

Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Regulatory Reform &
2 Economic Development Subcommittee
3 Representative Bracy Davis offered the following:

Amendment (with title amendment)

Remove lines 61-390 and insert:

7 Section 2. Present paragraphs (j) through (q) and (r) through
8 (u) of subsection (3) of section 616.242, Florida Statutes, are
9 redesignated as paragraphs (k) through (r) and (t) through (w),
10 respectively, new paragraph (j) is added to that subsection and
11 a new paragraph (g) is added to subsection (6) of that section,
12 and paragraph (h) of subsection (3), paragraph (a) of subsection
13 (4), paragraph (b) of subsection (5), paragraphs (b) and (f) of
14 subsection (6), subsection (7), paragraph (a) of subsection (8),
15 paragraph (b) of subsection (11), subsections (12) and (14),

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16 paragraphs (a) and (c) of subsection (15), and subsections (16),
17 (17), and (19) of that section are amended, to read:

18 616.242 Safety standards for amusement rides.-

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

20 (h) "Major modification" means any change in the
21 structural characteristics, ~~or~~ operational characteristics, or
22 safety systems of an amusement ride which will alter its
23 performance or settings from those ~~that~~ specified in the
24 manufacturer's design criteria or operator's manual.

25 (j) "Ride commissioning and certification report" means a
26 commissioning and certification report by the ride manufacturer
27 which certifies that the ride has been designed, and
28 manufactured in conformance with the manufacturer's design
29 criteria, standards referenced in this section, and rules
30 adopted by the department.

31 (4) ADOPTION OF STANDARDS; RULES.-

32 (a) The department shall adopt by rule standards for
33 amusement rides. The rules must:

34 1. Be ~~which are~~ the same as or similar to the following
35 ~~national~~ standards:

36 a.1. ASTM International Committee F24 Standards on
37 Amusement Rides and Devices.

38 b.2. The National Electric Code Handbook.

39 c.3. National Fire Protection Association standards.

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41 (5) PERMANENT AMUSEMENT RIDE ANNUAL PERMIT.—

42 (b) To apply for an annual permit, an owner or manager
43 must submit to the department a written application on a form
44 prescribed by department rule, which must include all of the
45 following:

46 1. The legal name, address, e-mail address, and primary
47 place of business of the owner or manager, ~~as applicable.~~

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

51 3. A valid certificate of insurance for each amusement
52 ride.

53 4. ~~If required under subsection (7),~~ An annual affidavit
54 of compliance and nondestructive testing certifying that the
55 amusement ride was inspected in person by the affiant and that
56 the amusement ride is in ~~general~~ conformance with the
57 requirements of this section and all applicable department
58 rules. The affidavit must have been executed by a professional
59 engineer or a qualified inspector within the last calendar year.

60 5. ~~The owner or manager shall,~~ At no cost to the
61 department, ~~provide the department~~ an electronic copy of the
62 manufacturer's current recommended operating instructions, the
63 owner's operating fact sheet, and any written bulletins
64 concerning the safety, operation, or maintenance of the
65 amusement ride.

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66 6. Beginning July 1, 2023, a ride commissioning and
67 certification report for each permanent amusement ride operated
68 for the first time in this state after July 1, 2023.

69 (6) TEMPORARY AMUSEMENT RIDE PERMIT.—

70 (b) To apply for a permit, an owner or manager must submit
71 to the department a written application on a form prescribed by
72 department rule. The written application, ~~which~~ must include all
73 of the following:

74 1. The legal name, address, e-mail address, and primary
75 place of business of the owner or manager, ~~as applicable.~~

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

79 3. A valid certificate of insurance for each amusement
80 ride.

81 4. ~~If required under subsection (7),~~ An affidavit of
82 compliance and nondestructive testing certifying that the
83 amusement ride was inspected in person by the affiant and that
84 the amusement ride is in ~~general~~ conformance with the
85 requirements of this section and all applicable department
86 rules. The affidavit must be executed by a professional engineer
87 or a qualified inspector.

88 5. ~~The owner or manager shall,~~ At no cost to the
89 department, ~~provide the department~~ an electronic copy of the
90 manufacturer's current recommended operating instructions, the

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91 operating fact sheet, and any written bulletins concerning the
92 safety, operation, or maintenance of the amusement ride.

93 (f) A temporary amusement ride is exempt from the required
94 permit if it is:

95 1. Used at a private event and was issued a permit within
96 the preceding 6 months; or

97 2. A kiddie ride used at a public event, provided that not
98 more than three amusement rides are at the event, the kiddie
99 rides at the event do not exceed a capacity of 12 persons, and
100 the kiddie ride passed a department inspection and was issued a
101 permit within the preceding 6 months. Unless the capacity of the
102 ride has been determined and specified by the manufacturer, the
103 department shall determine the capacity of the kiddie ride by
104 rule. An owner or a manager of a kiddie ride operating under
105 this exemption is responsible for ensuring that not more than
106 three amusement rides are operated at the event.

