



26 department to prepare a written report of each  
 27 investigation it conducts; revising the circumstances  
 28 under which the owner or manager of an amusement ride  
 29 is required to report an accident and under which the  
 30 department may impound an amusement ride involved in  
 31 an accident; requiring daily owner or manager  
 32 amusement ride inspections to be recorded at the time  
 33 of inspection; requiring the department to establish  
 34 by rule minimum amusement ride training and retraining  
 35 standards; revising training requirements; revising  
 36 circumstances under which an amusement ride may be  
 37 considered an immediate serious danger to the public;  
 38 providing an effective date.

39  
 40 WHEREAS, on March 24, 2022, Tyre Sampson, a 14-year-old boy  
 41 visiting this state from Missouri, fell to his death from the  
 42 Eagle Drop Tower in Orlando, and

43 WHEREAS, after the accident, Department of Agriculture and  
 44 Consumer Services inspectors performed multiple onsite  
 45 inspections of the tower and its components and contracted with  
 46 a third party to conduct a failure analysis assessment of the  
 47 tower, and

48 WHEREAS, the investigators concluded that changes made to  
 49 the ride by the ride operators after initial installation  
 50 contributed to Tyre Sampson's death, and

51 WHEREAS, the proposed changes made by this act are  
 52 necessary to address the safety problems discovered during the  
 53 department's investigation, NOW, THEREFORE,

54  
 55 Be It Enacted by the Legislature of the State of Florida:

56  
 57 Section 1. This act may be cited as the "Tyre Sampson  
 58 Act."

59 Section 2. Paragraphs (r) through (u) of subsection (3) of  
 60 section 616.242, Florida Statutes, are redesignated as  
 61 paragraphs (s) through (v), respectively, paragraph (h) of  
 62 subsection (3), paragraph (b) of subsection (5), paragraph (b)  
 63 and present paragraph (f) of subsection (6), subsection (7),  
 64 paragraph (a) of subsection (8), paragraph (b) of subsection  
 65 (11), subsections (12) and (14), paragraphs (a) and (c) of  
 66 subsection (15), and subsections (16), (17), and (19) of that  
 67 section are amended, and a new paragraph (r) is added to  
 68 subsection (3) and a new paragraph (f) is added to subsection  
 69 (6) of that section, to read:

70 616.242 Safety standards for amusement rides.—

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

72 (h) "Major modification" means any change in the  
 73 structural characteristics, ~~or~~ operational characteristics, or  
 74 safety systems of an amusement ride which will alter its  
 75 performance or settings from those ~~that~~ specified in the

76 manufacturer's design criteria or operator's manual.

77 (r) "Ride commissioning and certification report" means a  
 78 commissioning and certification report by the ride manufacturer  
 79 which certifies that the ride has been designed and manufactured  
 80 in conformance with the manufacturer's design criteria,  
 81 standards referenced in this section, and rules adopted by the  
 82 department.

83 (5) PERMANENT AMUSEMENT RIDE ANNUAL PERMIT.—

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

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

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

93 3. A valid certificate of insurance for each amusement  
 94 ride.

95 4. ~~If required under subsection (7),~~ An annual affidavit  
 96 of compliance and nondestructive testing certifying that the  
 97 amusement ride was inspected in person by the affiant and that  
 98 the amusement ride is in ~~general~~ conformance with the  
 99 requirements of this section and all applicable department  
 100 rules. The affidavit must have been executed by a professional

101 engineer or a qualified inspector within the last calendar year.

102 5. ~~The owner or manager shall,~~ At no cost to the  
103 department, ~~provide the department~~ an electronic copy of the  
104 manufacturer's current recommended operating instructions, the  
105 owner's operating fact sheet, and any written bulletins  
106 concerning the safety, operation, or maintenance of the  
107 amusement ride.

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

111 (6) TEMPORARY AMUSEMENT RIDE PERMIT.—

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

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

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

121 3. A valid certificate of insurance for each amusement  
122 ride.

123 4. ~~If required under subsection (7),~~ An affidavit of  
124 compliance and nondestructive testing certifying that the  
125 amusement ride was inspected in person by the affiant and that

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126 the amusement ride is in ~~general~~ conformance with the  
127 requirements of this section and all applicable department  
128 rules. The affidavit must be executed by a professional engineer  
129 or a qualified inspector.

