



719936

LEGISLATIVE ACTION

Senate

.
. .
. .
. .
. .

House

The Committee on Commerce and Tourism (Hutson) recommended the following:

Senate Amendment

Delete lines 637 - 1997
and insert:
salesperson, or substance abuse marketing services provider who:

(a) Has been convicted of, or is under indictment or information for, racketeering or any offense involving fraud, theft, embezzlement, fraudulent conversion, or misappropriation of property. Conviction includes a finding of guilt where adjudication has been withheld;



719936

11 (b) Is involved in pending litigation or has had entered
12 against him or her an injunction, a temporary restraining order,
13 or a final judgment or order, including a stipulated judgment or
14 order, an assurance of voluntary compliance, or any similar
15 document, in any civil or administrative action involving
16 racketeering, fraud, theft, embezzlement, fraudulent conversion,
17 or misappropriation of property or the use of any untrue,
18 deceptive, or misleading representation or the use of any
19 unfair, unlawful, or deceptive trade practice;

20 (c) Is, or ever has been, subject to any litigation,
21 injunction, temporary restraining order, or final judgment or
22 order, including a stipulated judgment or order, an assurance of
23 voluntary compliance, or any similar document or any restrictive
24 court order relating to a business activity as the result of any
25 action brought by a governmental agency, including any action
26 affecting any license to do business or practice an occupation
27 or trade;

28 (d) Has at any time during the previous 7 years filed for
29 bankruptcy, been adjudged bankrupt, or been reorganized because
30 of insolvency; or

31 (e) Has been a principal, director, officer, or trustee of,
32 or a general or limited partner in, or had responsibilities as a
33 manager in, any corporation, partnership, joint venture, or
34 other entity that filed for bankruptcy, was adjudged bankrupt,
35 or was reorganized because of insolvency within 1 year after the
36 person held that position. The disclosures required in paragraph
37 (d) shall be applicable insofar as they relate to the commercial
38 telephone seller or substance abuse marketing service provider
39 applicant, as well as any affiliated commercial seller,



719936

40 ~~affiliate or salesperson, or marketing service provider.~~

41 (3) Each commercial telephone seller and substance abuse
42 marketing service provider shall disclose to the department the
43 name, address, and account number of each institution where
44 banking or similar monetary transactions are done by the
45 commercial telephone seller or substance abuse marketing service
46 provider.

47 Section 7. Section 501.608, Florida Statutes, is amended to
48 read:

49 501.608 License or claim affidavit of exemption;
50 occupational license.-

51 (1) (a) The department shall issue to each approved
52 applicant a license in such form and size as is prescribed by
53 the department and, in the case of a commercial telephone seller
54 who is not exempt under ~~the provisions of~~ s. 501.604, shall
55 issue a license for each location at which the commercial
56 telephone seller proposes to do business.

57 (b) Except for a person claiming an exemption under s.
58 501.604(1), any commercial telephone seller claiming to be
59 exempt from the act under s. 501.604 ~~s. 501.604(2), (3), (5),~~
60 ~~(6), (9), (10), (11), (12), (17), (21), (22), (24), or (26)~~ must
61 file with the department a claim ~~notarized affidavit~~ of
62 exemption. The claim affidavit of exemption must be on forms
63 prescribed by the department and must require the name of the
64 commercial telephone seller, the name of the business, ~~and~~ the
65 business address, and all telephone numbers used by the
66 commercial telephone seller or its authorized agents to make
67 outgoing commercial telephone solicitations. At the request of
68 the department, the commercial telephone seller shall provide



719936

69 sales scripts, contracts, and other documentation as needed to
70 verify the validity of the exemption before the claim affidavit
71 of exemption is accepted for filing. A commercial telephone
72 seller maintaining more than one business may file a single
73 claim ~~notarized affidavit~~ of exemption that clearly indicates
74 the location of each place of business. If a change of ownership
75 occurs, the commercial telephone seller must notify the
76 department.

77 (c) The claim affidavit of exemption may be used for the
78 purpose of obtaining an occupational license.

79 (d) Each license issued under this part must show the name
80 and address of the person to whom it is issued, as well as the
81 license number, if any, and date of issuance.

82 (2) Each licensee or person operating under a valid and
83 properly filed exemption shall prominently display his or her
84 license or a copy of his or her receipt of filing of the claim
85 affidavit of exemption at each location where he or she does
86 business and shall make the license or the receipt of filing of
87 the claim affidavit of exemption available for inspection by any
88 governmental agency upon request.

89 (3) Failure to obtain or display a license or a receipt of
90 filing of a claim ~~an affidavit~~ of exemption is sufficient
91 grounds for the department to issue an immediate cease and
92 desist order, which shall act as an immediate final order under
93 s. 120.569(2)(n). The order shall remain in effect until the
94 commercial telephone seller, the ~~entity providing~~ substance
95 abuse marketing service provider services, or a person claiming
96 to be exempt shows the authorities that he or she is properly
97 licensed or exempt. The department may order the business to



719936

98 cease operations and shall order the phones to be shut off.
99 Failure of a commercial telephone seller or substance abuse
100 marketing service provider salesperson to display a license or a
101 receipt of filing of a claim ~~an affidavit~~ of exemption may
102 result in the seller or marketing service provider salesperson
103 being summarily ordered by the department to leave the office
104 until he or she can produce a license or a receipt of filing of
105 a claim ~~an affidavit~~ of exemption for the department.

106 (4) Any person applying for or renewing a local
107 occupational license to engage in business as a commercial
108 telephone seller or ~~as an entity providing~~ substance abuse
109 marketing service provider services must exhibit an active
110 license or a copy of the claim affidavit of exemption before the
111 local occupational license may be issued or reissued.

112 (5) A claim ~~An affidavit~~ of exemption has no bearing on a
113 person's burden of proof in any civil or criminal proceeding as
114 provided in s. 501.624.

115 Section 8. Subsection (3) of section 501.609, Florida
116 Statutes, is amended to read:

117 501.609 License renewal.—

118 (3) If any change is made to any script, outline,
119 presentation, sales information, or literature used by a
120 licensee in connection with any solicitation or any services
121 provided by a substance abuse marketing service provider, the
122 new or revised material must be submitted by the licensee to the
123 department within 10 days after ~~of~~ the change.

124 Section 9. Subsection (1) of section 501.612, Florida
125 Statutes, is amended to read:

126 501.612 Grounds for departmental action against licensure



719936

127 applicants or licensees.-

128 (1) The department may enter an order directing that one or
129 more of the actions set forth in subsection (2) be taken if the
130 department finds that a commercial telephone seller, ~~or~~
131 salesperson, ~~or an entity providing~~ substance abuse marketing
132 service provider services, or any person applying for licensure
133 as a commercial telephone seller, ~~or~~ salesperson, ~~or an entity~~
134 ~~providing~~ substance abuse marketing service provider services,
135 including, but not limited to, owners, operators, officers,
136 directors, partners, or other individuals engaged in the
137 management activities of a business entity:

138 (a) Has, regardless of adjudication, been convicted or
139 found guilty of, or has entered a plea of guilty or a plea of
140 nolo contendere to, racketeering or any offense involving fraud,
141 theft, embezzlement, fraudulent conversion, or misappropriation
142 of property, or any other crime involving moral turpitude;

143 (b) Has, regardless of adjudication, been convicted or
144 found guilty of, or has entered a plea of guilty or a plea of
145 nolo contendere to, any felony;

146 (c) Has had entered against him or her or any business for
147 which he or she has worked or been affiliated, an injunction, a
148 temporary restraining order, or a final judgment or order,
149 including a stipulated judgment or order, an assurance of
150 voluntary compliance, or any similar document, in any civil or
151 administrative action involving racketeering, fraud, theft,
152 embezzlement, fraudulent conversion, or misappropriation of
153 property or the use of any untrue or misleading representation
154 in an attempt to sell or dispose of real or personal property or
155 the use of any unfair, unlawful, or deceptive trade practice;



719936

156 (d) Is subject to or has worked or been affiliated with any
157 company which is, or ever has been, subject to any injunction,
158 temporary restraining order, or final judgment or order,
159 including a stipulated judgment or order, an assurance of
160 voluntary compliance, or any similar document, or any
161 restrictive court order relating to a business activity as the
162 result of any action brought by a governmental agency, including
163 any action affecting any license to do business or practice an
164 occupation or trade;