107 (g) The permit must be displayed in an accessible location
108 on the amusement ride.

109 (7) NONDESTRUCTIVE TESTING; ANNUAL AFFIDAVIT; EXEMPTIONS.—

110 (a) ~~Except as provided in paragraph (d),~~ An owner or
111 manager may not operate an amusement ride unless the owner or
112 manager at all times has a current affidavit of nondestructive
113 testing from a professional engineer or qualified inspector that
114 the amusement ride has undergone nondestructive testing to
115 verify the integrity of all components ~~for metal fatigue~~ at

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116 | least annually. The nondestructive testing ~~for metal fatigue~~
117 | must be conducted more often than annually if required by any
118 | rule adopted under this section, by the manufacturer of the
119 | amusement ride, or by the professional engineer or qualified
120 | inspector executing the affidavit of nondestructive testing. The
121 | nondestructive testing ~~for metal fatigue~~ must consist at least
122 | of visual nondestructive testing, as well as nonvisual
123 | nondestructive testing ~~for metal fatigue~~, which must be
124 | conducted on the components of the amusement ride as required by
125 | any rule adopted under this section, by the manufacturer of the
126 | amusement ride, or by the professional engineer or qualified
127 | inspector executing the affidavit of nondestructive testing.

128 | (b) Nonvisual nondestructive testing must be used to
129 | verify the integrity of components that, due to their design,
130 | location, installation, or a combination thereof, cannot be
131 | adequately evaluated by other means.

132 | (c) Nondestructive testing ~~testings~~ must be performed by a
133 | technician who meets the requirements prescribed by department
134 | rule.

135 | (d)-(e) An affidavit of nondestructive testing, on a form
136 | prescribed by department rule, must state, at a minimum, all of
137 | the following:

138 | 1. That the amusement ride was inspected in person by the
139 | affiant.

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140 2. That all of the manufacturer's nondestructive testing
141 requirements and recommendations are current.

142 3. That the nondestructive testing was performed by a
143 qualified nondestructive testing technician.

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

146 5. The type of nondestructive testing required or
147 recommended by the manufacturer.

148 6. The frequency of the nondestructive testing required or
149 recommended by the manufacturer.

150 7. The components of the amusement ride for which the
151 affiant, in addition to the manufacturer's requirements and
152 recommendations, has recommended or required nondestructive
153 testing.

154 8. The type of nondestructive testing required or
155 recommended by the affiant in addition to the manufacturer's
156 requirements and recommendations. If the affiant does not
157 require or recommend additional nondestructive testing, the
158 affiant must affirm that the manufacturer's requirements are
159 sufficient for the safe operation of the amusement ride.

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

162 10. That visual nondestructive testing is adequate for the
163 amusement ride to be in ~~general~~ conformance with the
164 requirements of this section and all applicable rules, ~~only~~ if

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165 only visual nondestructive testing is required ~~or recommended~~ by
166 the manufacturer or the affiant.

167 11. That the amusement ride is in conformance with the
168 requirements of this section and all applicable department
169 rules.

170 12. Whether the amusement ride has undergone a major
171 modification and, if so, the name of the manager, owner, or
172 operator who authorized the modification and the date the
173 modification took place.

174 13. That the amusement ride and its components are in
175 conformance with the service life specified by the manufacturer.

176 (e)-(d) Nonvisual nondestructive testing is not required
177 for fun houses, houses of mirrors, haunted houses, mazes, wave
178 pools, wave-making devices, kiddie pools, slides that are fully
179 supported by an earthen mound, nonmotorized playground equipment
180 that requires a manager, or lazy-river-type nonmotorized
181 floating carriers propelled by water.

182 (8) DEPARTMENT INSPECTIONS.—

183 (a) In order to obtain an annual or a temporary amusement
184 ride permit, an amusement ride must be inspected by the
185 department.

186 ~~1. A temporary amusement ride is exempt from the required~~
187 ~~inspection if it is:~~

188 ~~a. Used at a private event;~~

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189 ~~b. A simulator, the capacity of which does not exceed 16~~
190 ~~persons; or~~

191 ~~e. A kiddie ride used at a public event, provided that not~~
192 ~~more than three amusement rides are at the event, the kiddie~~
193 ~~rides at the event do not exceed a capacity of 12 persons, and~~
194 ~~the kiddie ride passed a department inspection and was issued a~~
195 ~~permit within the preceding 6 months. The capacity of a kiddie~~
196 ~~ride shall be determined by department rule, unless the capacity~~
197 ~~of the ride has been determined and specified by the~~
198 ~~manufacturer. Any owner or manager of a kiddie ride operating~~
199 ~~under this exemption is responsible for ensuring that not more~~
200 ~~than three amusement rides are operated at the event. The~~
201 ~~department shall inspect permanent amusement rides 6 months~~
202 ~~after the issuance of the annual permit. The required inspection~~
203 ~~may be waived for a permanent amusement ride if it was inspected~~
204 ~~and certified by an accredited trade organization as defined by~~
205 ~~department rule.~~

206 (11) EXEMPTIONS.—

207 (b) All of the following are exempt from subsections (5),
208 (6), (8), and (9), but may be inspected by the department upon
209 request, following a complaint or pursuant to an accident that
210 is required to be reported under subsection (15), and such
211 exemption may be removed if the exempted amusement ride is found
212 to have been operating in a manner or circumstance that presents
213 a risk or resulted in a serious injury to patrons:

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214 1. Museums or other institutions principally devoted to
215 the exhibition of products of agriculture, industry, education,
216 science, religion, or the arts.

217 2. Conventions or trade shows for the sale or exhibit of
218 amusement rides if there are a minimum of 15 amusement rides on
219 display or exhibition and if any operation of such amusement
220 rides is limited to the registered attendees of the convention
221 or trade show.

222 3. Nonmotorized playground equipment that is not required
223 to have a manager.

224 4. Coin-actuated amusement rides designed to be operated
225 by depositing coins, tokens, credit cards, debit cards, bills,
226 or other cash money and which are not required to have a
227 manager, and which have a capacity of six persons or less.

228 5. Facilities described in s. 549.09(1)(a) when such
229 facilities are operating cars, trucks, or motorcycles only.

230 6. Battery-powered cars or other vehicles that are
231 designed to be operated by children 7 years of age or under and
232 that cannot exceed a speed of 4 miles per hour.

233 7. Mechanically driven vehicles that pull train cars,
234 carts, wagons, or other similar vehicles, that are not confined
235 to a metal track or confined to an area but are steered by an
236 operator and do not exceed a speed of 4 miles per hour.

237 8. A water-related amusement ride operated by a business
238 licensed under chapter 509 if the water-related amusement ride

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239 is an incidental amenity and the operating business is not
240 primarily engaged in providing amusement, pleasure, thrills, or
241 excitement and does not offer day rates.

242 9. An amusement ride at a private, membership-only
243 facility if the amusement ride is an incidental amenity and the
244 facility is not open to the general public; is not primarily
245 engaged in providing amusement, pleasure, thrills, or
246 excitement; and does not offer day rates.

247 10. A nonprofit permanent facility registered under
248 chapter 496 which is not open to the general public.

249 (12) INSPECTION STANDARDS.—An amusement ride must conform
250 to all of the following standards:

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

253 (b) All control devices, speed-limiting devices, brakes,
254 and safety equipment must be in good working order.

255 (c) Parts must be properly aligned and may not be bent,
256 distorted, cut, or otherwise injured to force a fit. Parts
257 requiring lubrication must be lubricated in the course of
258 assembly. Fastening and locking devices must be installed when
259 required for safe operation.

260 (d) The proper positioning, measurements, and
261 demonstration of proper patron loading procedures related to
262 patron safety restraint systems must be provided to the
263 department upon request.

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264 (e) An amusement ride must be placed or secured with
265 blocking, cribbing, outriggers, guys, or other means ~~so as~~ to be
266 stable under all operating conditions.

267 (f)~~(e)~~ Areas in which patrons may be endangered by the
268 operation of an amusement ride must be fenced, barricaded, or
269 otherwise effectively guarded against inadvertent contact.

270 (g)~~(f)~~ Machinery used in or with an amusement ride must be
271 enclosed, barricaded, or otherwise effectively guarded against
272 inadvertent contact.

273 (h)~~(g)~~ An amusement ride powered ~~so as~~ to be capable of
274 exceeding its maximum safe operating speed must be provided with
275 a maximum-speed-limiting device.

276 (i)~~(h)~~ The interior and exterior parts of all patron-
277 carrying amusement rides with which a patron may come in contact
278 must be smooth and rounded and free from sharp, rough, or
279 splintered edges and corners, and from projecting studs, bolts,
280 and screws or other projections that might cause injury.

281 (j)~~(i)~~ Signs that advise or warn patrons of age
282 restrictions, size restrictions, health restrictions, weight
283 limitations, or any other special consideration or use
284 restrictions, or lack thereof, ~~required or recommended for the~~
285 ~~amusement ride by the manufacturer~~ must be prominently displayed
286 at the patron entrance of each amusement ride. If such rider
287 restrictions are not provided by the manufacturer, the owner or
288 manager must provide the department with documentation from the

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289 manufacturer or a licensed professional engineer stating that
290 such rider restrictions are not necessary for the safe operation
291 of the amusement ride.

292 (k)-(j) All amusement rides presented for inspection as
293 ready for operation or in operation must comply with this
294 section and department rule.

295 (l)-(k) A sign containing the toll-free number of the
296 department and informing patrons that they may contact the
297 department with complaints or concerns regarding the safe
298 operation of amusement rides must be posted in a manner
299 conspicuous to the public at each entrance of an a temporary
300 amusement ride ~~facility~~. The department shall prescribe by rule
301 specifications for such signs.

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T I T L E A M E N D M E N T

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Remove lines 17-19 and insert:

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nondestructive testing; requiring the department to remove an