

By Representative Ziebarth

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          inspection 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; providing for liens  
24          for unpaid fees, fines, interest, and costs;  
25          amending ss. 212.08, 570.46, 616.13, F.S.;  
26          conforming provisions; providing an effective  
27          date.

28  
29 Be It Enacted by the Legislature of the State of Florida:  
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1 Section 1. Section 616.242, Florida Statutes, is  
2 amended to read:

3 (Substantial rewording of section. See  
4 s. 616.242, F.S., for present text.)

5 616.242 Safety standards for amusement rides.--

6 (1) OWNER RESPONSIBILITY.--The owner of an amusement  
7 ride, and each amusement ride, must meet at all times the  
8 requirements of this section and any rules adopted thereunder.

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

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

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

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

22 (c) "Bungy operation" means an amusement ride which  
23 utilizes as a component a bungy cord which is an elastic rope  
24 made of rubber, latex, or other elastic type materials whether  
25 natural or synthetic.

26 (d) "Go-kart" means an amusement ride vehicle  
27 controlled or driven by patrons specifically designed for and  
28 run on a fixed course.

29 (e) "Inspection certificate" means the document issued  
30 by the department, which indicates that the amusement ride has

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1 undergone a recurring inspection by the department as required  
2 by this section.

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

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

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

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

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

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

30 (l) "Patron" means any person who is in the immediate  
31 vicinity of an amusement ride, getting on or off an amusement

1 ride, or using an amusement ride. The term does not include  
2 employees, agents, or servants of the owner while they are  
3 engaged in the duties of their employment.

4 (m) "Permanent amusement ride" means an amusement ride  
5 that is not regularly relocated.

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

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

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

15 (q) "Qualified inspector" means an employee or agent  
16 of an insurance underwriter of an amusement ride who documents  
17 to the department in a manner established by rule of the  
18 department the following qualifications:

19 1. A minimum of 5 years' experience in the amusement  
20 ride field, at least 2 years of which were involved in actual  
21 amusement ride inspection with a manufacturer, government  
22 agency, park, carnival, or insurance underwriter;

23 2. The completion of 32 hours per year of continuing  
24 education at a school approved by rule of the department,  
25 which includes inservice industry or manufacturer updates and  
26 seminars; and

27 3. At least 80 hours of formal education during the  
28 past 5 years from a school approved by rule of the department  
29 for amusement ride safety. Nondestructive-testing training, as  
30 determined by rule of the department, may be substituted for  
31 up to one-half of the 80 hours of education.

1       (r) "Simulator" means any amusement ride 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       (s) "Sponsor of event" means the agency, organization,  
7 or entity that hosts and promotes the event.

8       (t) "Temporary amusement ride" means an amusement ride  
9 that is regularly relocated, with or without disassembly.

10       (u) "Water park" means a permanent facility with one  
11 or more amusement rides that totally or partially immerse a  
12 patron in water.

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

14       (a) The department shall adopt, by rule, standards for  
15 amusement rides which are the same as or similar to the  
16 following national standards:

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

19           2. National Electric Code Handbook, Article 525.

20           3. National Fire Protection Code 101 (chapters 8-4.6  
21 and 9-4.6).

22           4. ASTM Standards: E543 Practice for Determining the  
23 Qualification of Nondestructive Testing Agencies.

24           5. ASNT Document Recommended Practice SNT-TC-1A  
25 Personnel Qualification and Certification in Nondestructive  
26 Testing.

27       (b) The department may adopt rules necessary to  
28 effectuate the statutory duties of the department in the  
29 interest of public health, safety, and welfare and to promote  
30 patron safety in the design, construction, assembly,  
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1 disassembly, maintenance, and operation of amusement rides in  
2 this state.

3 (c) The Legislature finds that go-karts, amusement  
4 rides at water parks, and bungy operations are amusement rides  
5 that, because of their unique nature, pose safety risks to  
6 patrons distinct from other amusement rides. Therefore, the  
7 department shall adopt rules regulating their safe use and  
8 operation and establish safety standards and inspection  
9 requirements in addition to those required by this section or  
10 other rule of the department.