165 (e) Has at any time during the previous 7 years filed for
166 bankruptcy, been adjudged bankrupt, or been reorganized because
167 of insolvency;

168 (f) Has been a principal, director, officer, or trustee of,
169 or a general or limited partner in, or had responsibilities as a
170 manager in, any corporation, partnership, joint venture, or
171 other entity that filed the bankruptcy, was adjudged bankrupt,
172 or was reorganized because of insolvency within 1 year after the
173 person held that position;

174 (g) Has been previously convicted of or found to have been
175 acting as a salesperson, ~~or~~ commercial telephone seller, ~~or an~~
176 ~~entity providing~~ substance abuse marketing service provider
177 ~~services~~ without a license or whose licensure has previously
178 been refused, revoked, or suspended in any jurisdiction;

179 (h) Falsifies or willfully omits any material information
180 asked for in any application, document, or record required to be
181 submitted or retained under this part;

182 (i) Makes a material false statement in response to any
183 request or investigation by the department or the state
184 attorney;



719936

185 (j) Refuses or fails, after notice, to produce any document
186 or record or disclose any information required to be produced or
187 disclosed under this part or the rules of the department;

188 (k) Is not of good moral character; or

189 (l) Otherwise violates or is operating in violation of any
190 of ~~the provisions of~~ this part or of the rules adopted or orders
191 issued thereunder.

192 Section 10. Subsections (4) and (5) of section 501.616,
193 Florida Statutes, are amended to read:

194 501.616 Unlawful acts and practices.—

195 (4) A commercial telephone seller or salesperson or
196 substance abuse marketing service provider must be licensed.

197 (5) A salesperson or commercial telephone seller or
198 substance abuse marketing service provider may not otherwise
199 violate this part.

200 Section 11. Section 501.618, Florida Statutes, is amended
201 to read:

202 501.618 General civil remedies.—The department may bring:

203 (1) An action to obtain a declaratory judgment that an act
204 or practice violates ~~the provisions of~~ this part.

205 (2) An action to enjoin a person who has violated, is
206 violating, or is otherwise likely to violate ~~the provisions of~~
207 this part.

208 (3) An action on behalf of one or more purchasers for the
209 actual damages caused by an act or practice performed in
210 violation of ~~the provisions of~~ this part. Such an action may
211 include, but is not limited to, an action to recover against a
212 bond, letter of credit, or certificate of deposit as otherwise
213 provided in this part.



719936

214
215 Upon motion of the enforcing authority in any action brought
216 under this section, the court may make appropriate orders,
217 including appointment of a general or special magistrate or
218 receiver or sequestration of assets, to reimburse consumers
219 found to have been damaged, to carry out a consumer transaction
220 in accordance with the consumer's reasonable expectations, or to
221 grant other appropriate relief. The court may assess the
222 expenses of a general or special magistrate or receiver against
223 a commercial telephone seller or ~~an entity providing~~ substance
224 abuse marketing service provider ~~services~~. Any injunctive order,
225 whether temporary or permanent, issued by the court shall be
226 effective throughout the state unless otherwise provided in the
227 order.

228 Section 12. Subsections (9) and (10) of section 507.01,
229 Florida Statutes, are amended to read:

230 507.01 Definitions.—As used in this chapter, the term:

231 (9) "Mover" means a person who, for compensation, contracts
232 for or engages in the loading, transportation or shipment, or
233 unloading of household goods as part of a household move. The
234 term includes, but is not limited to, owners, operators,
235 officers, directors, partners, or other individuals engaged in
236 the management activities of a business entity subject to
237 regulation under this chapter. The term does not include a
238 postal, courier, envelope, or package service that does not
239 advertise itself as a mover or moving service or a person who is
240 hired directly by the shipper as a laborer to assist a shipper
241 only in the loading and unloading of the shipper's own household
242 goods.



719936

243 (10) "Moving broker" or "broker" means a person who, for
244 compensation, arranges for another person to load, transport or
245 ship, or unload household goods as part of a household move or
246 who, for compensation, refers a shipper to a mover by telephone,
247 postal or electronic mail, Internet website, or other means. The
248 term includes, but is not limited to, owners, operators,
249 officers, directors, partners, or other individuals engaged in
250 the management activities of a business entity subject to
251 regulation under this chapter.

252 Section 13. Present subsections (10) and (11) of section
253 507.03, Florida Statutes, are redesignated as subsection (11)
254 and (12), respectively, a new subsection (10) is added to that
255 section, and subsection (1), paragraph (a) of subsection (3),
256 subsections (7) and (8), and present subsection (10) are
257 amended, and subsection (13) is added to that section, to read:

258 507.03 Registration.—

259 (1) Each mover and moving broker must register with the
260 department, providing its legal business and trade name, mailing
261 address, and business locations; the full names, addresses, and
262 telephone numbers of its owners, operators, ~~or corporate~~
263 officers, ~~and~~ directors, partners, and any individuals engaged
264 in management activities of the mover or moving broker and the
265 registered ~~Florida~~ agent of the corporation; a statement whether
266 it is a domestic or foreign corporation, its state and date of
267 incorporation, ~~its charter number,~~ and, if a foreign
268 corporation, the date it registered with the Department of
269 State; the date on which the mover or broker registered its
270 fictitious name if the mover or broker is operating under a
271 fictitious or trade name; the name of all other corporations,



272 business entities, and trade names through which each owner of
273 the mover or broker operated, was known, or did business as a
274 mover or ~~moving~~ broker within the preceding 5 years; and proof
275 of the insurance or alternative coverages required under s.
276 507.04. A mover or broker must file a separate registration for
277 each business, trade, or fictitious name under which it is
278 advertising or providing moving services. A mover may act as a
279 broker without registering as a broker if the mover is
280 advertising and providing services under a single business,
281 trade, or fictitious name.

282 (3) (a) Registration fees shall be calculated at the rate of
283 \$300 per year per registration ~~mover or moving broker~~. All
284 amounts collected shall be deposited by the Chief Financial
285 Officer to the credit of the General Inspection Trust Fund of
286 the department for the sole purpose of administration of this
287 chapter.

288 (7) A registration is not valid for any mover or moving
289 broker transacting business at any place other than that
290 designated in the mover's or broker's application, unless the
291 department is first notified in writing before any change of
292 location. A registration issued under this chapter is not
293 assignable, ~~and the mover or broker may not conduct business~~
294 ~~under more than one name except as registered~~. A mover or broker
295 desiring to change its ~~registered name~~ or location or designated
296 agent for service of process at a time other than upon renewal
297 of registration must notify the department of the change.

298 (8) The department may deny, refuse to renew, or revoke the
299 registration of any mover or moving broker based upon a
300 determination that the mover or moving broker, or any of the



719936

301 mover's or moving broker's directors, officers, owners, or
302 general partners:

303 (a) Has failed to meet the requirements for registration as
304 provided in this chapter;

305 (b) Has been convicted of a crime involving fraud, theft,
306 larceny, fraudulent conversion, misappropriation of property,
307 dishonest dealing, or any other act of moral turpitude, or any
308 crime arising from conduct during a movement of household goods
309 ~~dishonest dealing, or any other act of moral turpitude;~~

310 (c) Has not satisfied a civil fine or penalty arising out
311 of any administrative or enforcement action brought by any
312 governmental agency or private person based upon conduct
313 involving fraud, dishonest dealing, or any violation of this
314 chapter;

315 (d) Has pending against him or her any criminal,
316 administrative, or enforcement proceedings in any jurisdiction,
317 based upon conduct involving fraud, theft, larceny, fraudulent
318 conversion, misappropriation of property, dishonest dealing, or
319 any other act of moral turpitude, or any crime arising from
320 conduct during a movement of household goods ~~dishonest dealing,~~
321 ~~or any other act of moral turpitude; or~~

322 (e) Has had a judgment entered against him or her in any
323 action brought by the department or the Department of Legal
324 Affairs under this chapter or ss. 501.201-501.213, the Florida
325 Deceptive and Unfair Trade Practices Act; or

326 (f) Has been a director, officer, owner, or general
327 partner, or has had responsibilities as a manager, of any
328 corporation, partnership, joint venture, or other entity that
329 has had a judgment or final order entered against it in any



719936

330 action brought by the department or the Department of Legal
331 Affairs under this chapter or ss. 501.201-501.213, the Florida
332 Deceptive and Unfair Trade Practices Act, or in any action based
333 upon conduct involving fraud, theft, larceny, fraudulent
334 conversion, misappropriation of property, dishonest dealing, or
335 any other act of moral turpitude, or any crime arising from
336 conduct during a move of household goods.

