

By the Committee on Agriculture; and Senator Book

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1                   A bill to be entitled  
2       An act relating to amusement rides; amending s.  
3       616.242, F.S.; requiring amusement ride managers to  
4       meet certain requirements; defining and redefining  
5       terms; revising standards for rules adopted by the  
6       Department of Agriculture and Consumer Services  
7       relating to amusement rides; revising provisions for  
8       permanent amusement ride annual permits; providing for  
9       temporary amusement ride permits; revising provisions  
10      for nondestructive testing and department testing of  
11      amusement rides; removing the exemption from safety  
12      standards for certain museums and institutions;  
13      providing exemptions from provisions relating to  
14      permits, testing, inspections, and fees for certain  
15      museums, institutions, specific ride types, and  
16      facilities; authorizing the department to establish  
17      exemptions from safety standards for specific rides  
18      and types of rides; revising inspection standards for  
19      amusement rides; directing the department to prescribe  
20      by rule specified signage to be posted at amusement  
21      ride events; revising requirements for compliance  
22      certifications after major modifications to amusement  
23      rides; revising requirements for amusement ride  
24      inspections by owners and managers; providing  
25      procedures for the introduction and examination of  
26      witnesses and evidence in examinations and  
27      investigations conducted by the department; revising  
28      civil penalties; providing an effective date.  
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30 Be It Enacted by the Legislature of the State of Florida:

31  
32 Section 1. Section 616.242, Florida Statutes, is amended to  
33 read:

34 616.242 Safety standards for amusement rides.—

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

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

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

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

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

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

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

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59 materials, whether natural or synthetic.

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

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

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

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

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

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

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

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88 integrity, properties, and composition; and to measure  
89 geometrical characters.

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

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

97 (m) "Permanent amusement ride" means an amusement ride that  
98 is not regularly relocated.

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

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

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

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

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

116 2. The completion of 32 hours per year of continuing

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117 education at a school approved by department rule ~~of the~~  
118 ~~department~~, which includes inservice industry or manufacturer  
119 updates and seminars; and

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

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

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

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

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

140 (4) ADOPTION OF STANDARDS; RULES.—

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

144 1. ASTM International ~~American Society for Testing and~~  
145 ~~Materials~~ Committee F24 ~~F-24~~ Standards on Amusement Rides and

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146 Devices.

147 2. The National Electric Code Handbook, ~~Article 525.~~

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

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

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

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

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

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

173 (5) PERMANENT AMUSEMENT RIDE ANNUAL PERMIT.-

174 (a) A permanent ~~An~~ amusement ride may not be operated

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175 without a current annual permit.

176 (b) To apply for an annual permit, an owner or manager must  
177 submit to the department a written application on a form  
178 prescribed by department rule ~~of the department~~, which must  
179 include the following:

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

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

185 3. A valid certificate of insurance for each amusement  
186 ride.

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

201 5. ~~If required by subsection (6), an affidavit of~~  
202 ~~nondestructive testing dated and executed no earlier than 60~~  
203 ~~days before, but not later than, the date of the filing of the~~

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204 ~~application with the department. The owner shall request~~  
205 ~~inspection and permitting of the amusement ride within 60 days~~  
206 ~~of the date of filing the application with the department. The~~  
207 ~~department shall inspect and permit the amusement ride within 60~~  
208 ~~days after filing the application with the department.~~

209 ~~6. A request for inspection.~~

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

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

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

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

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



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

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

237 (6) TEMPORARY AMUSEMENT RIDE PERMIT.—

238 (a) A temporary amusement ride may not be operated without  
239 a current permit.

240 (b) To apply for a permit, an owner or manager must submit  
241 to the department a written application on a form prescribed by  
242 department rule, which must include the following:

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

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

248 3. A valid certificate of insurance for each amusement  
249 ride.