11 (d) The Legislature finds that, as a result of  
12 accidents or other unforeseen events, circumstances may arise  
13 requiring additional safety standards for the protection of  
14 patrons of amusement rides, and therefore the department may  
15 adopt rules to address the circumstances that may arise  
16 following an accident or unforeseen event.

17 (5) ANNUAL PERMIT.--

18 (a) An amusement ride may not be operated without a  
19 current annual permit.

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

23 1. The legal name, address, and primary place of  
24 business of the owner.

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

28 3. A valid certificate of insurance or bond for each  
29 amusement ride.

30 4. An affidavit of compliance that the amusement ride  
31 was inspected in person by the affiant and that the amusement

1 ride complies with the requirements of this section and all  
2 applicable rules adopted by the department. The affidavit must  
3 be executed by a professional engineer or a qualified  
4 inspector no earlier than 30 days before the date of the  
5 filing of the application with the department.

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

10 6. A request for inspection.

11 7. A copy of the manufacturer's current recommended  
12 operating instructions in the possession of the owner, the  
13 owner's operating fact sheet, and any written bulletins in the  
14 possession of the owner concerning the safety, operation, or  
15 maintenance of the amusement ride.

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

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

23 (e) The annual permit must be displayed on the  
24 amusement ride in a place visible to patrons of the amusement  
25 ride.

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

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

30 (6) NONDESTRUCTIVE TESTING; AFFIDAVIT; EXEMPTIONS.--  
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1       (a) Except as provided in paragraph (d), an owner may  
2 not operate an amusement ride unless the owner has at all  
3 times a current affidavit of nondestructive testing from a  
4 professional engineer or qualified inspector that the  
5 amusement ride has undergone nondestructive testing for metal  
6 fatigue at least annually. The nondestructive testing for  
7 metal fatigue must be conducted more often than annually, if  
8 required by any rule adopted under this section, by the  
9 manufacturer of the amusement ride, or by the professional  
10 engineer or qualified inspector executing the affidavit of  
11 nondestructive testing. The nondestructive testing for metal  
12 fatigue must consist at least of visual nondestructive  
13 testing; in addition, nonvisual nondestructive testing for  
14 metal fatigue must be conducted on the components of the  
15 amusement ride as required by any rule adopted under this  
16 section, by the manufacturer of the amusement ride, or by the  
17 professional engineer or qualified inspector executing the  
18 affidavit of nondestructive testing.

19       (b) Nondestructive testings must be performed by a  
20 technician who meets the requirements of subparagraphs  
21 (4)(a)4. and 5.

22       (c) An affidavit of nondestructive testing must state:  
23       1. That the amusement ride was inspected in person by  
24 the affiant.  
25       2. That all nondestructive testing requirements are  
26 current.  
27       3. That the nondestructive testing was performed by a  
28 qualified nondestructive testing technician.  
29       4. The components of the amusement ride for which the  
30 manufacturer has recommended or required nondestructive  
31 testing.



1           5. The type of nondestructive testing required or  
2 recommended by the manufacturer.

3           6. The frequency of the nondestructive testing  
4 required or recommended by the manufacturer.

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

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

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

11           10. An opinion that visual nondestructive testing is  
12 sufficient for patron safety if only visual nondestructive  
13 testing is required or recommended by either the manufacturer  
14 or the affiant.

15           (d) Nondestructive testing is not required for fun  
16 houses, houses of mirrors, haunted houses, mazes, wave pools,  
17 wave-making devices, kiddie pools, slides that are fully  
18 supported by an earthen mound, nonmotorized playground  
19 equipment that requires a manager, or lazy-river-type  
20 nonmotorized floating carriers propelled by water.