337 (10) The department shall, upon notification and subsequent
338 written verification by a law enforcement agency, a court, a
339 state attorney, or the Department of Law Enforcement,
340 immediately suspend a registration or the processing of an
341 application for a registration if the registrant, applicant, or
342 director, officer, owner, or general partner of the registrant
343 or applicant is formally charged with a crime involving fraud,
344 theft, larceny, fraudulent conversion, misappropriation of
345 property, dishonest dealing, or any other act of moral
346 turpitude, or any crime arising from conduct during a move of
347 household goods, until final disposition of the case or removal
348 or resignation of the director, officer, owner, or general
349 partner. The department shall notify the licensee suspended
350 under this section of his or her right to a hearing pursuant to
351 chapter 120. A hearing conducted regarding the temporary
352 suspension must be for the limited purpose of determining
353 whether the licensee has been arrested or charged with a
354 disqualifying crime.

355 (11) ~~(10)~~ Each mover and moving broker shall provide
356 evidence to the department of the current and valid insurance or
357 alternative coverages required under s. 507.04 at the time of
358 registration and within 10 days after renewing or making any



719936

359 change to the coverage.

360 (12)~~(11)~~ At the request of the department, each moving
361 broker shall provide a complete list of the movers that the
362 ~~moving~~ broker has contracted or is affiliated with, advertises
363 on behalf of, arranges moves for, or refers shippers to,
364 including each mover's complete name, address, telephone number,
365 and e-mail address and the name of each mover's owner or other
366 principal.

367 (13) Each mover and moving broker must maintain true and
368 accurate signed estimates and contracts for moving services for
369 at least 3 years. The records must be made available to the
370 department for inspection and must be furnished no later than 10
371 business days after request by the department.

372 Section 14. Subsection (1) of section 507.04, Florida
373 Statutes, is amended to read:

374 507.04 Required insurance coverages; liability limitations;
375 valuation coverage.—

376 (1) LIABILITY INSURANCE.—

377 (a)1. Except as provided in paragraph (b), each mover
378 operating in this state must maintain current and valid
379 liability insurance coverage of at least \$10,000 per shipment
380 for the loss or damage of household goods resulting from the
381 negligence of the mover or its employees or agents.

382 2. The mover must provide the department with evidence of
383 liability insurance coverage before the mover is registered with
384 the department under s. 507.03. All insurance coverage
385 maintained by a mover must remain in effect throughout the
386 mover's registration period. A mover's failure to maintain
387 insurance coverage in accordance with this paragraph constitutes



719936

388 an immediate threat to the public health, safety, and welfare.

389 (b) A mover that operates two or fewer vehicles, in lieu of
390 maintaining the liability insurance coverage required under
391 paragraph (a), may, and each moving broker that is not also
392 registered as a mover must, maintain one of the following
393 alternative coverages:

394 1. A performance bond in the amount of \$25,000, for which
395 the surety of the bond must be a surety company authorized to
396 conduct business in this state; or

397 2. A certificate of deposit in a Florida banking
398 institution in the amount of \$25,000.

399

400 The original bond or certificate of deposit must be filed with
401 the department and must designate the department as the sole
402 beneficiary. The department must use the bond or certificate of
403 deposit exclusively for the payment of claims to shippers
404 ~~consumers~~ who are injured by the fraud, misrepresentation,
405 breach of contract, misfeasance, malfeasance, or financial
406 failure of the mover or moving broker or by a violation of this
407 chapter by the mover or broker. Liability for these injuries may
408 be determined in an administrative proceeding of the department
409 or through a civil action in a court of competent jurisdiction.
410 However, claims against the bond or certificate of deposit must
411 only be paid, in amounts not to exceed the determined liability
412 for these injuries, by order of the department in an
413 administrative proceeding. The bond or certificate of deposit is
414 subject to successive claims, but the aggregate amount of these
415 claims may not exceed the amount of the bond or certificate of
416 deposit. Claims must be submitted in writing on an affidavit



719936

417 form adopted by department rule and must be received by the
418 department within 120 days after an alleged injury has occurred
419 or is discovered to have occurred or a judgment has been
420 entered. The proceedings shall be conducted pursuant to chapter
421 120. For proceedings conducted pursuant to ss. 120.569 and
422 120.57, the agency shall act only as a nominal party.

423 Section 15. Subsections (1) and (3) of section 507.06,
424 Florida Statutes, are amended to read:

425 507.06 Delivery and storage of household goods.—

426 (1) A mover must relinquish household goods to a shipper
427 and must place the goods inside a shipper's dwelling or, if
428 directed by the shipper, inside a storehouse or warehouse that
429 is owned or rented by the shipper or the shipper's agent, unless
430 the shipper has not tendered payment in the amount specified in
431 a written contract or estimate signed and dated by the shipper
432 that complies with the requirements of this chapter. A mover may
433 not refuse to relinquish prescription medicines and goods for
434 use by children, including children's furniture, clothing, or
435 toys, under any circumstances.

436 (3) A mover that lawfully fails to relinquish a shipper's
437 household goods may place the goods in storage until payment is
438 tendered; however, the mover must notify the shipper of the
439 location where the goods are stored and the amount due within 2
440 5 days after receipt of a written request for that information
441 from the shipper, which request must include the address where
442 the shipper may receive the notice. A mover may not require a
443 prospective shipper to waive any rights or requirements under
444 this section.

445 Section 16. Subsection (5) of section 507.07, Florida



719936

446 Statutes, is amended and subsections (10), (11), and (12) are
447 added to that section, to read:

448 507.07 Violations.—It is a violation of this chapter:

449 (5) To withhold delivery of household goods or in any way
450 hold goods in storage against the expressed wishes of the
451 shipper if payment has been made as delineated in the ~~estimate~~
452 ~~or~~ contract for services.

453 (10) To operate in violation of or fail to comply with any
454 requirement of this chapter.

455 (11) To increase the cost of the move above the cost listed
456 on the written contract unless the shipper has requested that
457 the mover perform additional services not listed on the written
458 contract.

459 (12) To require a cash payment.

460 Section 17. Subsection (1) of section 507.11, Florida
461 Statutes, is amended to read:

462 507.11 Criminal penalties.—

463 (1) The refusal of a mover or a mover's employee, agent, or
464 contractor to comply with an order from a law enforcement
465 officer to relinquish a shipper's household goods after the
466 officer determines that the shipper has tendered payment of the
467 amount of a written ~~estimate or~~ contract, or after the officer
468 determines that the mover did not produce a signed ~~estimate or~~
469 contract that complies with the requirements of this chapter
470 upon which demand is being made for payment or failed to comply
471 with s. 507.06 or s. 507.07(12) or (13), is a felony of the
472 third degree, punishable as provided in s. 775.082, s. 775.083,
473 or s. 775.084. A mover's compliance with an order from a law
474 enforcement officer to relinquish goods to a shipper is not a



719936

475 waiver or finding of fact regarding any right to seek further
476 payment from the shipper.

477 Section 18. Section 507.15, Florida Statutes, is created to
478 read:

479 507.15 Shippers' bill of rights.-

480 (1) The department shall prepare a publication that
481 includes a summary of the rights and remedies available to
482 shippers and the responsibilities of movers under this chapter.

483 The publication must include, at a minimum, a notice stating:

484 (a)1. That a mover's failure to relinquish household goods
485 as required by this chapter or failure to comply with s. 507.06
486 or s. 507.07(12) or (13) constitutes a felony of the third
487 degree, punishable as provided in s. 775.082, s. 775.083, or s.
488 775.084.