250 4. If required under subsection (7), an affidavit of  
251 compliance and nondestructive testing certifying that the  
252 amusement ride was inspected in person by the affiant and that  
253 the amusement ride is in general conformance with the  
254 requirements of this section and all applicable department  
255 rules. The affidavit must be executed by a professional engineer  
256 or a qualified inspector.

257 5. The owner or manager shall, at no cost to the  
258 department, provide the department an electronic copy of the  
259 manufacturer's current recommended operating instructions, the  
260 operating fact sheet, and any written bulletins concerning the  
261 safety, operation, or maintenance of the amusement ride.

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262 (c) A temporary amusement ride permit application must be  
263 received by the department each time the amusement ride is  
264 relocated, with or without disassembly, at least 14 days before  
265 the date of the ride's first intended use at the new location.  
266 If the permit application is received less than 14 days before  
267 the date of the ride's first intended use at the new location,  
268 the department may inspect the amusement ride and charge a  
269 penalty, as set by department rule.

270 (d) The department must issue a permit to the owner or  
271 manager of an amusement ride when a completed application has  
272 been received, the amusement ride has passed the department's  
273 inspection, and all applicable fees, as set by department rule,  
274 have been paid.

275 (e) The permit is valid for 6 months after the date of  
276 issue or until the ride is relocated, with or without  
277 disassembly, and is not transferable.

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

280 (7) ~~(6)~~ NONDESTRUCTIVE TESTING; ANNUAL AFFIDAVIT;  
281 EXEMPTIONS.—

282 (a) Except as provided in paragraph (d), an owner or  
283 manager may not operate an amusement ride unless the owner or  
284 manager ~~has~~ at all times has a current affidavit of  
285 nondestructive testing from a professional engineer or qualified  
286 inspector that the amusement ride has undergone nondestructive  
287 testing for metal fatigue at least annually. The nondestructive  
288 testing for metal fatigue must be conducted more often than  
289 annually, ~~if~~ if required by any rule adopted under this section, by  
290 the manufacturer of the amusement ride, or by the professional

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

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

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

304 1. That the amusement ride was inspected in person by the  
305 affiant.

306 2. That all nondestructive testing requirements are  
307 current.

308 3. That the nondestructive testing was performed by a  
309 qualified nondestructive testing technician.

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

312 5. The type of nondestructive testing required or  
313 recommended by the manufacturer.

314 6. The frequency of the nondestructive testing required or  
315 recommended by the manufacturer.

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

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

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

322 10. That visual nondestructive testing is adequate for the  
323 amusement ride to be in general conformance with the  
324 requirements of this section, and all applicable rules, only, if  
325 ~~only~~ visual nondestructive testing is required or recommended by  
326 ~~either~~ the manufacturer or the affiant.

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

333 (8)~~(7)~~ DEPARTMENT INSPECTIONS.—

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

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

346 a.1. Used at a private event;

347 b.2. A simulator, the capacity of which does not exceed 16  
348 persons; or

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349 ~~c.3.~~ A kiddie ride used at a public event, provided that  
350 ~~not there are no~~ more than three amusement rides are at the  
351 event, ~~none of~~ the kiddie rides at the event do not exceed  
352 ~~exceeds~~ a capacity of 12 persons, and the kiddie ride passed a  
353 department inspection and was issued a permit ~~has an inspection~~  
354 ~~certificate that was issued~~ within the preceding 6 months. The  
355 capacity of a kiddie ride shall be determined by department rule  
356 ~~of the department~~, unless the capacity of the ride has been  
357 determined and specified by the manufacturer. Any owner or  
358 manager of a kiddie ride operating under this exemption is  
359 responsible for ensuring that not ~~no~~ more than three amusement  
360 rides are operated at the event. The department shall inspect  
361 permanent amusement rides 6 months after the issuance of the  
362 annual permit.