21           (7) DEPARTMENT INSPECTIONS.--

22           (a) In order to obtain an annual permit, an amusement  
23 ride must be inspected by the department in accordance with  
24 subsection (11) and receive an inspection certificate. In  
25 addition, each permanent amusement ride must be inspected  
26 semiannually by the department in accordance with subsection  
27 (11) and receive an inspection certificate, and each temporary  
28 amusement ride must be inspected by the department in  
29 accordance with subsection (11), and must receive an  
30 inspection certificate each time the ride is set up or moved  
31

1 to a new location in this state unless the temporary amusement  
2 ride is:

3 1. Used at a private event;  
4 2. Used at a public event when there are no more than  
5 three amusement rides at the event, and the capacity of each  
6 amusement ride at the event does not exceed eight persons;  
7 3. A simulator, the capacity of which does not exceed  
8 16 persons; or  
9 4. A kiddie train used at a public event if there are  
10 no more than three amusement rides at the event.

11 (b) To obtain a department inspection for an amusement  
12 ride, the owner must submit to the department on a form  
13 prescribed by rule of the department a written request for  
14 inspection. The owner must provide the following information  
15 to the department:

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

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

21 3. For a temporary amusement ride, for each time the  
22 amusement ride is set up or moved to a new location, the date  
23 of first intended use at the new location and the address or a  
24 description of the new location.

25 (c) For permanent amusement rides, the request for  
26 inspection must be received by the department at least 15 days  
27 before the owner's planned opening date or at least 15 days  
28 before the expiration of the prior inspection certificate. If  
29 the request for inspection is received less than 15 days  
30 before the owner's planned opening date or less than 15 days  
31 before the expiration of the prior inspection certificate, the

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

3 (d) For temporary amusement rides, the request for  
4 inspection must be received by the department for each time  
5 the amusement ride is set up or moved to a new location at  
6 least 15 days before the date of first intended use at the new  
7 location. If the request for inspection is received less than  
8 15 days before the date of first intended use at the new  
9 location, the department may nevertheless inspect the  
10 amusement ride and charge a late fee, as set by rule of the  
11 department.

12 (e) The timely request for an inspection does not  
13 guarantee an inspection by the department on the date  
14 requested.

15 (f) Upon failure of an amusement ride to pass any  
16 department inspection, the owner may request reinspection  
17 which shall be submitted in writing to the department on a  
18 form prescribed by rule of the department. The department  
19 shall reinspect the amusement ride as soon as practical  
20 following receipt of the written request for reinspection and  
21 any applicable reinspection fees set by rule of the  
22 department. However, the request for reinspection does not  
23 guarantee a reinspection by the department on the date  
24 requested.

25 (g) If the amusement ride passes inspection and the  
26 owner pays the applicable fee set by rule of the department,  
27 the department shall issue an inspection certificate on a form  
28 prescribed by rule of the department.

29 (h) The inspection certificate must contain the date  
30 of inspection, the site of the inspection, and the name of the  
31 inspector.

1       (i) The inspection certificate is valid only for the  
2 site stated on the inspection certificate. The inspection  
3 certificate is valid for a period of not more than 6 months  
4 from the date of issuance, and is not transferable.

5       (j) The inspection certificate must be displayed on  
6 the amusement ride at a place readily visible to patrons of  
7 the amusement ride.

8       (k) If the owner fails to timely cancel a request for  
9 inspection, requests holiday or weekend inspections, or is  
10 required to have a replacement USAID plate issued by the  
11 department, the owner may be charged an appropriate fee to be  
12 set by rule of the department.

13       (8) FEES.--

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

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

25       (9) INSURANCE REQUIREMENTS.--

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

29           1. An insurance policy in an amount of not less than  
30 \$1 million per occurrence, \$1 million in the aggregate, which  
31 insures the owner of the amusement ride against liability for

