
19 F-24 standards prior to the time it is put into operation, and
20 the amusement device must be certified to meet all ASTM F-24
21 standards, by a professional engineer licensed by the state in
22 which the certification is performed.

23 (14) ENTRY FOR INSPECTION OR INVESTIGATION.--Upon
24 presentation of identification, an authorized employee of the
25 department may enter unannounced and inspect amusement devices
26 at any time and in a reasonable manner and has the right to
27 question any owner or manager; to inspect, investigate,
28 photograph, and sample all pertinent places, areas, and
29 devices; and to conduct or have conducted all appropriate
30 tests including nondestructive testing. The department may
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1 impose fees for unannounced inspections and recover the cost
2 of tests authorized by this subsection.

3 (15) REPORTING AND INVESTIGATION OF ACCIDENTS AND
4 UNSCHEDULED CESSATION OF OPERATION.--

5 (a) Any unscheduled cessation or any accident directly
6 related to an amusement device involving serious injury must
7 be reported by the owner to the department by telephone or
8 facsimile within 2 hours after the occurrence of the accident
9 or unscheduled cessation. A written report of the accident or
10 unscheduled cessation, on a form prescribed by rule of the
11 department, must be filed by the owner with the department
12 within 24 hours after the accident or unscheduled cessation.

13 (b) The department may impound an amusement device
14 involved in an accident involving serious injury or
15 unscheduled cessation or any other amusement device of a
16 similar make and model to that involved in the accident or
17 unscheduled cessation and may perform all necessary tests to
18 determine the cause of the accident or unscheduled cessation,
19 or to determine the safety of the amusement device or any
20 other amusement device of a similar make and model. The cost
21 of impounding the amusement device and performing the
22 necessary tests must be borne by the owner of the amusement
23 device.

24 (c) Any amusement device involved in an unscheduled
25 cessation or any amusement device involved in an accident
26 resulting in serious injury or any other amusement device of a
27 similar make and model to the amusement device involved in the
28 unscheduled cessation or accident is an immediate serious
29 danger to the public health, safety, or welfare must be closed
30 immediately and must not be reopened until authorized by the
31 department.

1 (16) INSPECTION OF AMUSEMENT DEVICE BY OWNER OR
2 MANAGER.--

3 (a) Prior to opening on each day of operation and
4 prior to any inspection by the department, the owner or
5 manager of an amusement device must inspect and test the
6 amusement device to ensure compliance with all requirements of
7 this section. Each inspection must be recorded on a form
8 adopted by rule of the department. Inspection records of the
9 last 14 daily inspections must be kept with the amusement
10 device.

11 (b) A copy of the daily inspection report must be on
12 file with the manager of the fair or coordinator of the event
13 before the device is opened to the public. The owner or
14 manager shall complete the daily inspection and shall sign the
15 inspection form before the amusement device opens to the
16 public.

17 (17) RULES.--

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

24 (b) The department may adopt rules in substantial
25 conformity with standards of the American Society of Testing
26 and Materials Committee on Amusement Rides and Devices,
27 Standards on Amusement Rides and Devices; American Society for
28 Non-Destructive Testing; National Fire Protection Code; and
29 the National Electrical Code.

30 (c) The Legislature finds that go-karts, water parks,
31 and bungy operations are amusement devices which, because of

1 their unique nature, pose safety risks to patrons distinct
2 from other amusement devices. Therefore, the department shall
3 adopt rules regulating their safe use and operation and
4 establish safety standards and inspection requirements in
5 addition to those required by this section or other rule of
6 the department.

7 (d) The Legislature finds that as a result of
8 unscheduled cessations or accidents involving serious injury,
9 circumstances may arise for additional safety standards for
10 the protection of patrons of amusement devices, and therefore
11 the department may adopt rules to address the circumstances
12 that may arise following an unscheduled cessation or accident
13 involving serious injury.

14 (18) TRAINING OF OPERATORS, ATTENDANTS, AND
15 MAINTENANCE PERSONS.--

16 (a) The owner of any amusement device shall maintain a
17 record of operator, attendant, and maintenance training for
18 each employee authorized to conduct maintenance, operate,
19 assemble, disassemble, or transport an amusement device.
20 However, temporary employees may be used during assembly and
21 disassembly when under the direct supervision of a trained
22 operator. Training may not be conducted when the amusement
23 device is open to the public. The owner shall certify that
24 adequate training for each employee was conducted and that
25 each employee is adequately trained on the amusement device
26 for which such employee is responsible in accordance with ASTM
27 F-24 requirements.