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

370 ~~1. The legal name, address, and primary place of business~~  
371 ~~of the owner.~~

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

375 ~~3. For a temporary amusement ride, for each time the~~  
376 ~~amusement ride is set up or moved to a new location, the date of~~  
377 ~~first intended use at the new location and the address or a~~

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378 ~~description of the new location.~~

379 ~~(c) For permanent amusement rides, the request for~~  
380 ~~inspection must be received by the department at least 15 days~~  
381 ~~before the owner's planned opening date or at least 15 days~~  
382 ~~before the expiration of the prior inspection certificate. If~~  
383 ~~the request for inspection is received less than 15 days before~~  
384 ~~the owner's planned opening date or less than 15 days before the~~  
385 ~~expiration of the prior inspection certificate, the department~~  
386 ~~may nevertheless inspect the amusement ride and charge a late~~  
387 ~~fee, as set by rule of the department.~~

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

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

400 ~~(c)(f)~~ Upon failure of an amusement ride to pass any  
401 department inspection, the owner or manager may request  
402 reinspection, which must ~~shall~~ be submitted in writing to the  
403 department on a form prescribed by department rule ~~of the~~  
404 ~~department~~. The department shall reinspect the amusement ride as  
405 soon as practicable after ~~practical following~~ receipt of the  
406 written request for reinspection and any applicable reinspection

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407 fees set by department rule ~~of the department~~. Inspections must  
408 ~~will~~ be assigned on a first-come, first-served ~~first come, first~~  
409 ~~served~~ basis, and the overflow requests must ~~will~~ be scheduled  
410 on the closest date to the date for which the inspection was  
411 requested.

412 ~~(g) If the amusement ride passes inspection and the owner~~  
413 ~~pays the applicable fee set by rule of the department, the~~  
414 ~~department shall issue an inspection certificate on a form~~  
415 ~~prescribed by rule of the department.~~

416 ~~(h) The inspection certificate must contain the date of~~  
417 ~~inspection, the site of the inspection, and the name of the~~  
418 ~~inspector.~~

419 ~~(i) The inspection certificate is valid only for the site~~  
420 ~~stated on the inspection certificate. The inspection certificate~~  
421 ~~is valid for a period of not more than 6 months from the date of~~  
422 ~~issuance, and is not transferable.~~

423 ~~(j) The inspection certificate must be displayed on the~~  
424 ~~amusement ride at a place readily visible to patrons of the~~  
425 ~~amusement ride.~~

426 ~~(d)-(k)~~ If the owner or manager fails to timely cancel a  
427 scheduled Request for inspection, requests holiday or weekend  
428 inspections, or is required to have a replacement USAID plate  
429 issued by the department, the owner or manager may be charged an  
430 appropriate fee to be set by department rule ~~of the department~~.

431 (e) In order to align inspection dates at permanent  
432 facilities, the department may shorten or extend the 6-month  
433 inspection interval. Fees for rides with shortened inspection  
434 intervals must be prorated. Extensions of inspection intervals  
435 may not exceed 2 months.

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436 (9)~~(8)~~ FEES.—

437 (a) The department shall ~~by rule~~ establish by rule fees to  
438 cover the costs and expenditures associated with the fair rides  
439 inspection program, including all direct and indirect costs. If  
440 the Legislature does not appropriate ~~there is not sufficient~~  
441 general revenue sufficient to cover such costs and expenditures  
442 ~~appropriated by the Legislature~~, the industry shall pay ~~for~~ the  
443 remainder ~~remaining cost of the program~~. The fees must be  
444 deposited in the General Inspection Trust Fund.

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

450 (10)~~(9)~~ INSURANCE REQUIREMENTS.—

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

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

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

464 (11)~~(10)~~ EXEMPTIONS.—



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465 (a) This section does not apply to:

466 1. Permanent facilities that employ at least 1,000 full-  
467 time employees and that maintain full-time, in-house safety  
468 inspectors. However ~~Furthermore~~, the permanent facilities must  
469 file an affidavit of the annual inspection with the department,  
470 on a form prescribed by department rule ~~of the department~~.  
471 ~~Additionally~~, The department ~~of Agriculture and Consumer~~  
472 ~~Services~~ may consult annually with the permanent facilities  
473 regarding industry safety programs.