1 injury to persons arising out of the use of the amusement  
2 ride; or  
3 2. A bond in a like amount; however, the aggregate  
4 liability of the surety under the bond may not exceed the face  
5 amount thereof.  
6 (b) The policy or bond must be procured from an  
7 insurer or surety that is licensed to transact business in  
8 this state or that is approved as a surplus lines insurer.  
9 (10) EXEMPTIONS.--  
10 (a) This section does not apply to:  
11 1. Permanent facilities that employ at least 1,000  
12 full-time employees and that maintain full-time, in-house  
13 safety inspectors.  
14 2. Any playground operated by a school, local  
15 government, or business licensed under chapter 509, if the  
16 playground is an incidental amenity and the operating entity  
17 is not primarily engaged in providing amusement, pleasure,  
18 thrills, or excitement.  
19 3. Museums or other institutions principally devoted  
20 to the exhibition of products of agriculture, industry,  
21 education, science, religion, or the arts.  
22 4. Conventions or trade shows for the sale or exhibit  
23 of amusement rides if there are a minimum of 15 amusement  
24 rides on display or exhibition, and if any operation of such  
25 amusement rides is limited to the registered attendees of the  
26 convention or trade show.  
27 5. Skating rinks, arcades, laser or paint ball war  
28 games, bowling alleys, miniature golf courses, mechanical  
29 bulls, inflatable rides, trampolines, ball crawls, exercise  
30 equipment, jet skis, paddle boats, air boats, helicopters,  
31 airplanes, parasails, hot air or helium balloons whether

1 tethered or untethered, theatres, batting cages, stationary  
2 spring-mounted fixtures, rider-propelled merry-go-rounds,  
3 games, side shows, live animal rides, or live animal shows.

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

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

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

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

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

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

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

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

30 (d) Before being used by the public, an amusement ride  
31 must be placed or secured with blocking, cribbing, outriggers,

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 parts of amusement rides used by patrons must  
19 be maintained in a sanitary condition.

20 (j) All amusement rides must comply with this section  
21 and the rules adopted hereunder.

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

28 (13) ENTRY FOR INSPECTION OR INVESTIGATION.--Upon  
29 presentation of identification, an authorized employee of the  
30 department may enter unannounced and inspect amusement rides  
31 at any time and in a reasonable manner and has the right to

1 question any owner or manager; to inspect, investigate,  
2 photograph, and sample all pertinent places, areas, and  
3 devices; and to conduct or have conducted all appropriate  
4 tests including nondestructive testing. The department may  
5 impose fees for unannounced inspections and recover the cost  
6 of tests authorized by this subsection.

7 (14) REPORTING AND INVESTIGATION OF ACCIDENTS AND  
8 DEFECTS; IMPOUNDMENTS.--

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

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

27 (c) Each permanent facility, as defined in paragraph  
28 (3)(n), must file with the department by March 1 of each year  
29 a written report, on a form prescribed by rule of the  
30 department, of any mechanical, structural, or electrical  
31 defects affecting patron safety for which an amusement ride



1 was closed for patron use for a period of time in excess of 4  
2 hours which occurred during the previous calendar year, and  
3 any accident, of which the owner or manager had knowledge, or  
4 through the exercise of reasonable diligence should have had  
5 knowledge, in which a patron was transported to a hospital, as  
6 defined in chapter 395, which occurred during the previous  
7 calendar year.

8 (d) The department may impound an amusement ride  
9 involved in an accident for which a patron is transported to a  
10 hospital as defined in chapter 395 or which has a mechanical,  
11 structural, or electrical defect affecting patron safety, and  
12 may impound any other amusement ride of a similar make and  
13 model, and may perform all necessary tests to determine the  
14 cause of the accident or the mechanical, structural, or  
15 electrical defect, or to determine the safety of the amusement  
16 ride and any other amusement ride of a similar make and model.  
17 The cost of impounding the amusement ride and performing the  
18 necessary tests must be borne by the owner of the amusement  
19 ride.

20 (15) INSPECTION BY OWNER OR MANAGER.--Prior to opening  
21 on each day of operation and prior to any inspection by the  
22 department, the owner or manager of an amusement ride must  
23 inspect and test the amusement ride to ensure compliance with  
24 all requirements of this section. Each inspection must be  
25 recorded on a form prescribed by rule of the department and  
26 signed by the person who conducted the inspection. Inspection  
27 records of the last 14 daily inspections must be kept on site  
28 by the owner or manager and made immediately available to the  
29 department upon request.