130 5. ~~The owner or manager shall,~~ At no cost to the  
131 department, ~~provide the department~~ an electronic copy of the  
132 manufacturer's current recommended operating instructions, the  
133 operating fact sheet, and any written bulletins concerning the  
134 safety, operation, or maintenance of the amusement ride.

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

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

139 2. A kiddie ride used at a public event, provided that not  
140 more than three amusement rides are at the event, the kiddie  
141 rides at the event do not exceed a capacity of 12 persons, and  
142 the kiddie ride passed a department inspection and was issued a  
143 permit within the preceding 6 months. Unless the capacity of the  
144 ride has been determined and specified by the manufacturer, the  
145 department shall determine the capacity of the kiddie ride by  
146 rule. An owner or a manager of a kiddie ride operating under  
147 this exemption is responsible for ensuring that not more than  
148 three amusement rides are operated at the event.

149 (g)~~(f)~~ The permit must be displayed in an accessible  
150 location on the amusement ride.

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

152 (a) ~~Except as provided in paragraph (d),~~ An owner or  
 153 manager may not operate an amusement ride unless the owner or  
 154 manager at all times has a current affidavit of nondestructive  
 155 testing from a professional engineer or qualified inspector that  
 156 the amusement ride has undergone nondestructive testing to  
 157 verify the integrity of all components ~~for metal fatigue~~ at  
 158 least annually. The nondestructive testing ~~for metal fatigue~~  
 159 must be conducted more often than annually if required by any  
 160 rule adopted under this section, by the manufacturer of the  
 161 amusement ride, or by the professional engineer or qualified  
 162 inspector executing the affidavit of nondestructive testing. The  
 163 nondestructive testing ~~for metal fatigue~~ must consist at least  
 164 of visual nondestructive testing, as well as nonvisual  
 165 nondestructive testing ~~for metal fatigue~~, which must be  
 166 conducted on the components of the amusement ride as required by  
 167 any rule adopted under this section, by the manufacturer of the  
 168 amusement ride, or by the professional engineer or qualified  
 169 inspector executing the affidavit of nondestructive testing.

170 (b) Nonvisual nondestructive testing must be used to  
 171 verify the integrity of components that, due to their design,  
 172 location, installation, or a combination thereof, cannot be  
 173 adequately evaluated by other means.

174 (c) ~~(b)~~ Nondestructive testing ~~testings~~ must be performed  
 175 by a technician who meets the requirements prescribed by

176 department rule.

177 (d)~~(e)~~ An affidavit of nondestructive testing, on a form  
178 prescribed by department rule, must state, at a minimum, all of  
179 the following:

180 1. That the amusement ride was inspected in person by the  
181 affiant.

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

184 3. That the nondestructive testing was performed by a  
185 qualified nondestructive testing technician.

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

188 5. The type of nondestructive testing required or  
189 recommended by the manufacturer.

190 6. The frequency of the nondestructive testing required or  
191 recommended by the manufacturer.

192 7. The components of the amusement ride for which the  
193 affiant, in addition to the manufacturer's requirements and  
194 recommendations, has recommended or required nondestructive  
195 testing.

196 8. The type of nondestructive testing required or  
197 recommended by the affiant in addition to the manufacturer's  
198 requirements and recommendations. If the affiant does not  
199 require or recommend additional nondestructive testing, the  
200 affiant must affirm that the manufacturer's requirements are

201 sufficient for the safe operation of the amusement ride.

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

204 10. That visual nondestructive testing is adequate for the  
205 amusement ride to be in ~~general~~ conformance with the  
206 requirements of this section and all applicable rules, ~~only~~ if  
207 only visual nondestructive testing is required ~~or recommended~~ by  
208 the manufacturer or the affiant.

209 11. That the amusement ride is in conformance with the  
210 requirements of this section and all applicable department  
211 rules.

212 12. Whether the amusement ride has undergone a major  
213 modification and, if so, the name of the manager, owner, or  
214 operator who authorized the modification and the date the  
215 modification took place.

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

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

224 (8) DEPARTMENT INSPECTIONS.—

225 (a) In order to obtain an annual or a temporary amusement

226 ride permit, an amusement ride must be inspected by the  
 227 department.