474 2. Any playground operated by a school, a local government,  
475 or a business licensed under chapter 509, if the playground is  
476 an incidental amenity and the operating entity is not primarily  
477 engaged in providing amusement, pleasure, thrills, or  
478 excitement.

479 ~~3. Museums or other institutions principally devoted to the~~  
480 ~~exhibition of products of agriculture, industry, education,~~  
481 ~~science, religion, or the arts.~~

482 ~~4. Conventions or trade shows for the sale or exhibit of~~  
483 ~~amusement rides if there are a minimum of 15 amusement rides on~~  
484 ~~display or exhibition, and if any operation of such amusement~~  
485 ~~rides is limited to the registered attendees of the convention~~  
486 ~~or trade show.~~

487 ~~5. Skating rinks;~~i ~~arcades;~~i ~~laser or paint ball war~~  
488 ~~games;~~i ~~bowling alleys;~~i ~~miniature golf courses;~~i ~~mechanical~~  
489 ~~bulls;~~i ~~inflatable rides;~~i ~~trampolines;~~i ~~ball crawls;~~i ~~exercise~~  
490 ~~equipment;~~i ~~jet skis;~~i ~~paddle boats;~~i ~~airboats;~~i ~~helicopters;~~i  
491 ~~airplanes;~~i ~~parasails;~~i ~~hot air or helium balloons,~~l whether  
492 tethered or untethered;i ~~theatres;~~i ~~batting cages;~~i ~~stationary~~  
493 ~~spring-mounted fixtures;~~i ~~rider-propelled merry-go-rounds;~~i

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494 games;~~7~~ side shows;~~7~~ live animal rides;~~7~~ or live animal shows.

495 ~~4.6.~~ Go-karts operated in competitive sporting events if  
496 participation is not open to the public.

497 (b) All of the following are exempt from subsections (5),  
498 (6), (8) and (9), but may be inspected by the department  
499 following a complaint or pursuant to an accident that is  
500 required to be reported under subsection (15), and such  
501 exemption may be removed if the exempted amusement ride is found  
502 to have been operating in a manner or circumstance that presents  
503 a risk or resulted in a serious injury to patrons:

504 1. Museums or other institutions principally devoted to the  
505 exhibition of products of agriculture, industry, education,  
506 science, religion, or the arts.

507 2. Conventions or trade shows for the sale or exhibit of  
508 amusement rides if there are a minimum of 15 amusement rides on  
509 display or exhibition and if any operation of such amusement  
510 rides is limited to the registered attendees of the convention  
511 or trade show.

512 ~~3.7.~~ Nonmotorized playground equipment that is not required  
513 to have a manager.

514 ~~4.8.~~ Coin-actuated amusement rides designed to be operated  
515 by depositing coins, tokens, credit cards, debit cards, bills,  
516 or other cash money and which are not required to have a  
517 manager, and which have a capacity of six persons or less.

518 ~~5.9.~~ Facilities described in s. 549.09(1)(a) when such  
519 facilities are operating cars, trucks, or motorcycles only.

520 ~~6.10.~~ Battery-powered cars or other vehicles that are  
521 designed to be operated by children 7 years of age or under and  
522 that cannot exceed a speed of 4 miles per hour.

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523 ~~7.11.~~ Mechanically driven vehicles that pull train cars,  
524 carts, wagons, or other similar vehicles, that are not confined  
525 to a metal track or confined to an area but are steered by an  
526 operator and do not exceed a speed of 4 miles per hour.

527 ~~8.12.~~ A water-related amusement ride operated by a business  
528 licensed under chapter 509 if the water-related amusement ride  
529 is an incidental amenity and the operating business is not  
530 primarily engaged in providing amusement, pleasure, thrills, or  
531 excitement and does not offer day rates.

