

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN                                    (Y/N)  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

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1 Committee/Subcommittee hearing bill: Commerce Committee  
2 Representative McClure offered the following:

3  
4            **Amendment (with title amendment)**

5            Remove lines 254-255 and insert:

6            Section 12. Subsections (11) and (15) of section 616.242,  
7 Florida Statutes, is amended to read:

8            616.242 Safety standards for amusement rides.—

9            (11) EXEMPTIONS AND PATRON PROTECTIONS.—

10           (a) This section does not apply to:

11           ~~1. Permanent facilities that employ at least 1,000 full-~~  
12 ~~time employees and that maintain full-time, in-house safety~~  
13 ~~inspectors. However, the permanent facilities must file an~~  
14 ~~affidavit of the annual inspection with the department on a form~~  
15 ~~prescribed by department rule. The department may consult~~  
16 ~~annually with the permanent facilities regarding industry safety~~

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17 ~~programs.~~

18 ~~1.2.~~ Any playground operated by a school, a local  
19 government, or a business licensed under chapter 509, if the  
20 playground is an incidental amenity and the operating entity is  
21 not primarily engaged in providing amusement, pleasure, thrills,  
22 or excitement.

23 ~~2.3.~~ Skating rinks; arcades; laser or paint ball war  
24 games; bowling alleys; miniature golf courses; mechanical bulls;  
25 inflatable rides; trampolines; ball crawls; exercise equipment;  
26 jet skis; paddle boats; airboats; helicopters; airplanes;  
27 parasails; hot air or helium balloons, whether tethered or  
28 untethered; theatres; batting cages; stationary spring-mounted  
29 fixtures; rider-propelled merry-go-rounds; games; side shows;  
30 live animal rides; or live animal shows.

31 ~~3.4.~~ Go-karts operated in competitive sporting events if  
32 participation is not open to the public.

33 (b) Each amusement ride identified in paragraphs (1)-(10)  
34 may be inspected by the department following a complaint or  
35 pursuant to an accident that is required to be reported under  
36 subsection (15), but is exempt from subsections (5), (6), and  
37 (8) unless the amusement ride is determined to have been  
38 operating in a manner or circumstance that presented a risk of  
39 or resulted in a serious injury to a patron. Upon such  
40 determination, the amusement ride shall be subject to all of the  
41 provisions of this section for a period of one year, after which

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42 time the owner or operator of the amusement ride may apply for  
43 reinstatement of its exemption from subsections (5), (6), and  
44 (8). Application for reinstatement of an exemption shall be made  
45 on a form adopted by rule of the department and shall include  
46 any information the department deems necessary to evaluate the  
47 safety of the amusement ride and its operations. This subsection  
48 applies to all amusement rides identified in paragraphs (1)-  
49 (10), including:

50 ~~(b) All of the following are exempt from subsections (5),~~  
51 ~~(6), (8) and (9), but may be inspected by the department~~  
52 ~~following a complaint or pursuant to an accident that is~~  
53 ~~required to be reported under subsection (15), and such~~  
54 ~~exemption may be removed if the exempted amusement ride is found~~  
55 ~~to have been operating in a manner or circumstance that presents~~  
56 ~~a risk or resulted in a serious injury to patrons:~~

57 1. An amusement ride operated at a museum ~~Museums~~ or other  
58 institutions principally devoted to the exhibition of products  
59 of agriculture, industry, education, science, religion, or the  
60 arts.

61 2. An amusement ride operated at a convention ~~Conventions~~  
62 or trade shows for the sale or exhibit of amusement rides if  
63 there are a minimum of 15 amusement rides on display or  
64 exhibition and if any operation of such amusement rides is  
65 limited to the registered attendees of the convention or trade  
66 show.

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67 3. Nonmotorized playground equipment that is not required  
68 to have a manager.

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

73 5. An amusement ride operated at a facility ~~Facilities~~  
74 described in s. 549.09(1)(a) when such facility ~~facilities~~ is  
75 ~~are~~ operating cars, trucks, or motorcycles only.

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

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

83 8. A water-related amusement ride operated by a business  
84 licensed under chapter 509 if the water-related amusement ride  
85 is an incidental amenity and the operating business is not  
86 primarily engaged in providing amusement, pleasure, thrills, or  
87 excitement and does not offer day rates.