489 2. That any other violation of this chapter constitutes a
490 misdemeanor of the first degree, punishable as provided in s.
491 775.082 or s. 775.083.

492 3. That any violation of this chapter constitutes a
493 violation of the Florida Deceptive and Unfair Trade Practices
494 Act.

495 (b) The potential risks of shipping sentimental items or
496 family heirlooms.

497 (c) The requirement that a mover must provide valuation
498 coverage.

499 (d) The methods of contacting the department for more
500 information or to file a complaint.

501
502 The department shall make its publication available to the
503 public on its website.



719936

504 (2) A mover may customize the color, design, and dimensions
505 of the front and back covers of the standard department
506 publication. If the mover customizes the publication, the
507 customized publication must include the content specified in
508 subsection (1) and the font size used must be at least 10
509 points, with the exception that the following must appear
510 prominently on the front cover in at least 12-point boldfaced
511 type:

512 Your Rights and Responsibilities When You Move.
513 Furnished by Your Mover, as Required by Florida Law.

514 (3) A mover must provide an electronic or hard copy of the
515 department's publication to a prospective shipper and obtain the
516 shipper's acknowledged receipt of such publication by written or
517 electronic signature at the time that the estimate is provided.

518 Section 19. Paragraph (a) of subsection (5) of section
519 527.0201, Florida Statutes, is amended to read:

520 527.0201 Qualifiers; master qualifiers; examinations.-

521 (5) In addition to all other licensing requirements, each
522 category I and category V licensee must, at the time of
523 application for licensure, identify to the department one master
524 qualifier who is a full-time employee at the licensed location.
525 This person shall be a manager, owner, or otherwise primarily
526 responsible for overseeing the operations of the licensed
527 location and must provide documentation to the department as
528 provided by rule. The master qualifier requirement shall be in
529 addition to the requirements of subsection (1).

530 (a) In order to apply for certification as a master
531 qualifier, each applicant must have at least ~~been a registered~~
532 ~~qualifier for a minimum of 3 years of verifiable LP gas~~



719936

533 experience or hold a professional certification by an LP gas
534 equipment manufacturer as adopted by department rule ~~immediately~~
535 ~~preceding submission of the application~~, must be employed by a
536 licensed category I or category V licensee, or an applicant for
537 such license, and must pass a master qualifier competency
538 examination. Master qualifier examinations shall be based on
539 Florida's laws, rules, and adopted codes governing liquefied
540 petroleum gas safety, general industry safety standards, and
541 administrative procedures. The applicant must successfully pass
542 the examination with a grade of 70 percent or above. Each
543 applicant for master qualifier registration must submit to the
544 department a nonrefundable \$30 examination fee before the
545 examination.

546 Section 20. Section 616.242, Florida Statutes, is amended
547 to read:

548 616.242 Safety standards for amusement rides.—

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

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

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

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

561 (b) "Amusement ride event" means an amusement ride or rides



719936

562 operated by an owner at a specific location and date as listed
563 on an annual permit application or a temporary amusement ride
564 permit application.

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

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

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

576 ~~(e) "Inspection certificate" means the document issued by~~
577 ~~the department, which indicates that the amusement ride has~~
578 ~~undergone a recurring inspection by the department as required~~
579 ~~by this section.~~

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

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

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

590 (i) "Manager" means a person having possession, custody, or



719936

591 managerial control of an amusement ride, whether as owner,
592 lessee, agent, operator, attendant, or otherwise.

593 (j) "Nondestructive testing" is the development and
594 application of technical methods, including, but not limited to,
595 radiographic, magnetic particle, ultrasonic, liquid penetrant,
596 electromagnetic, neutron radiographic, acoustic emission,
597 visual, and leak testing to examine materials or components in
598 ways that do not impair their future usefulness and
599 serviceability in order to detect, locate, measure, and evaluate
600 discontinuities, defects, and other imperfections; to assess
601 integrity, properties, and composition; and to measure
602 geometrical characters.

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

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

610 (m) "Permanent amusement ride" means an amusement ride that
611 is not regularly relocated.

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

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

617 (p) "Professional engineer" means a person who holds a
618 valid license as a professional engineer issued by the
619 Department of Business and Professional Regulation or by an



719936

620 equivalent licensing body in another state.

621 (q) "Qualified inspector" means an employee or agent of an
622 insurance underwriter of an amusement ride who documents to the
623 department in a manner established by rule of the department the
624 following qualifications:

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

629 2. The completion of 32 hours per year of continuing
630 education at a school approved by rule of the department, which
631 includes inservice industry or manufacturer updates and
632 seminars; and

633 3. At least 80 hours of formal education during the past 5
634 years from a school approved by rule of the department for
635 amusement ride safety. Nondestructive-testing training, as
636 determined by rule of the department, may be substituted for up
637 to one-half of the 80 hours of education.

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

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

645 (t) "Temporary amusement ride permit" means the United
646 States Amusement Identification Number and the decal issued by
647 the department, which signify that the temporary amusement ride
648 has been permitted by the department.



719936

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

652 (4) ADOPTION OF STANDARDS; RULES.—

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

656 1. ASTM International ~~American Society for Testing and~~
657 ~~Materials~~ Committee F-24 Standards on Amusement Rides and
658 Devices.

659 2. National Electric Code Handbook, ~~Article 525~~.

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

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

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

666 (b) The department may adopt rules necessary to effectuate
667 the statutory duties of the department in the interest of public
668 health, safety, and welfare and to promote patron safety in the
669 design, construction, assembly, disassembly, maintenance, and
670 operation of amusement rides in this state.

671 (c) The Legislature finds that go-karts, amusement rides at
672 water parks, and bungee operations are amusement rides that,
673 because of their unique nature, pose safety risks to patrons
674 distinct from other amusement rides. Therefore, the department
675 shall adopt rules regulating their safe use and operation and
676 establish safety standards and inspection requirements in
677 addition to those required by this section or other rule of the



719936

678 department.

679 (d) The Legislature finds that, as a result of accidents or
680 other unforeseen events, circumstances may arise requiring
681 additional safety standards for the protection of patrons of
682 amusement rides. ~~and~~ Therefore the department may adopt rules
683 to address the circumstances that may arise following an
684 accident or unforeseen event.

685 (5) PERMANENT AMUSEMENT RIDE ANNUAL PERMIT.—

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

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

691 1. The legal name, address, and primary place of business
692 of the owner.

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

696 3. A valid certificate of insurance for each amusement
697 ride.

698 4. If required under subsection (7), an annual affidavit of
699 compliance and nondestructive testing certifying that the
700 amusement ride was inspected in person by the affiant and that
701 the amusement ride is in general conformance with the
702 requirements of this section and all applicable rules adopted by
703 the department. The affidavit must be executed by a professional
704 engineer or a qualified inspector ~~no earlier than 60 days~~
705 ~~before, but not later than, the date of the filing of the~~
706 ~~application with the department. The owner shall request~~



719936

707 ~~inspection and permitting of the amusement ride within 60 days~~
708 ~~of the date of filing the application with the department. The~~
709 ~~department shall inspect and permit the amusement ride within 60~~
710 ~~days after filing the application with the department.~~

711 ~~5. If required by subsection (6), an affidavit of~~
712 ~~nondestructive testing dated and executed no earlier than 60~~
713 ~~days before, but not later than, the date of the filing of the~~
714 ~~application with the department. The owner shall request~~
715 ~~inspection and permitting of the amusement ride within 60 days~~
716 ~~of the date of filing the application with the department. The~~
717 ~~department shall inspect and permit the amusement ride within 60~~
718 ~~days after filing the application with the department.~~

719 ~~6. A request for inspection.~~

720 ~~5.7. Upon request, the owner shall, at no cost to the~~
721 ~~department, provide the department an electronic a copy of the~~
722 ~~manufacturer's current recommended operating instructions ~~in the~~~~
723 ~~possession of the owner, the owner's operating fact sheet, and~~
724 ~~any written bulletins ~~in the possession of the owner~~ concerning~~
725 ~~the safety, operation, or maintenance of the amusement ride.~~

726 ~~(c) An annual permit application must be received by the~~
727 ~~department at least 15 days before the owner's planned opening~~
728 ~~date. If an application is received less than 15 days before the~~
729 ~~owner's planned opening date or less than 15 days before the~~
730 ~~expiration of the previous permit, the department may inspect~~
731 ~~the amusement ride and charge a late fee as set by rule of the~~
732 ~~department.~~

733 ~~(d) ~~(e)~~ An annual permit must be issued by the department to~~
734 ~~the owner of an amusement ride when a completed application has~~
735 ~~been received, the amusement ride has passed the department's~~



719936

736 inspection, and all applicable fees, as set by rule of the
737 department, have been paid.