532 ~~9.13.~~ An amusement ride at a private, membership-only  
533 facility if the amusement ride is an incidental amenity and the  
534 facility is not open to the general public; is not primarily  
535 engaged in providing amusement, pleasure, thrills, or  
536 excitement; and does not offer day rates.

537 ~~10.14.~~ A nonprofit permanent facility registered under  
538 chapter 496 which is not open to the general public.

539 ~~(c)(b)~~ The department may, ~~by rule,~~ establish by rule  
540 exemptions from this section for specific rides or types of  
541 rides nonmotorized or human-powered amusement rides or coin-  
542 actuated amusement rides.

543 ~~(12)(11)~~ INSPECTION STANDARDS.—An amusement ride must  
544 conform to ~~and must be inspected by the department in accordance~~  
545 ~~with~~ the following standards:

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

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

551 (c) Parts must be properly aligned, ~~and they~~ may not be

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552 bent, distorted, cut, or otherwise injured to force a fit. Parts  
553 requiring lubrication must be lubricated in the course of  
554 assembly. Fastening and locking devices must be installed when  
555 ~~where~~ required for safe operation.

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

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

563 (f) Machinery used in or with an amusement ride must be  
564 enclosed, barricaded, or otherwise effectively guarded against  
565 inadvertent contact.

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

569 (h) The interior and exterior parts of all patron-carrying  
570 amusement rides with which a patron may come in contact must be  
571 smooth and rounded and free from sharp, rough, or splintered  
572 edges and corners, and from ~~with no~~ projecting studs, bolts, and  
573 screws, ~~or other projections that which~~ might cause injury.

574 (i) Signs that advise or warn patrons of age restrictions,  
575 size restrictions, health restrictions, weight limitations, or  
576 any other special consideration or use restrictions required or  
577 recommended for the amusement ride by the manufacturer must  
578 ~~shall~~ be prominently displayed at the patron entrance of each  
579 amusement ride.

580 (j) All amusement rides presented for inspection as ready

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581 for operation or in operation must comply with this section and  
582 department rule ~~the rules adopted hereunder.~~

583 (k) A sign containing the toll-free number of the  
584 department and informing patrons that they may contact the  
585 department with complaints or concerns regarding the operation  
586 of amusement rides must be posted in a manner conspicuous to the  
587 public at each entrance of a temporary amusement ride facility.  
588 The department shall prescribe by rule specifications for such  
589 signs.

590 (13) ~~(12)~~ MAJOR MODIFICATION.—After an amusement ride has  
591 undergone a major modification, and before ~~prior to~~ the time it  
592 is placed in operation, a professional engineer licensed by the  
593 state in which the certification is performed must certify that  
594 the amusement ride is in compliance with this section and  
595 department rule ~~all rules adopted pursuant thereto.~~ Upon  
596 request, the owner or manager of the amusement ride shall  
597 provide to the department a copy of the required certification  
598 and all evidence used by the professional engineer to prepare  
599 the certification.

600 (14) ~~(13)~~ ENTRY FOR INSPECTION OR INVESTIGATION.—Upon  
601 presentation of identification, an authorized employee of the  
602 department may enter unannounced and inspect amusement rides at  
603 any time and in a reasonable manner and has the right to  
604 question any owner or manager; to inspect, investigate,  
605 photograph, and sample all pertinent places, areas, and devices;  
606 and to conduct or have conducted all appropriate tests including  
607 nondestructive testing. The department may impose fees for  
608 unannounced inspections and recover the cost of tests authorized  
609 by this subsection.

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610        ~~(15)~~~~(14)~~ REPORTING AND INVESTIGATION OF ACCIDENTS AND  
611 DEFECTS; IMPOUNDMENTS.—

612        (a) Any accident of which the owner or manager has  
613 knowledge or, through the exercise of reasonable diligence  
614 should have knowledge, and for which a patron is transported to  
615 a hospital, as defined in chapter 395, must be reported by the  
616 owner or manager to the department by telephone within 4 hours  
617 after the occurrence of the accident and must be followed up by  
618 a written report to the department within 24 hours after the  
619 occurrence of the accident.