88 9. An amusement ride at a private, membership-only  
89 facility if the amusement ride is an incidental amenity and the  
90 facility is not open to the general public; is not primarily  
91 engaged in providing amusement, pleasure, thrills, or

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92 excitement; and does not offer day rates.

93 10. An amusement ride operated at a nonprofit permanent  
94 facility registered under chapter 496 which is not open to the  
95 general public.

96 (c) Each amusement ride operated at a permanent facility  
97 that employs at least 1,000 full-time employees and that  
98 maintains full-time, in-house safety inspectors may be inspected  
99 by the department following a complaint, except that it shall be  
100 inspected pursuant to an accident that is required to be  
101 reported under subsection (15), but is exempt from subsections  
102 (5), (6), and (8) unless the amusement ride is determined to  
103 have been operating in a manner or circumstance that presented a  
104 risk of or resulted in a serious injury to a patron. Upon such  
105 determination, the amusement ride shall be subject to all of the  
106 provisions of this section for a period of one year, after which  
107 time the owner or operator of the amusement ride may apply for  
108 reinstatement of its exemption from subsections (5), (6), and  
109 (8). Application for reinstatement of an exemption shall be made  
110 on a form adopted by rule of the department and shall include  
111 any information the department deems necessary to evaluate the  
112 safety of the amusement ride and its operations.

113 (d) The department shall collect an inspection fee as set  
114 forth in rule for any inspection performed following receipt of  
115 a report required to be filed under subsection (15).

116 (e)-(e) The department may establish by rule exemptions

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117 from this section or from subsections (5), (6), and (8) for  
118 specific rides or types of rides.

119 (15) REPORTING AND INVESTIGATION OF ACCIDENTS AND DEFECTS;  
120 IMPOUNDMENTS.—

121 (a) Any accident of which the owner or manager has  
122 knowledge or, through the exercise of reasonable diligence  
123 should have knowledge, and for which a patron seeks treatment at  
124 ~~is transported to~~ a hospital or an urgent care center, as those  
125 terms are defined in chapter 395, must be reported by the owner  
126 or manager to the department by telephone within 4 hours after  
127 the occurrence of the accident or after notification by the  
128 patron and must be followed up by a written report to the  
129 department within 24 hours after the occurrence of the accident  
130 or after notification by the patron.

131 (b) Any mechanical, structural, or electrical defects or  
132 failures affecting patron safety for which an amusement ride is  
133 closed to patron use must be reported by the owner or manager to  
134 the department by telephone or facsimile within 8 hours after  
135 the closing of the ride. A written report of the closing of the  
136 ride, on a form prescribed by department rule, must be filed by  
137 the owner or manager with the department within 24 hours after  
138 the closing of the amusement ride. The affected ride must remain  
139 closed until repairs are reviewed and the ride is released for  
140 operation by the department.

141 (c) The department may impound an amusement ride involved

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142 in an accident for which a patron seeks treatment at is  
143 ~~transported to~~ a hospital or an urgent care center as those  
144 terms are defined in chapter 395 or which has a mechanical,  
145 structural, or electrical defect affecting patron safety; may  
146 impound any other amusement ride of a similar make, ~~and~~ model,  
147 or operating characteristics; and may perform all necessary  
148 tests to determine the cause of the accident or the mechanical,  
149 structural, or electrical defect or to determine the safety of  
150 the amusement ride and any other amusement ride of a similar  
151 make, ~~and~~ model, or operating characteristics. The cost of  
152 impounding the amusement ride and performing the necessary tests  
153 must be borne by the owner of the amusement ride.

154 Section 13. For the 2023-2024 fiscal year, the sum of  
155 \$2,513,248 in recurring funds and \$677,212 in nonrecurring funds  
156 from General Revenue are appropriated to the Department of  
157 Agriculture and Consumer Services and 18 full-time positions are  
158 authorized for the purpose of implementing the revisions in the  
159 bill to s. 616.242, F.S.

161 -----  
162 **T I T L E A M E N D M E N T**

163 Remove line 22 and insert:

164 and "Category V LP gas installer"; amending s. 616.242,  
165 F.S.; revising exemptions to safety standards for

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1307 (2023)

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166 amusement rides; revising reporting and investigation of  
167 accidents and defects requirements; creating s.