

By Senator Yarborough

4-00716A-23

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1 A bill to be entitled  
2 An act relating to roller skating rink safety;  
3 creating s. 768.395, F.S.; providing legislative  
4 findings; defining terms; providing that an operator  
5 of a roller skating rink is not liable for damages or  
6 personal injury resulting from inherent risks of  
7 roller skating; providing exceptions; providing that  
8 certain persons assume the inherent risk of roller  
9 skating; providing that an operator is not required to  
10 eliminate, alter, or control the inherent risks in  
11 roller skating; establishing the responsibilities of  
12 roller skaters; providing that failure to take certain  
13 actions or comply with certain responsibilities  
14 constitutes negligence; providing an effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18 Section 1. Section 768.395, Florida Statutes, is created to  
19 read:

20 768.395 Roller skating rink safety.—

21 (1) This section may be cited as the "Roller Skating Rink  
22 Safety Act."

23 (2) (a) The Legislature finds that the recreational activity  
24 of roller skating is practiced by a large number of residents of  
25 the state, roller skating is a wholesome and healthy family  
26 activity that should be encouraged, and the allocation of risks  
27 and costs of roller skating is an important matter of public  
28 policy.

29 (b) The Legislature further finds that owners of roller

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30 skating rinks face great difficulty in obtaining liability  
31 insurance coverage at an affordable cost and that the lack of  
32 affordable insurance coverage affects not only owners of roller  
33 skating rinks, but also persons who may suffer personal injuries  
34 or property damages as a result of accidents that occur on the  
35 premises of a roller skating rink. In order to make it more  
36 economically feasible for insurance companies to provide  
37 coverage to roller skating rinks at an affordable rate to the  
38 owners, occurrences resulting in liability to owners should be  
39 more predictable by limiting the liability that may be incurred  
40 by the owners and encouraging the development and implementation  
41 of risk reduction techniques. This section shall be liberally  
42 construed to carry out the purposes of this section.

43 (3) As used in this section, the term:

44 (a) "Inherent risk" means those dangers or conditions that  
45 are characteristic of, intrinsic to, or an integral part of the  
46 activity of roller skating.

47 (b) "Operator" means a person or entity that owns, manages,  
48 controls, directs, or has operational responsibility for a  
49 roller skating rink.

50 (c) "Roller skater" means a person who participates in the  
51 activity of roller skating while in a roller skating rink.

52 (d) "Roller skating rink" means a building, facility, or  
53 premises that provides an area specifically designed to be used  
54 for roller skating.

55 (e) "Spectator" means a person in a roller skating rink  
56 whose participation is limited to observing the activity of  
57 roller skating.

58 (4) An operator is not liable to a roller skater or

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59 spectator for any damages or personal injury resulting from the  
60 inherent risks of roller skating.

61 (5) This section does not limit liability that would  
62 otherwise exist if the operator fails to:

63 (a) Conspicuously post in at least three areas on the  
64 premises, the responsibilities of roller skaters and spectators  
65 under subsection (6) and the duties of the operator under this  
66 subsection.

67 (b) Maintain the stability and legibility of all signs,  
68 symbols, and posted notices required by this section.

69 (c) Have as least one roller skating rink supervisor or  
70 manager on duty for every 200 skaters when the roller skating  
71 rink is open for business.

72 (d) Maintain the skating surface in a reasonably safe  
73 condition and clean and inspect the skating surface before each  
74 skating session.

75 (e) Maintain in good condition the railings, kickboards,  
76 and walls surrounding the skating surface.

77 (f) Ensure that all coverings on risers are securely  
78 fastened in roller skating rinks with step-up or step-down  
79 skating surfaces.

80 (g) Install and regularly inspect fire extinguishers.

81 (h) Inspect emergency lights at least quarterly to ensure  
82 the lights are in proper working order.

83 (i) Keep exit lights and service area lights on when  
84 skating surface lights are turned off during a skating session.

85 (j) Inspect and maintain in good mechanical condition  
86 roller skating equipment that the operator leases or rents to  
87 roller skaters.

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88 (k) Comply with all applicable state and local safety  
89 codes.

90 (6) (a) A roller skater or spectator at a roller skating  
91 rink assumes the inherent risks in the activity of roller  
92 skating irrespective of age, and is legally responsible for all  
93 damages and injury to himself or herself or other persons or  
94 property which result from this activity. An operator is not  
95 required to eliminate, alter, or control the inherent risks in  
96 this activity.

97 (b) While engaging in the activity of roller skating at a  
98 roller skating rink, a roller skater must:

99 1. Maintain reasonable control of his or her speed and  
100 direction of travel at all times.

101 2. Heed all posted signs and warnings.

102 3. Maintain a proper awareness to avoid other roller  
103 skaters and objects.

104 4. Accept the responsibility for knowing the range of his  
105 or her own ability to negotiate the intended direction of travel  
106 while roller skating and to skate within the limits of that  
107 ability.

108 5. Refrain from acting in a manner that may cause or  
109 contribute to his or her own personal injury or the personal  
110 injury of another person.

111 (7) (a) This section does not limit the liability of an  
112 operator for personal injuries or damages caused by an act of  
113 gross negligence by the operator or his or her employees.

114 (b) Failure of an operator to take the actions described in  
115 subsection (5) or a roller skater to comply with paragraph

116 (6) (b) constitutes negligence.

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Section 2. This act shall take effect July 1, 2023.