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

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

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

233 ~~c. A kiddie ride used at a public event, provided that not~~  
 234 ~~more than three amusement rides are at the event, the kiddie~~  
 235 ~~rides at the event do not exceed a capacity of 12 persons, and~~  
 236 ~~the kiddie ride passed a department inspection and was issued a~~  
 237 ~~permit within the preceding 6 months. The capacity of a kiddie~~  
 238 ~~ride shall be determined by department rule, unless the capacity~~  
 239 ~~of the ride has been determined and specified by the~~  
 240 ~~manufacturer. Any owner or manager of a kiddie ride operating~~  
 241 ~~under this exemption is responsible for ensuring that not more~~  
 242 ~~than three amusement rides are operated at the event.~~

243 ~~2.~~ The department shall inspect permanent amusement rides  
 244 6 months after the issuance of the annual permit. The required  
 245 inspection may be waived for a permanent amusement ride if it  
 246 was inspected and certified by an accredited trade organization  
 247 as defined by department rule.

248 (11) EXEMPTIONS.—

249 (b) All of the following are exempt from subsections (5),  
 250 (6), (8), and (9), but may be inspected by the department upon

251 request, following a complaint or pursuant to an accident that  
252 is required to be reported under subsection (15), and such  
253 exemption may be removed if the exempted amusement ride is found  
254 to have been operating in a manner or circumstance that presents  
255 a risk or resulted in a serious injury to patrons:

256 1. Museums or other institutions principally devoted to  
257 the exhibition of products of agriculture, industry, education,  
258 science, religion, or the arts.

259 2. Conventions or trade shows for the sale or exhibit of  
260 amusement rides if there are a minimum of 15 amusement rides on  
261 display or exhibition and if any operation of such amusement  
262 rides is limited to the registered attendees of the convention  
263 or trade show.

264 3. Nonmotorized playground equipment that is not required  
265 to have a manager.

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

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

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

275 7. Mechanically driven vehicles that pull train cars,

276 carts, wagons, or other similar vehicles, that are not confined  
277 to a metal track or confined to an area but are steered by an  
278 operator and do not exceed a speed of 4 miles per hour.

279 8. A water-related amusement ride operated by a business  
280 licensed under chapter 509 if the water-related amusement ride  
281 is an incidental amenity and the operating business is not  
282 primarily engaged in providing amusement, pleasure, thrills, or  
283 excitement and does not offer day rates.

284 9. An amusement ride at a private, membership-only  
285 facility if the amusement ride is an incidental amenity and the  
286 facility is not open to the general public; is not primarily  
287 engaged in providing amusement, pleasure, thrills, or  
288 excitement; and does not offer day rates.

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

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

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

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

297 (c) Parts must be properly aligned and may not be bent,  
298 distorted, cut, or otherwise injured to force a fit. Parts  
299 requiring lubrication must be lubricated in the course of  
300 assembly. Fastening and locking devices must be installed when

301 required for safe operation.

302 (d) The proper positioning, measurements, and  
303 demonstration of proper patron loading procedures related to  
304 patron safety restraint systems must be provided to the  
305 department upon request.

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

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

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

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

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

323 (j)~~(i)~~ Signs that advise or warn patrons of age  
324 restrictions, size restrictions, health restrictions, weight  
325 limitations, or any other special consideration or use

326 restrictions, or lack thereof, required or recommended for the  
327 amusement ride by the manufacturer must be prominently displayed  
328 at the patron entrance of each amusement ride. If such rider  
329 restrictions are not provided by the manufacturer, the owner or  
330 manager must provide the department with documentation from the  
331 manufacturer or a licensed professional engineer stating that  
332 such rider restrictions are not necessary for the safe operation  
333 of the amusement ride.

334 (k)~~(j)~~ All amusement rides presented for inspection as  
335 ready for operation or in operation must comply with this  
336 section and department rule.

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

344 (14) ENTRY FOR INSPECTION OR INVESTIGATION.—

345 (a) Upon presentation of identification, an authorized  
346 employee of the department may enter unannounced and inspect  
347 amusement rides at any time and in a reasonable manner and has  
348 the right to question any owner, operator, or manager; to  
349 inspect, investigate, photograph, and sample all pertinent  
350 places, areas, and devices and review required documentation;

351 and to conduct or have conducted all appropriate tests,  
 352 including nondestructive testing. The department may impose fees  
 353 for unannounced inspections and recover the cost of tests  
 354 authorized by this subsection.

355 (b) The department shall prepare a written report of each  
 356 investigation it conducts.