28 (b) The owner must maintain a record of each
29 operator's training for each amusement device on a form
30 prescribed by rule of the department.

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1 (c) The training record must be available at the
2 amusement device or the office of the amusement company on
3 site for inspection by the department before opening.

4 (19) PROHIBITIONS RELATED TO BUNGY OPERATIONS.--

5 (a) The following bungee operations are prohibited:

6 1. A bungee operation conducted with balloons, blimps,
7 helicopters, or other aircraft.

8 2. Sand bagging, which is the practice of holding onto
9 any object, including another person, while bungee jumping, for
10 the purpose of exerting more force on the bungee cord to
11 stretch it further, and then releasing the object during the
12 jump causing the jumper to rebound with more force than could
13 be created by the jumper's weight alone.

14 3. Tandem or multiple bungee jumping.

15 4. Bungee jumping from any bridge, overpass, or any
16 other structure not specifically designed as an amusement
17 device.

18 (20) IMMEDIATE FINAL ORDERS.--An amusement device that
19 fails to meet the requirements of this section or pass the
20 inspections required by this section is considered an
21 immediate serious danger to public health, safety, and welfare
22 and must not be operated for public use until it has passed a
23 subsequent inspection. The department shall issue and attach
24 to the amusement device an immediate final order prohibiting
25 the use of the amusement device. Such order may not be removed
26 until the amusement device is found by the department to be in
27 compliance with the requirements of this section. The
28 immediate final order may only be removed upon written
29 authorization of the department.

30 (21) ENFORCEMENT AND PENALTIES.--
31

1 (a) The department may revoke any permit and
2 certificate to operate issued for an amusement device for a
3 period not to exceed 1 year and impose an administrative fine
4 of up to \$5000 per violation, per day, against the owner of
5 the amusement device if it finds that:
6 1. An amusement device has operated or is operating:
7 a. Without the annual permit, inspection certificate,
8 or any inspection required by this section;
9 b. Without the insurance or bond required by this
10 section;
11 c. With a mechanical, structural, or electrical
12 defect;
13 d. In a manner or circumstance that presents a risk of
14 serious injury to patrons;
15 e. At a speed in excess of its maximum safe operating
16 speed;
17 f. With patrons whose faculties are impaired due to
18 drugs or alcohol;
19 g. After the device has been involved in an
20 unscheduled cessation or an accident resulting in a death or
21 serious injury and before authorization in writing by the
22 department to reopen;
23 h. In violation of this section or any rule adopted
24 under this section; or
25 i. In violation of any order of the department.
26 2. Any owner or manager in the course of his or her
27 duties is under the influence of drugs or alcohol.
28 (b) In addition to the penalties authorized to be
29 imposed for any violation of this section or any rule adopted
30 under this section, the department may issue a letter of
31 warning to the owner of the amusement device specifying the

1 violation and directing the owner to immediately correct the
2 violation.
3 (c) Any person who knowingly violates any provision of
4 this section commits a misdemeanor of the first degree,
5 punishable as provided in s. 775.082 or s. 775.083.
6 (d) When a revocation period imposed by the department
7 has expired, an owner whose annual permit and certificate to
8 operate an amusement device has been revoked under this
9 section may reapply for a new permit by submitting a complete
10 application to the department.
11 (e) In addition to the remedies provided in this
12 chapter, and notwithstanding the existence of any adequate
13 remedy at law, the department may bring an action to enjoin
14 the violation of any provision of this chapter, or rules
15 adopted under this chapter, in the circuit court of the county
16 in which the violation occurs or is about to occur. Upon
17 demonstration by the department to the court of the violation
18 or threatened violation, the court must immediately issue the
19 temporary or permanent injunction sought by the department.
20 The injunction must be issued without bond.

21 Section 2. This act shall take effect July 1, 1998.

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24 SENATE SUMMARY

25 Substantially revises s. 616.242, F.S., that prescribes
26 safety standards for amusement devices and enforcement
27 and inspection by the Department of Agriculture and
28 Consumer Services. Provides for imposition of penalties,
29 inspections, and investigations. Authorizes the
30 department to adopt rules. (See bill for details.)
31