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

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

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

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

747 (6) TEMPORARY AMUSEMENT RIDE PERMIT.-

748 (a) A temporary amusement ride may not be operated without
749 a current permit.

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

753 1. The legal name, address, and primary place of business
754 of the owner.

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

758 3. A valid certificate of insurance for each amusement
759 ride, unless a current certificate was previously submitted to
760 the department.

761 4. If required under subsection (7), and unless a current
762 annual affidavit was previously submitted to the department, an
763 affidavit of compliance and nondestructive testing certifying
764 that the amusement ride was inspected in person by the affiant



719936

765 and that the amusement ride is in general conformance with the
766 requirements of this section and all applicable rules adopted by
767 the department. The affidavit must be executed by a professional
768 engineer or a qualified inspector.

769 5. The owner shall, at no cost to the department, provide
770 the department an electronic copy of the manufacturer's current
771 recommended operating instructions, the owner's operating fact
772 sheet, and any written bulletins concerning the safety,
773 operation, or maintenance of the amusement ride.

774 (c) A temporary amusement ride permit application must be
775 received by the department each time the amusement ride is
776 relocated with or without assembly at least 14 days before the
777 date of the ride's first intended use at the new location. If
778 the permit application is received less than 14 days before the
779 date of the ride's first intended use at the new location, the
780 department may inspect the amusement ride and charge a late fee,
781 as set by rule of the department.

782 (d) A permit must be issued by the department to the owner
783 of an amusement ride when a completed application has been
784 received, the amusement ride has passed the department's
785 inspection, and all applicable fees, as set by rule of the
786 department, have been paid.

787 (e) The permit is valid for 6 months after the date of
788 issue or until the ride is relocated with or without disassembly
789 unless the relocation is exempt from inspection pursuant to
790 subparagraphs (8) (a)1.-3.

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

793 (7) ~~(6)~~ NONDESTRUCTIVE TESTING; ANNUAL AFFIDAVIT;



719936

794 EXEMPTIONS.—

795 (a) Except as provided in paragraph (d), an owner may not
796 operate an amusement ride unless the owner has at all times a
797 current affidavit of nondestructive testing from a professional
798 engineer or qualified inspector that the amusement ride has
799 undergone nondestructive testing for metal fatigue at least
800 annually. The nondestructive testing for metal fatigue must be
801 conducted more often than annually, ~~if required by any rule~~
802 ~~adopted under this section, by the manufacturer of the amusement~~
803 ~~ride, or by the professional engineer or qualified inspector~~
804 ~~executing the affidavit of nondestructive testing. The~~
805 ~~nondestructive testing for metal fatigue must consist at least~~
806 ~~of visual nondestructive testing as well as, ~~in addition,~~~~
807 ~~nonvisual nondestructive testing for metal fatigue which must be~~
808 ~~conducted on the components of the amusement ride as required by~~
809 ~~any rule adopted under this section, by the manufacturer of the~~
810 ~~amusement ride, or by the professional engineer or qualified~~
811 ~~inspector executing the affidavit of nondestructive testing.~~

812 (b) Nondestructive testings must be performed by a
813 technician who meets the requirements prescribed by rule of the
814 department ~~of subparagraphs (4)(a)4. and 5.~~

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

816 1. That the amusement ride was inspected in person by the
817 affiant.

818 2. That all nondestructive testing requirements are
819 current.

820 3. That the nondestructive testing was performed by a
821 qualified nondestructive testing technician.

822 4. The components of the amusement ride for which the



719936

823 manufacturer has recommended or required nondestructive testing.

824 5. The type of nondestructive testing required or
825 recommended by the manufacturer.

826 6. The frequency of the nondestructive testing required or
827 recommended by the manufacturer.

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

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

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

834 10. That visual nondestructive testing is adequate for the
835 amusement ride to be in general conformance with the
836 requirements of this section, and all applicable rules only, if
837 ~~only~~ visual nondestructive testing is required or recommended by
838 ~~either~~ the manufacturer or the affiant.

839 (d) Nondestructive testing is not required for fun houses,
840 houses of mirrors, haunted houses, mazes, wave pools, wave-
841 making devices, kiddie pools, slides that are fully supported by
842 an earthen mound, nonmotorized playground equipment that
843 requires a manager, or lazy-river-type nonmotorized floating
844 carriers propelled by water.

845 (8) ~~(7)~~ DEPARTMENT INSPECTIONS.—

846 (a) In order to obtain an annual or a temporary amusement
847 ride permit, an amusement ride must be inspected by the
848 department ~~in accordance with subsection (11) and receive an~~
849 ~~inspection certificate. In addition, each permanent amusement~~
850 ~~ride must be inspected semiannually by the department in~~
851 ~~accordance with subsection (11) and receive an inspection~~



719936

852 ~~certificate, and each temporary amusement ride must be inspected~~
853 ~~by the department in accordance with subsection (11), and must~~
854 ~~receive an inspection certificate each time the ride is set up~~
855 ~~or moved to a new location in this state unless the temporary~~
856 ~~amusement ride is:~~

857 1. A temporary amusement ride used at a private event;

858 2. A temporary amusement ride simulator, the capacity of
859 which does not exceed 16 persons; ~~or~~

860 3. A temporary amusement ride kiddie ride used at a public
861 event, provided that not ~~there are no~~ more than three amusement
862 rides are at the event, ~~none of~~ the kiddie rides at the event do
863 not exceed ~~exceeds~~ a capacity of 12 persons, and the kiddie ride
864 was inspected by the department ~~has an inspection certificate~~
865 ~~that was issued~~ within the preceding 6 months. The capacity of a
866 kiddie ride shall be determined by rule of the department,
867 unless the capacity of the ride has been determined and
868 specified by the manufacturer. Any owner of a kiddie ride
869 operating under this exemption is responsible for ensuring that
870 not ~~no~~ more than three amusement rides are operated at the
871 event; or

872 4. A permanent amusement ride that was inspected and
873 certified by an accredited trade organization as defined by
874 department rule.

875 ~~(b) To obtain a department inspection for an amusement~~
876 ~~ride, the owner must submit to the department on a form~~
877 ~~prescribed by rule of the department a written Request for~~
878 ~~Inspection. The owner must provide the following information to~~
879 ~~the department:~~

880 1. ~~The legal name, address, and primary place of business~~



719936

881 ~~of the owner.~~

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

885 ~~3. For a temporary amusement ride, for each time the~~
886 ~~amusement ride is set up or moved to a new location, the date of~~
887 ~~first intended use at the new location and the address or a~~
888 ~~description of the new location.~~

889 ~~(c) For permanent amusement rides, the request for~~
890 ~~inspection must be received by the department at least 15 days~~
891 ~~before the owner's planned opening date or at least 15 days~~
892 ~~before the expiration of the prior inspection certificate. If~~
893 ~~the request for inspection is received less than 15 days before~~
894 ~~the owner's planned opening date or less than 15 days before the~~
895 ~~expiration of the prior inspection certificate, the department~~
896 ~~may nevertheless inspect the amusement ride and charge a late~~
897 ~~fee, as set by rule of the department.~~

898 ~~(d) For temporary amusement rides, the request for~~
899 ~~inspection must be received by the department for each time the~~
900 ~~amusement ride is set up or moved to a new location at least 14~~
901 ~~days before the date of first intended use at the new location.~~
902 ~~If the request for inspection is received less than 14 days~~
903 ~~before the date of first intended use at the new location, the~~
904 ~~department may nevertheless inspect the amusement ride and~~
905 ~~charge a late fee, as set by rule of the department.~~

906 ~~(b)-(e)~~ Inspections will be assigned on a first come, first
907 served basis, and overflow requests will be scheduled on the
908 closest date to the date for which the inspection was requested.

