

20231458er

1
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

20231458er

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

20231458er

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 at 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.

20231458er

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

90 (l) Take reasonable action to correct a dangerous condition
91 that is known or reasonably should have been known.

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

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

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

103 2. Heed all posted signs and warnings.

104 3. Maintain a proper awareness to avoid other roller
105 skaters and objects.

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

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

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

116 (b) Failure of an operator to take the actions described in

20231458er

117 subsection (5) or a roller skater to comply with paragraph
118 (6)(b) constitutes negligence.

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