620        (b) Any mechanical, structural, or electrical defects or  
621 failures affecting patron safety for which an amusement ride is  
622 closed to patron use ~~for more than 4 hours~~ must be reported by  
623 the owner or manager to the department by telephone or facsimile  
624 within 8 hours after the closing of the ride. A written report  
625 of the closing of the ride, on a form prescribed by department  
626 rule of the department, must be filed by the owner or manager  
627 with the department within 24 hours after the closing of the  
628 amusement ride. The affected ride must remain closed until  
629 repairs are reviewed and the ride is released for operation by  
630 the department.

631        (c) The department may impound an amusement ride involved  
632 in an accident for which a patron is transported to a hospital  
633 as defined in chapter 395 or which has a mechanical, structural,  
634 or electrical defect affecting patron safety; ~~and~~ and may impound  
635 any other amusement ride of a similar make and model; ~~and~~ and may  
636 perform all necessary tests to determine the cause of the  
637 accident or the mechanical, structural, or electrical defect ~~or~~  
638 to determine the safety of the amusement ride and any other

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639 amusement ride of a similar make and model. The cost of  
640 impounding the amusement ride and performing the necessary tests  
641 must be borne by the owner of the amusement ride.

642 (16)~~(15)~~ INSPECTION BY OWNER OR MANAGER.—Before opening on  
643 each day of operation and before any inspection by the  
644 department, the owner or manager of an amusement ride must  
645 inspect and test each ~~the~~ amusement ride to ensure compliance  
646 with ~~all requirements of~~ this section. Each inspection must be  
647 recorded on a form prescribed by department rule ~~of the~~  
648 ~~department~~ and signed by the person who conducted the  
649 inspection. In lieu of the form prescribed by department rule ~~of~~  
650 ~~the department~~, the owner or manager may request approval of an  
651 alternative form that ~~if the alternative form~~ includes, at a  
652 minimum, the information required on the form prescribed by  
653 department rule ~~of the department~~. Inspection records of the  
654 last 14 daily inspections must be kept on site by the owner or  
655 manager and made immediately available to the department upon  
656 request.

657 (17)~~(16)~~ TRAINING OF EMPLOYEES.—The owner or manager of an  
658 amusement ride shall maintain a record of employee training for  
659 each employee authorized to operate, assemble, disassemble,  
660 transport, or conduct maintenance on an amusement ride on a form  
661 prescribed by department rule ~~of the department~~. In lieu of the  
662 form prescribed by department rule ~~of the department~~, the owner  
663 or manager may request approval of an alternative form that ~~if~~  
664 ~~the alternative form~~ includes, at a minimum, the information  
665 required on the form prescribed by department rule ~~of the~~  
666 ~~department~~. The training record must be kept on site by the  
667 owner or manager and made immediately available to the

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668 department upon request. Training may not be conducted when an  
669 amusement ride is open to the public unless the training is  
670 conducted under the supervision of an employee who is trained in  
671 the operation of that ride. The owner or manager shall certify  
672 that each employee is trained, as required by this section and  
673 any rules adopted thereunder, on the amusement ride for which  
674 the employee is responsible.

675 (18)~~(17)~~ PROHIBITIONS RELATED TO BUNGY OPERATIONS.—The  
676 following bungee operations are prohibited:

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

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

685 (c) Tandem or multiple bungee jumping.

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

688 (e) The practice of bungee catapulting or reverse bungee  
689 jumping.

690 (19)~~(18)~~ IMMEDIATE FINAL ORDERS.—

691 (a) An amusement ride that fails to meet the requirements  
692 of this section or pass the inspections required by this  
693 section;;~~or an amusement ride~~ that is involved in an accident  
694 for which a patron is transported to a hospital as defined in  
695 chapter 395;;~~or an amusement ride~~ that has a mechanical,  
696 structural, or electrical defect that affects patron safety may



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697 be considered an immediate serious danger to the public health,  
698 safety, and welfare and, upon issuance of an immediate final  
699 order prohibiting patron use of the ride, may not be operated  
700 for patron use until it has passed a subsequent inspection by or  
701 at the direction of the department.