909 ~~(c)-(f)~~ Upon failure of an amusement ride to pass any



719936

910 department inspection, the owner may request reinspection which
911 shall be submitted in writing to the department on a form
912 prescribed by rule of the department. The department shall
913 reinspect the amusement ride as soon as practical after
914 ~~following~~ receipt of the written request for reinspection and
915 any applicable reinspection fees set by rule of the department.
916 Inspections will be assigned on a first come, first served
917 basis, and the overflow requests will be scheduled on the
918 closest date to the date for which the inspection was requested.

919 ~~(g) If the amusement ride passes inspection and the owner~~
920 ~~pays the applicable fee set by rule of the department, the~~
921 ~~department shall issue an inspection certificate on a form~~
922 ~~prescribed by rule of the department.~~

923 ~~(h) The inspection certificate must contain the date of~~
924 ~~inspection, the site of the inspection, and the name of the~~
925 ~~inspector.~~

926 ~~(i) The inspection certificate is valid only for the site~~
927 ~~stated on the inspection certificate. The inspection certificate~~
928 ~~is valid for a period of not more than 6 months from the date of~~
929 ~~issuance, and is not transferable.~~

930 ~~(j) The inspection certificate must be displayed on the~~
931 ~~amusement ride at a place readily visible to patrons of the~~
932 ~~amusement ride.~~

933 ~~(d)-(k)~~ If the owner fails to timely cancel a scheduled
934 ~~Request for~~ inspection, requests holiday or weekend inspections,
935 or is required to have a replacement USAID plate issued by the
936 department, the owner may be charged an appropriate fee to be
937 set by rule of the department.

938 (9)-(8) FEES.-



719936

939 (a) The department shall by rule establish fees to cover
940 the costs and expenditures associated with the fair rides
941 inspection program, including all direct and indirect costs. If
942 there is not sufficient general revenue appropriated by the
943 Legislature, the industry shall pay for the remaining cost of
944 the program. The fees must be deposited in the General
945 Inspection Trust Fund.

946 (b) Any owner of an amusement ride who has not paid all the
947 fees required under this section or who has any unpaid fine
948 outstanding under this section may not operate any amusement
949 ride in this state until the fees and fines have been paid to
950 the department.

951 ~~(10)-(9)~~ INSURANCE REQUIREMENTS.-

952 (a) An owner may not operate an amusement ride unless the
953 owner has in effect at all times of operation an insurance
954 policy in an amount of at least \$1 million per occurrence, \$1
955 million in the aggregate, which insures the owner of the
956 amusement ride against liability for injury to persons arising
957 out of the use of the amusement ride.

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

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

964 ~~(11)-(10)~~ EXEMPTIONS.-

965 (a) This section does not apply to:

966 1. Permanent facilities that employ at least 1,000 full-
967 time employees and that maintain full-time, in-house safety



719936

968 inspectors. ~~Furthermore,~~ The permanent facilities must file an
969 affidavit of the annual inspection with the department, on a
970 form prescribed by rule of the department. ~~Additionally,~~ The
971 Department of Agriculture and Consumer Services may consult
972 annually with the permanent facilities regarding industry safety
973 programs.

974 2. Any playground operated by a school, local government,
975 or business licensed under chapter 509, if the playground is an
976 incidental amenity and the operating entity is not primarily
977 engaged in providing amusement, pleasure, thrills, or
978 excitement.

979 ~~3. Museums or other institutions principally devoted to the~~
980 ~~exhibition of products of agriculture, industry, education,~~
981 ~~science, religion, or the arts.~~

982 ~~3.4.~~ Conventions or trade shows for the sale or exhibit of
983 amusement rides if there are a minimum of 15 amusement rides on
984 display or exhibition, and if any operation of such amusement
985 rides is limited to the registered attendees of the convention
986 or trade show.

987 ~~4.5.~~ Skating rinks, arcades, laser or paint ball war games,
988 bowling alleys, miniature golf courses, mechanical bulls,
989 inflatable rides, trampolines, ball crawls, exercise equipment,
990 jet skis, paddle boats, airboats, helicopters, airplanes,
991 parasails, hot air or helium balloons whether tethered or
992 untethered, theatres, batting cages, stationary spring-mounted
993 fixtures, rider-propelled merry-go-rounds, games, side shows,
994 live animal rides, or live animal shows.

995 ~~5.6.~~ Go-karts operated in competitive sporting events if
996 participation is not open to the public.



719936

997 ~~6.7.~~ Nonmotorized playground equipment that is not required
998 to have a manager.

999 ~~7.8.~~ Coin-actuated amusement rides designed to be operated
1000 by depositing coins, tokens, credit cards, debit cards, bills,
1001 or other cash money and which are not required to have a
1002 manager, and which have a capacity of six persons or less.

1003 ~~8.9.~~ Facilities described in s. 549.09(1) (a) when such
1004 facilities are operating cars, trucks, or motorcycles only.

1005 ~~9.10.~~ Battery-powered cars or other vehicles that are
1006 designed to be operated by children 7 years of age or under and
1007 that cannot exceed a speed of 4 miles per hour.

1008 ~~10.11.~~ Mechanically driven vehicles that pull train cars,
1009 carts, wagons, or other similar vehicles, that are not confined
1010 to a metal track or confined to an area but are steered by an
1011 operator and cannot ~~do not~~ exceed a speed of 4 miles per hour.

1012 ~~11.12.~~ A water-related amusement ride operated by a
1013 business licensed under chapter 509 if the water-related
1014 amusement ride is an incidental amenity and the operating
1015 business is not primarily engaged in providing amusement,
1016 pleasure, thrills, or excitement and does not offer day rates.

1017 ~~12.13.~~ An amusement ride at a private, membership-only
1018 facility if the amusement ride is an incidental amenity and the
1019 facility is not open to the general public; is not primarily
1020 engaged in providing amusement, pleasure, thrills, or
1021 excitement; and does not offer day rates.

1022 ~~13.14.~~ A nonprofit permanent facility registered under
1023 chapter 496 which is not open to the general public.

1024 (b) The department may, by rule, establish exemptions from
1025 this section ~~for nonmotorized or human-powered amusement rides~~



719936

1026 ~~or coin-actuated amusement rides.~~

1027 (12)~~(11)~~ INSPECTION STANDARDS.—An amusement ride must
1028 conform to ~~and must be inspected by the department in accordance~~
1029 ~~with~~ the following standards:

1030 (a) All mechanical, structural, and electrical components
1031 that affect patron safety must be in good working order.

1032 (b) All control devices, speed-limiting devices, brakes,
1033 and safety equipment designated by the manufacturer must be in
1034 good working order.

1035 (c) Parts must be properly aligned, and they may not be
1036 bent, distorted, cut, or otherwise injured to force a fit. Parts
1037 requiring lubrication must be lubricated in the course of
1038 assembly. Fastening and locking devices must be installed when
1039 ~~where~~ required for safe operation.

1040 (d) ~~Before being used by the public,~~ An amusement ride must
1041 be placed or secured with blocking, cribbing, outriggers, guys,
1042 or other means so as to be stable under all operating
1043 conditions.

1044 (e) Areas in which patrons may be endangered by the
1045 operation of an amusement ride must be fenced, barricaded, or
1046 otherwise effectively guarded against inadvertent contact.

1047 (f) Machinery used in or with an amusement ride must be
1048 enclosed, barricaded, or otherwise effectively guarded against
1049 inadvertent contact.

1050 (g) An amusement ride powered so as to be capable of
1051 exceeding its maximum safe operating speed must be provided with
1052 a maximum-speed-limiting device.

1053 (h) The interior and exterior parts of all patron-carrying
1054 amusement rides with which a patron may come in contact must be



719936

1055 smooth and rounded and free from sharp, rough, or splintered
1056 edges and corners, without ~~with no~~ projecting studs, bolts,
1057 screws, or other projections which might cause injury.

1058 (i) Signs that advise or warn patrons of age restrictions,
1059 size restrictions, health restrictions, weight limitations, or
1060 any other special consideration or use restrictions required or
1061 recommended for the amusement ride by the manufacturer shall be
1062 prominently displayed at the patron entrance of each amusement
1063 ride.