30 (16) TRAINING OF EMPLOYEES.--The owner or manager of  
31 any amusement ride shall maintain a record of employee

1 training for each employee authorized to operate, assemble,  
2 disassemble, transport, or conduct maintenance on an amusement  
3 ride, on a form prescribed by rule of the department. The  
4 training record must be kept on site by the owner or manager  
5 and made immediately available to the department upon request.  
6 Training may not be conducted when an amusement ride is open  
7 to the public unless the training is conducted under the  
8 supervision of an employee who is trained in the operation of  
9 that ride. The owner or manager shall certify that each  
10 employee is trained, as required by this section and any rules  
11 adopted thereunder, on the amusement ride for which the  
12 employee is responsible.

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

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

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

23 (c) Tandem or multiple bungee jumping.

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

27 (18) IMMEDIATE FINAL ORDERS.--

28 (a) An amusement ride that fails to meet the  
29 requirements of this section or pass the inspections required  
30 by this section, or an amusement ride that is involved in an  
31 accident for which a patron is transported to a hospital as

1 defined in chapter 395, or an amusement ride that has a  
2 mechanical, structural, or electrical defect that affects  
3 patron safety may be considered an immediate serious danger to  
4 public health, safety, and welfare and, upon issuance of an  
5 immediate final order prohibiting patron use of the ride, may  
6 not be operated for patron use until it has passed a  
7 subsequent inspection by or at the direction of the  
8 department.

9 (b) An amusement ride of a similar make and model to  
10 an amusement ride described in paragraph (a) may be considered  
11 an immediate serious danger to the public health, safety, and  
12 welfare and, upon issuance of an immediate final order  
13 prohibiting patron use of the ride, may not be operated for  
14 patron use until it has passed a subsequent inspection by or  
15 at the direction of the department.

16 (19) ENFORCEMENT AND PENALTIES.--

17 (a) The department may deny, suspend for a period not  
18 to exceed 1 year, or revoke any permit or inspection  
19 certificate. In addition to denial, suspension, or revocation,  
20 the department may impose an administrative fine of up to  
21 \$5000 per violation, per day, against the owner of the  
22 amusement ride if it finds that:

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

24 a. With a mechanical, structural, or electrical defect  
25 that affects patron safety, of which the owner or manager has  
26 knowledge, or, through the exercise of reasonable diligence,  
27 should have knowledge;

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

30 c. At a speed in excess of its maximum safe operating  
31 speed;

1           d. With patrons whose faculties are impaired due to  
2 drugs or alcohol;

3           e. In violation of this section or any rule adopted  
4 under this section; or

5           f. In violation of any order of the department or  
6 order of any court.

7           2. Any owner or manager in the course of his or her  
8 duties is under the influence of drugs or alcohol.

9           (b) The department shall, in its order suspending a  
10 permit or inspection certificate, specify the period during  
11 which the suspension is effective; but such period may not  
12 exceed 1 year. The permit or inspection certificate shall  
13 remain suspended during the period so specified, subject,  
14 however, to any rescission or modification of the order by the  
15 department, or modification or reversal thereof by the court,  
16 prior to expiration of the suspension period. A permit or  
17 inspection certificate that has been suspended may not be  
18 reinstated except upon request for reinstatement; and the  
19 department may not grant a reinstatement if it finds that the  
20 circumstances for which the permit or inspection certificate  
21 was suspended still exist or are likely to recur.

22           (c) The owner of an amusement ride, if the permit or  
23 inspection certificate for the amusement ride has been revoked  
24 by the department, may not apply for another permit or  
25 inspection certificate for the amusement ride within 2 years  
26 after the effective date of such revocation or, if judicial  
27 review of such revocation is sought, within 2 years after the  
28 date of final court order or decree affirming the revocation.  
29 The department may not, however, grant a new permit or  
30 inspection certificate if it finds that the circumstances for  
31

1 which the permit or inspection certificate was revoked still  
2 exist or are likely to recur.

3 (d) If a permit or inspection certificate for the same  
4 amusement ride has been revoked at two separate times, the  
5 department may not thereafter grant or issue any permit or  
6 inspection certificate for that amusement ride.

7 (e) During the period of suspension or revocation of a  
8 permit or inspection certificate, the owner may not engage in  
9 or attempt to engage in any operation of the amusement ride  
10 for which a permit or inspection certificate is required under  
11 this section.

12 (f) When a suspension period imposed by the department  
13 has expired, an owner whose annual permit or inspection  
14 certificate has expired may reapply for a new permit or  
15 inspection certificate by submitting a complete application to  
16 the department.

17 (g) In addition to the remedies provided in this  
18 section, and notwithstanding the existence of any adequate  
19 remedy at law, the department may bring an action to enjoin  
20 the violation of any provision of this section, or rules  
21 adopted under this section, in the circuit court of the county  
22 in which the violation occurs or is about to occur. Upon  
23 demonstration by the department to the court of the violation  
24 or threatened violation, the court must immediately issue the  
25 temporary or permanent injunction sought by the department.  
26 The injunction must be issued without bond.

27 (h) In addition to the penalties authorized to be  
28 imposed for any violation of this section or any rule adopted  
29 under this section, the department may issue a letter of  
30 warning to the owner of the amusement ride specifying the  
31

1 violation and directing the owner to immediately correct the  
2 violation.

3 (i) Any person who knowingly violates any provision of  
4 this section commits a misdemeanor of the second degree,  
5 punishable as provided in s. 775.082 or s. 775.083.

6 (20) LIENS.--

7 (a)1. All fees, fines, interest, and costs levied or  
8 assessed by the department against the owner of an amusement  
9 ride or rides and not paid by the owner shall constitute and  
10 operate as a lien in favor of the department. The lien shall  
11 arise as of the time the fees, fines, interest, and costs  
12 become due and payable and shall cover all real and personal  
13 property owned by the owner from the date the lien arises  
14 until paid. The lien shall secure all unpaid fees, fines,  
15 interest, and costs which are due and which may accrue  
16 subsequent to the recording of the claim of lien and prior to  
17 the entry of a final judgment of foreclosure. The lien may be  
18 recorded in the public records of any county where the owner  
19 owns real or personal property and shall state the name of the  
20 owner and the amount due.

21 2. The department may enforce the lien upon real  
22 property in the manner in which a mortgage of real property is  
23 foreclosed. The lien may also be enforced against personal  
24 property in the manner provided for the enforcement of other  
25 liens on personal property in this state. Enforcement of a  
26 lien for fees, fines, interests, and costs shall not operate  
27 as a waiver of any other remedies available to the department,  
28 including an action to recover a money judgment for the unpaid  
29 fees, fines, interest, and costs, or enforcement of the lien  
30 provided in paragraph (b).

31

1           (b)1. In addition to the lien provided in subparagraph  
2 (a)1., the department shall have a special lien on all  
3 amusement rides owned by the owner. Notwithstanding any  
4 provisions under chapter 697 to the contrary, any special lien  
5 on amusement rides for fees, fines, interest, and costs, shall  
6 have equal dignity and the same priority as liens for taxes in  
7 favor of the state as described in s. 197.122. The special  
8 lien shall arise as of the time the fees, fines, interest, and  
9 costs become due and payable and shall cover all amusement  
10 rides owned by the owner from the date the lien arises until  
11 paid. The lien shall secure all unpaid fees, fines, interest,  
12 and costs which are due and which may accrue prior to the  
13 enforcement of the lien.

14           2. The department may provide notice of a claim of  
15 lien to potential buyers by tagging all amusement rides owned  
16 by the owner as being subject to a lien or by mailing a copy  
17 of a claim of the lien. The claim of lien shall state the  
18 name of the owner, the date or dates of the unpaid fees,  
19 fines, interest, and costs, and the amount that is due.

20           3. The special lien on all amusement rides owned by  
21 the owner may be enforced in the manner provided for the  
22 enforcement of other liens on personal property in this state.  
23 The lien shall also extend to the proceeds of a sale of any  
24 amusement ride owned by the owner to a buyer. If a buyer has  
25 not received written notice of the lien and the amusement  
26 rides are not tagged, then such buyer takes free of the lien.  
27 A buyer of amusement rides other than a person buying the  
28 amusement ride or rides from the owner takes free of the lien  
29 created by this paragraph. Nothing in this paragraph shall be  
30 construed to operate as a waiver of other remedies available  
31 to the department for unpaid fees, fines, interest, or costs,

1 including an action to recover a money judgment for the unpaid  
2 fees, fines, interest, or costs, or enforcement of the lien  
3 provided in subparagraph (a)2.

4 Section 2. Paragraph (jj) of subsection (7) of section  
5 212.08, Florida Statutes, is amended to read:

6 212.08 Sales, rental, use, consumption, distribution,  
7 and storage tax; specified exemptions.--The sale at retail,  
8 the rental, the use, the consumption, the distribution, and  
9 the storage to be used or consumed in this state of the  
10 following are hereby specifically exempt from the tax imposed  
11 by this chapter.

12 (7) MISCELLANEOUS EXEMPTIONS.--

13 (jj) Fair associations.--Also exempt from the tax  
14 imposed by this chapter is the sale, use, lease, rental, or  
15 grant of a license to use, made directly to or by a fair  
16 association, of real or tangible personal property; any charge  
17 made by a fair association, or its agents, for parking,  
18 admissions, or for temporary parking of vehicles used for  
19 sleeping quarters; rentals, subleases, and sublicenses of real  
20 or tangible personal property between the owner of the central  
21 amusement attraction and any owner of an amusement ride  
22 ~~devices and amusement attractions~~, as those terms are used in  
23 ss. 616.15(1)(b) and 616.242(3)(a) ~~and (i)~~, for the furnishing  
24 of amusement rides ~~devices and amusement attractions~~ at a  
25 public fair or exposition; and other transactions of a fair  
26 association which are incurred directly by the fair  
27 association in the financing, construction, and operation of a  
28 fair, exposition, or other event or facility that is  
29 authorized by s. 616.08. As used in this paragraph, the terms  
30 "fair association" and "public fair or exposition" have the  
31 same meaning as those terms are defined in s. 616.001. This



1 exemption does not apply to the sale of tangible personal  
2 property made by a fair association through an agent or  
3 independent contractor; sales of admissions and tangible  
4 personal property by a concessionaire, vendor, exhibitor, or  
5 licensee; or rentals and subleases of tangible personal  
6 property or real property between the owner of the central  
7 amusement attraction and a concessionaire, vendor, exhibitor,  
8 or licensee, except for the furnishing of amusement rides  
9 ~~devices or amusement attractions~~, which transactions are  
10 exempt.

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

13 570.46 Division of Standards; powers and duties.--The  
14 duties of the Division of Standards include, but are not  
15 limited to:

16 (4) Administering the provisions of chapter 616  
17 relating to amusement rides ~~device inspections, inspection~~  
18 ~~fees, and safety requirements at public fairs and expositions,~~  
19 ~~carnivals, festivals, celebrations, bazaars, permanent~~  
20 ~~facilities, and parking lot still dates.~~

21 Section 4. Section 616.13, Florida Statutes, is  
22 amended to read:

23 616.13 Licenses upon shows within 5 miles of  
24 fair.--Every person engaged in the business of providing  
25 temporary amusement rides ~~devices and amusement attractions~~  
26 within 5 miles of and within 30 days before or during any  
27 public fair or exposition being operated by a fair  
28 association, when not operating in connection with that fair  
29 or exposition, shall pay a license tax of \$1,000 per day.

30 Section 5. This act shall take effect October 1 of the  
31 year in which enacted.

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HOUSE SUMMARY

Substantially revises s. 616.242, F.S., which prescribes safety standards for amusement rides and enforcement and inspection by the Department of Agriculture and Consumer Services. Provides for denial, suspension, and revocation of permits and inspection certificates. Provides for imposition of penalties, inspections, and investigations. Authorizes the department to adopt standards and rules and to prescribe fees. (See bill for details.)