702 (b) An amusement ride of a similar make and model to an  
703 amusement ride described in paragraph (a) may be considered an  
704 immediate serious danger to the public health, safety, and  
705 welfare and, upon issuance of an immediate final order  
706 prohibiting patron use of the ride, may not be operated for  
707 patron use until it has passed a subsequent inspection by or at  
708 the direction of the department.

709 (20) WITNESSES AND EVIDENCE.—

710 (a) In any examination or investigation conducted by the  
711 department or by an examiner appointed by the department, the  
712 department may administer oaths, examine and cross-examine  
713 witnesses, receive oral and documentary evidence, subpoena  
714 witnesses, compel witness attendance and testimony, and require  
715 by subpoena the production of documents or other evidence that  
716 it deems relevant to the inquiry.

717 (b) If any person refuses to comply with such subpoena or  
718 to testify as to any relevant matter, the Circuit Court of Leon  
719 County, or the circuit court of the county in which such  
720 examination or investigation is being conducted or the county in  
721 which such person resides pursuant to an application filed with  
722 the department, may issue an order requiring such person to  
723 comply with the subpoena and to testify. Any failure to obey  
724 such an order of the court may be punished by the court as a  
725 contempt thereof.

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

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

733 (e) Any person who asks to be excused from attending or  
734 testifying or from producing any documents or other evidence in  
735 connection with any examination, hearing, or investigation on  
736 the ground that the testimony or evidence required may tend to  
737 incriminate him or her or subject him or her to a penalty or  
738 forfeiture and who, nevertheless, is directed by the department  
739 and the Department of Legal Affairs to give such testimony or  
740 produce such evidence shall comply with that directive. The  
741 person may not thereafter be prosecuted or subjected to any  
742 penalty or forfeiture for or on account of any transaction,  
743 matter, or thing concerning which he or she may have testified  
744 or produced evidence, and no testimony given or evidence  
745 produced may be received against him or her in any criminal  
746 action, investigation, or proceeding. However, a person so  
747 testifying is not exempt from prosecution or punishment for any  
748 perjury committed by him or her in such testimony, and the  
749 testimony or evidence given or produced is admissible against  
750 him or her in any criminal action, investigation, or proceeding  
751 concerning such perjury; and the person is not exempt from the  
752 refusal, suspension, or revocation of any license, permission,  
753 or authority conferred or to be conferred pursuant to this  
754 chapter.

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755       (f) Any such individual may execute, acknowledge, and file  
756 with the department a statement expressly waiving such immunity  
757 or privilege with respect to any transaction, matter, or thing  
758 specified in such statement; and upon such filing, the testimony  
759 of such individual or such evidence in relation to such  
760 transaction, matter, or thing may be received or produced before  
761 any judge or justice, court, tribunal, grand jury, or otherwise;  
762 and, if so received or produced, such individual is not entitled  
763 to any immunity or privileges on account of any testimony he or  
764 she may so give or evidence so produced.

765       (g) Any person who refuses or fails without lawful cause to  
766 testify relative to the affairs of any person, when subpoenaed  
767 and requested by the department to so testify, commits a  
768 misdemeanor of the second degree, punishable as provided in s.  
769 775.083.