1064 (j) All amusement rides presented for inspection as ready
1065 for operation or in operation must comply with this section and
1066 the rules adopted hereunder.

1067 (k) Signs containing the toll-free number of the department
1068 and informing patrons that they may contact the department with
1069 complaints or concerns regarding the operation of amusement
1070 rides must be posted in a manner conspicuous to the public at
1071 each entrance of a permanent amusement ride facility and
1072 temporary amusement ride event, unless such facility or event is
1073 exempt under subsection (11). Specifications for such signs
1074 shall be prescribed by rule of the department.

1075 (13) REGISTERED SAFETY TECHNICIAN.-

1076 (a) In addition to the requirements of subsections (5) and
1077 (6), an owner applying for a permit to operate an amusement ride
1078 must designate a registered safety technician.

1079 (b) A registered safety technician must certify that
1080 amusement rides meet the requirements of subsection (12) and are
1081 ready for operation before inspection.

1082 (c) A registered safety technician, owner, or manager must
1083 be present and monitor operation of the rides during the hours



719936

1084 of operation at each amusement ride event.

1085 (d) A registered safety technician must demonstrate
1086 competency by:

1087 1. Holding a valid National Association of Amusement Ride
1088 Safety Officials (NAARSO) certification, or a valid Amusement
1089 Industry Manufacturers and Suppliers (AIMS) International
1090 certification, or certification from another professional
1091 organization that meets or exceeds the certification
1092 requirements set forth in this subparagraph and further
1093 specified by department rule.

1094 2. Passing a written examination administered by the
1095 department or its agent with a grade of at least 70 percent. The
1096 department shall by rule specify the general areas of competency
1097 to be covered by each examination.

1098 (f) Registration shall expire 2 years after the date of
1099 issuance.

1100 (g) The department shall establish by rule timeframes
1101 during which an owner may operate an amusement ride event if the
1102 registered safety technician employed by the owner leaves
1103 employment.

1104 (h) Application for registration shall be on a form
1105 provided by the department. Application may be made by an
1106 individual or by an owner, a partner, or any person employed by
1107 the permit applicant. Upon successful completion of the
1108 requirements in paragraph (e), the department shall issue a
1109 registration.

1110 (i) The department may deny, refuse to renew, suspend, or
1111 revoke a registration for:

1112 1. Violation of any provision of this chapter or any rule



719936

1113 or order of the department; or

1114 2. Falsification of records.

1115 (j) All examinations are confidential and exempt from s.
1116 119.07(1).

1117 (14)-(12) MAJOR MODIFICATION.—After an amusement ride has
1118 undergone a major modification, and before ~~prior to~~ the time it
1119 is placed in operation, a professional engineer licensed by the
1120 state in which the certification is performed must certify that
1121 the amusement ride is in compliance with this section and all
1122 rules adopted pursuant thereto. The owner of the amusement ride
1123 must provide a copy of the required certification and all
1124 evidence used by the professional engineer to prepare the
1125 certification to the department upon request.

1126 (15)-(13) ENTRY FOR INSPECTION OR INVESTIGATION.—Upon
1127 presentation of identification, an authorized employee of the
1128 department may enter unannounced and inspect amusement rides at
1129 any time and in a reasonable manner and has the right to
1130 question any owner or manager; to inspect, investigate,
1131 photograph, and sample all pertinent places, areas, and devices;
1132 and to conduct or have conducted all appropriate tests including
1133 nondestructive testing. The department may impose fees for
1134 unannounced inspections and recover the cost of tests authorized
1135 by this subsection.

1136 (16)-(14) REPORTING AND INVESTIGATION OF ACCIDENTS AND
1137 DEFECTS; IMPOUNDMENTS.—

1138 (a) Any accident of which the owner or manager has
1139 knowledge or, through the exercise of reasonable diligence
1140 should have knowledge, and for which a patron is transported to
1141 a hospital, as defined in chapter 395, must be reported by the



719936

1142 owner or manager to the department by telephone within 4 hours
1143 after the occurrence of the accident and must be followed up by
1144 a written report to the department within 24 hours after the
1145 occurrence of the accident.

1146 (b) Any mechanical, structural, or electrical defects
1147 affecting patron safety for which an amusement ride is closed to
1148 patron use for more than 4 hours must be reported by the owner
1149 or manager to the department by telephone or facsimile within 8
1150 hours after the closing of the ride. A written report of the
1151 closing of the ride, on a form prescribed by rule of the
1152 department, must be filed by the owner or manager with the
1153 department within 24 hours after the closing of the amusement
1154 ride.

1155 (c) The department may impound an amusement ride involved
1156 in an accident for which a patron is transported to a hospital
1157 as defined in chapter 395 or which has a mechanical, structural,
1158 or electrical defect affecting patron safety, and may impound
1159 any other amusement ride of a similar make and model, and may
1160 perform all necessary tests to determine the cause of the
1161 accident or the mechanical, structural, or electrical defect, or
1162 to determine the safety of the amusement ride and any other
1163 amusement ride of a similar make and model. The cost of
1164 impounding the amusement ride and performing the necessary tests
1165 must be borne by the owner of the amusement ride.

1166 (17)-(15) INSPECTION BY OWNER, OR MANAGER, OR REGISTERED
1167 SAFETY TECHNICIAN. ~~Before opening on each day of operation and~~
1168 ~~before any inspection by the department,~~ The owner, or manager,
1169 or registered safety technician of an amusement ride must:

1170 (a) Implement and document procedures for performing



719936

1171 documented and signed preopening inspections. The preopening
1172 inspection shall include, but is not limited to, ASTM
1173 International standards, as adopted by department rule.

1174 (b) Before opening on each day of operation and before any
1175 scheduled inspection by the department, inspect each and test
1176 the amusement ride to ensure compliance with all requirements of
1177 this section. Each inspection must be recorded on a form
1178 prescribed by rule of the department and signed by the person
1179 who conducted the inspection and be reviewed by a registered
1180 safety technician if the registered safety technician did not
1181 conduct the inspection. In lieu of the form prescribed by rule
1182 of the department, the owner or manager may request approval of
1183 an alternative form if the alternative form includes, at a
1184 minimum, the information required on the form prescribed by rule
1185 of the department. Inspection records of the last 14 daily
1186 inspections must be kept on site by the owner or manager and
1187 made immediately available to the department upon request.

1188 (c) Implement and document procedures to be followed in the
1189 event of any unscheduled cessation of operation of the ride. The
1190 procedures shall require that when an unscheduled cessation of
1191 operation of the ride that is potentially due to mechanical
1192 failure occurs, the ride may not be operated again with patrons
1193 on board until an inspection or test operation of the ride has
1194 demonstrated that the ride is functioning properly.

1195 (18)-(16) TRAINING OF EMPLOYEES.—The owner or manager of an
1196 amusement ride shall:

1197 (a) Implement and document a program of training to be
1198 provided to all employees performing operations or maintenance.
1199 The training program shall conform to the specifications of ASTM



719936

1200 International standards as adopted by department rule, include a
1201 manual containing the training subject matter, and specify the
1202 length of initial and refresher training as well as the
1203 frequency of refresher training.

1204 (b) Maintain a record of employee training for each
1205 employee authorized to operate, assemble, disassemble,
1206 transport, or conduct maintenance on an amusement ride on a form
1207 prescribed by rule of the department. In lieu of the form
1208 prescribed by rule of the department, the owner or manager may
1209 request approval of an alternative form if the alternative form
1210 includes, at a minimum, the information required on the form
1211 prescribed by rule of the department. The training record must
1212 be kept on site by the owner or manager and made immediately
1213 available to the department upon request. Training may not be
1214 conducted when an amusement ride is open to the public unless
1215 the training is conducted under the supervision of an employee
1216 who is trained in the operation of that ride. The owner or
1217 manager shall certify that each employee is trained, as required
1218 by this section and any rules adopted thereunder, on the
1219 amusement ride for which the employee is responsible.