357 (15) REPORTING AND INVESTIGATION OF ACCIDENTS AND DEFECTS;  
 358 IMPOUNDMENTS.—

359 (a) Any accident of which the owner or manager has  
 360 knowledge or, through the exercise of reasonable diligence  
 361 should have knowledge, and for which a patron seeks treatment at  
 362 is transported to a hospital or an urgent care center, as those  
 363 terms are defined in chapter 395, must be reported by the owner  
 364 or manager to the department by telephone within 4 hours after  
 365 the occurrence of the accident or after notification by the  
 366 patron and must be followed up by a written report to the  
 367 department within 24 hours after the occurrence of the accident  
 368 or after notification by the patron.

369 (c) The department may impound an amusement ride involved  
 370 in an accident for which a patron seeks treatment at ~~is~~  
 371 ~~transported to~~ a hospital or an urgent care center as those  
 372 terms are defined in chapter 395 or which has a mechanical,  
 373 structural, or electrical defect affecting patron safety; may  
 374 impound any other amusement ride of a similar make and model or  
 375 with similar operating characteristics; and may perform all

376 necessary tests to determine the cause of the accident or the  
377 mechanical, structural, or electrical defect or to determine the  
378 safety of the amusement ride and any other amusement ride of a  
379 similar make and model or with similar operating  
380 characteristics. The cost of impounding the amusement ride and  
381 performing the necessary tests must be borne by the owner of the  
382 amusement ride.

383 (16) INSPECTION BY OWNER OR MANAGER.—Before opening on  
384 each day of operation and before any inspection by the  
385 department, the owner or manager of an amusement ride must  
386 inspect and test each amusement ride to ensure compliance with  
387 this section. Each inspection must be recorded at the time of  
388 inspection on a form prescribed by department rule and signed by  
389 the person who conducted the inspection. In lieu of the form  
390 prescribed by department rule, the owner or manager may request  
391 approval of an alternative form that includes, at a minimum, the  
392 information required on the form prescribed by department rule.  
393 Inspection records of the last 14 daily inspections must be kept  
394 on site by the owner or manager and made immediately available  
395 to the department upon request.

396 (17) TRAINING OF EMPLOYEES.—

397 (a) The department shall establish by rule minimum  
398 training and retraining standards and the frequency of employee  
399 training for all amusement rides.

400 (b) The owner or manager of an amusement ride shall

401 maintain a record of employee training for each employee  
 402 authorized to operate, assemble, disassemble, transport, or  
 403 conduct maintenance on an amusement ride on a form prescribed by  
 404 department rule. In lieu of the form prescribed by department  
 405 rule, the owner or manager may request approval of an  
 406 alternative form that includes, at a minimum, the information  
 407 required on the form prescribed by department rule. The training  
 408 record must be kept on site by the owner or manager and made  
 409 immediately available to the department upon request. Training  
 410 may not be conducted when an amusement ride is open to the  
 411 public unless the training is conducted under the supervision of  
 412 an employee who is trained in the operation of that ride. The  
 413 owner or manager shall immediately document all training  
 414 following each training session and certify that each employee  
 415 is trained, as required by this section and any rules adopted  
 416 thereunder, on the amusement ride for which the employee is  
 417 responsible.

418 (19) IMMEDIATE FINAL ORDERS.—

419 (a) An amusement ride that fails to meet the requirements  
 420 of this section or pass the inspections required by this  
 421 section; that is involved in an accident for which a patron  
 422 seeks treatment at ~~is transported to~~ a hospital or an urgent  
 423 care center as those terms are defined in chapter 395; or that  
 424 has a mechanical, structural, or electrical defect that affects  
 425 patron safety may be considered an immediate serious danger to

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426 | the public health, safety, and welfare and, upon issuance of an  
427 | immediate final order prohibiting patron use of the ride, may  
428 | not be operated for patron use until it has passed a subsequent  
429 | inspection by or at the direction of the department.

430 |       (b) An amusement ride of a similar make and model or with  
431 | similar operating characteristics to an amusement ride described  
432 | in paragraph (a) may be considered an immediate serious danger  
433 | to the public health, safety, and welfare and, upon issuance of  
434 | an immediate final order prohibiting patron use of the ride, may  
435 | not be operated for patron use until it has passed a subsequent  
436 | inspection by or at the direction of the department.

437 |       Section 3. This act shall take effect July 1, 2023.