770       (21)~~(19)~~ ENFORCEMENT AND PENALTIES.—

771       (a) The department may deny, suspend for a period not to  
772 exceed 1 year, or revoke any permit ~~or inspection certificate~~.  
773 In addition to denial, suspension, or revocation, the department  
774 may impose an administrative fine in the Class III ~~Class II~~  
775 category pursuant to s. 570.971 not to exceed \$10,000 ~~\$2,500~~ for  
776 each violation, for each day the violation exists, against the  
777 owner or manager of the amusement ride if it finds that:

778       1. An amusement ride has operated or is operating:  
779       a. With a mechanical, structural, or electrical defect that  
780 affects patron safety, of which the owner or manager has  
781 knowledge, or, through the exercise of reasonable diligence,  
782 should have knowledge;

783       b. In a manner or circumstance that presents a risk of

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784 serious injury to patrons;

785 c. At a speed in excess of its maximum safe operating  
786 speed;

787 d. In violation of this section or department ~~any~~ rule  
788 ~~adopted under this section~~; or

789 e. In violation of an order of the department or order of  
790 any court; ~~or~~

791 2. An owner, a manager, or an operator in the course of his  
792 or her duties is under the influence of drugs or alcohol; or

793 3. An amusement ride was presented for inspection as ready  
794 for operation with a mechanical, structural, or electrical  
795 defect that affects patron safety, of which the owner or manager  
796 has knowledge or, through the exercise of reasonable diligence,  
797 should have knowledge.

798 (b) In addition to the administrative fine provided in  
799 paragraph (a), the department may impose an additional  
800 administrative fine in the Class IV category pursuant to s.  
801 570.971 of \$10,000 or more against the owner or manager if a  
802 violation resulted in serious injury or death to a patron.

803 (c) ~~(b)~~ ~~The department shall,~~ In its order suspending a  
804 permit ~~or inspection certificate,~~ the department shall specify  
805 the period during which the suspension is effective, which; ~~but~~  
806 ~~such period~~ may not exceed 1 year. The permit must ~~or inspection~~  
807 ~~certificate shall~~ remain suspended during the period so  
808 specified, subject, however, to any rescission or modification  
809 of the order by the department, or modification or reversal  
810 thereof by the court, before ~~prior to~~ expiration of the  
811 suspension period.

812 (d) ~~(c)~~ ~~The owner of an amusement ride,~~ If the permit ~~or~~

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813 ~~inspection certificate~~ for the amusement ride has been revoked  
814 by the department, the owner or manager of such ride may not  
815 apply for another permit ~~or inspection certificate~~ for the  
816 amusement ride within 2 years after the date of such revocation.  
817 If judicial review is sought and a stay of the revocation is  
818 obtained, the owner or manager may not apply for another permit  
819 ~~or inspection certificate~~ within 2 years after the final order  
820 of the court sustaining the revocation.

821 (e) ~~(d)~~ During the period of suspension or revocation of a  
822 permit ~~or inspection certificate~~, the owner or manager may not  
823 engage in or attempt to engage in any operation of the amusement  
824 ride for which a permit ~~or inspection certificate~~ is required  
825 under this section.

826 (f) ~~(e)~~ When a suspension period imposed by the department  
827 has expired, an owner or manager whose ~~annual permit or~~  
828 ~~inspection certificate~~ has expired may reapply for a new permit  
829 ~~or inspection certificate~~ by submitting a complete application  
830 to the department.

831 (g) ~~(f)~~ In addition to the remedies provided in this  
832 section, and notwithstanding the existence of any adequate  
833 remedy at law, the department may bring an action to enjoin the  
834 violation ~~of any provision~~ of this section, or rules adopted  
835 under this section, in the circuit court of the county in which  
836 the violation occurs or is about to occur. Upon presentation  
837 ~~competent and substantial evidence~~ presented by the department  
838 to the court of competent and substantial evidence of the  
839 violation or threatened violation, the court must immediately  
840 issue the temporary or permanent injunction sought by the  
841 department. The injunction must be issued without bond.

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842        (h)~~(g)~~ In addition to the penalties authorized ~~to be~~  
843 ~~imposed~~ for any violation of this section or any rule adopted  
844 under this section, the department may issue a letter of warning  
845 to the owner or manager of the amusement ride specifying the  
846 violation and directing the owner or manager to immediately  
847 correct the violation.

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

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