1220 (19) MAINTENANCE.-

1221 (a) The owner of an amusement ride shall implement a
1222 comprehensive program of maintenance, testing, and inspection
1223 based on the amusement ride manufacturer's recommendations which
1224 provides for the duties and responsibilities necessary to care
1225 for the ride. Maintenance procedures shall conform with
1226 specifications in ASTM F770 and ASTM F2291 as adopted by
1227 department rule.

1228 (b) Maintenance must be conducted in the presence of or



719936

1229 approved by a registered safety technician.

1230 (c) If documentation meeting the requirements of paragraph

1231 (a) does not exist or is not available, maintenance procedures

1232 shall conform to manufacturer-originated maintenance

1233 instructions and shall include, but not be limited to, the

1234 following:

1235 1. A description of the ride operation, including the

1236 function and operation of its major components.

1237 2. A description of the motions the ride is designed to

1238 undergo while in operation.

1239 3. Lubrication procedures, including types of lubricants

1240 and frequency of lubrication, and a lubrication drawing, chart,

1241 or other effective means of demonstrating lubrication point

1242 locations.

1243 4. A description, including a schedule, of all maintenance,

1244 testing, and inspections to be performed on the ride.

1245 5. Maintenance procedures for electrical components, as

1246 well as schematics of electrical power, lighting, and controls.

1247 6. Maintenance procedures and schematics for hydraulic and

1248 pneumatic systems on or used to control the ride, including

1249 component locations; location charts; fluid, pressure, line, and

1250 fitting specifications; and troubleshooting guidelines.

1251 7. Specifications for the use of replacement fasteners and,

1252 when applicable, torque requirements for fasteners.

1253 8. A checklist to be made available to each person

1254 performing the regularly scheduled maintenance on each ride.

1255 9. Additional requirements as prescribed by rule of the

1256 department.

1257 (d) Upon request, the owner shall, at no cost to the



719936

1258 department, provide the department a copy of the manufacturer's
1259 current maintenance manual and documentation confirming a
1260 comprehensive maintenance program is being followed.

1261 (e) The owner shall keep a record of the assembly and
1262 disassembly of, and all maintenance and repair performed on,
1263 each amusement ride. When such work is performed by a party
1264 other than the owner, the owner shall obtain a summary of work
1265 performed from the party as a record. Such records shall be
1266 retained and available for review by the department for at least
1267 3 years or until the maintenance action is repeated or suspended
1268 according to the manufacturer.

1269 (20) PATRON RESPONSIBILITY.—The department shall adopt by
1270 rule ASTM International standards for patron responsibility.

1271 (21)~~(17)~~ PROHIBITIONS RELATED TO BUNGY OPERATIONS.—The
1272 following bungee operations are prohibited:

1273 (a) A bungee operation conducted with balloons, blimps,
1274 helicopters, or other aircraft.

1275 (b) Sand bagging, which is the practice of holding onto any
1276 object, including another person, while bungee jumping, for the
1277 purpose of exerting more force on the bungee cord to stretch it
1278 further, and then releasing the object during the jump causing
1279 the jumper to rebound with more force than could be created by
1280 the jumper's weight alone.

1281 (c) Tandem or multiple bungee jumping.

1282 (d) Bungee jumping from any bridge, overpass, or any other
1283 structure not specifically designed as an amusement ride.

1284 (e) The practice of bungee catapulting or reverse bungee
1285 jumping.

1286 (22)~~(18)~~ IMMEDIATE FINAL ORDERS.—



719936

1287 (a) An amusement ride that fails to meet the requirements
1288 of this section or pass the inspections required by this
1289 section, or an amusement ride that is involved in an accident
1290 for which a patron is transported to a hospital as defined in
1291 chapter 395, or an amusement ride that has a mechanical,
1292 structural, or electrical defect that affects patron safety may
1293 be considered an immediate serious danger to public health,
1294 safety, and welfare and, upon issuance of an immediate final
1295 order prohibiting patron use of the ride, may not be operated
1296 for patron use until it has passed a subsequent inspection by or
1297 at the direction of the department.

1298 (b) An amusement ride of a similar make and model to an
1299 amusement ride described in paragraph (a) may be considered an
1300 immediate serious danger to the public health, safety, and
1301 welfare and, upon issuance of an immediate final order
1302 prohibiting patron use of the ride, may not be operated for
1303 patron use until it has passed a subsequent inspection by or at
1304 the direction of the department.

1305 (23) ACCIDENT INVESTIGATION WITNESSES AND EVIDENCE.-

1306 (a) In any examination or investigation conducted by the
1307 department or by an examiner appointed by the department, the
1308 department may administer oaths, examine and cross-examine
1309 witnesses, receive oral and documentary evidence, subpoena
1310 witnesses, compel witness attendance and testimony, and require
1311 by subpoena the production of documents or other evidence which
1312 it deems relevant to the inquiry.

1313 (b) If any person refuses to comply with such subpoena or
1314 to testify as to any relevant matter, the Circuit Court of Leon
1315 County, or the circuit court of the county in which such



719936

1316 examination or investigation is being conducted or the county in
1317 which such person resides pursuant to an application filed with
1318 the department, may issue an order requiring such person to
1319 comply with the subpoena and to testify. Any failure to obey
1320 such an order of the court may be punished by the court as a
1321 contempt thereof.

1322 (c) Subpoenas shall be served and proof of such service
1323 made in the same manner as if issued by a circuit court. Witness
1324 fees and mileage, if claimed, shall be allowed the same as for
1325 testimony in a circuit court.

1326 (d) Any person willfully testifying falsely under oath as
1327 to any matter material to any such examination, investigation,
1328 or hearing shall, upon conviction thereof, be guilty of perjury
1329 and shall be punished accordingly.

1330 (e) If any person asks to be excused from attending or
1331 testifying or from producing any documents or other evidence in
1332 connection with any examination, hearing, or investigation being
1333 conducted on the ground that the testimony or evidence required
1334 may tend to incriminate him or her or subject him or her to a
1335 penalty or forfeiture and shall notwithstanding be directed to
1336 give such testimony or produce such evidence, he or she shall,
1337 if so directed by the department and the Department of Legal
1338 Affairs, nonetheless comply with such direction. The person
1339 shall not thereafter be prosecuted or subjected to any penalty
1340 or forfeiture for or on account of any transaction, matter, or
1341 thing concerning which he or she may have testified or produced
1342 evidence, and no testimony given or evidence produced shall be
1343 received against him or her in any criminal action,
1344 investigation, or proceeding. However, a person so testifying



719936

1345 shall not be exempt from prosecution or punishment for any
1346 perjury committed by him or her in such testimony, and the
1347 testimony or evidence given or produced shall be admissible
1348 against him or her in any criminal action, investigation, or
1349 proceeding concerning such perjury; and the person shall not be
1350 exempt from the refusal, suspension, or revocation of any
1351 license, permission, or authority conferred or to be conferred
1352 pursuant to this chapter.

1353 (f) Any such individual may execute, acknowledge, and file
1354 in the office of the department a statement expressly waiving
1355 such immunity or privilege in respect to any transaction,
1356 matter, or thing specified in such statement; and thereupon the
1357 testimony of such individual or such evidence in relation to
1358 such transaction, matter, or thing may be received or produced
1359 before any judge or justice, court, tribunal, grand jury, or
1360 otherwise; and, if so received or produced, such individual
1361 shall not be entitled to any immunity or privileges on account
1362 of any testimony he or she may so give or evidence so produced.

1363 (g) Any person who refuses or fails without lawful cause to
1364 testify relative to the affairs of any person, when subpoenaed
1365 and requested by the department to so testify, is guilty of a
1366 misdemeanor of the second degree, punishable as provided in s.
1367 775.083.

1368 (24) ~~(19)~~ ENFORCEMENT AND PENALTIES.—

1369 (a) The department may deny, suspend for a period not to
1370 exceed 1 year, or revoke any permit ~~or inspection certificate.~~
1371 In addition to denial, suspension, or revocation, the department
1372 may impose an administrative fine in the Class III ~~Class II~~
1373 category pursuant to s. 570.971 not to exceed \$10,000 ~~\$2,500~~ for



719936

1374 each violation, for each day the violation exists, against the
1375 owner, manager, and registered safety technician of the
1376 amusement ride if it finds that: