



441816

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/19/2023	.	
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	.	
	.	

The Appropriations Committee on Agriculture, Environment, and General Government (Thompson) recommended the following:

1
2 **Senate Amendment (with title amendment)**
3 Delete lines 60 - 384
4 and insert:
5 Section 2. Present paragraphs (r) through (u) of subsection
6 (3) of section 616.242, Florida Statutes, are redesignated as
7 paragraphs (s) through (v), respectively, a new paragraph (r) is
8 added to that subsection and paragraph (g) is added to
9 subsection (6) of that section, and paragraph (h) of subsection
10 (3), paragraph (b) of subsection (5), paragraphs (b) and (f) of
11 subsection (6), subsection (7), paragraph (a) of subsection (8),



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12 paragraph (b) of subsection (11), subsections (12) and (14),
13 paragraphs (a) and (c) of subsection (15), and subsections (16),
14 (17), and (19) of that section are amended, to read:

15 616.242 Safety standards for amusement rides.—

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

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

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

28 (5) PERMANENT AMUSEMENT RIDE ANNUAL PERMIT.—

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

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

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

38 3. A valid certificate of insurance for each amusement
39 ride.

40 4. ~~If required under subsection (7),~~ An annual affidavit of



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41 compliance and nondestructive testing certifying that the
42 amusement ride was inspected in person by the affiant and that
43 the amusement ride is in ~~general~~ conformance with the
44 requirements of this section and all applicable department
45 rules. The affidavit must have been executed by a professional
46 engineer or a qualified inspector within the last calendar year.

47 ~~5. The owner or manager shall,~~ At no cost to the
48 department, ~~provide the department~~ an electronic copy of the
49 manufacturer's current recommended operating instructions, the
50 owner's operating fact sheet, and any written bulletins
51 concerning the safety, operation, or maintenance of the
52 amusement ride.

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

56 (6) TEMPORARY AMUSEMENT RIDE PERMIT.—

57 (b) To apply for a permit, an owner or manager must submit
58 to the department a written application on a form prescribed by
59 department rule. The written application, which must include all
60 of the following:

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

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

66 3. A valid certificate of insurance for each amusement
67 ride.

68 4. ~~If required under subsection (7),~~ An affidavit of
69 compliance and nondestructive testing certifying that the



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70 amusement ride was inspected in person by the affiant and that
71 the amusement ride is in ~~general~~ conformance with the
72 requirements of this section and all applicable department
73 rules. The affidavit must be executed by a professional engineer
74 or a qualified inspector.

75 ~~5. The owner or manager shall,~~ At no cost to the
76 department, ~~provide the department~~ an electronic copy of the
77 manufacturer's current recommended operating instructions, the
78 operating fact sheet, and any written bulletins concerning the
79 safety, operation, or maintenance of the amusement ride.

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

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

84 2. A kiddie ride used at a public event, provided that not
85 more than three amusement rides are at the event, the kiddie
86 rides at the event do not exceed a capacity of 12 persons, and
87 the kiddie ride passed a department inspection and was issued a
88 permit within the preceding 6 months. Unless the capacity of the
89 ride has been determined and specified by the manufacturer, the
90 department shall determine the capacity of the kiddie ride by
91 rule. An owner or a manager of a kiddie ride operating under
92 this exemption is responsible for ensuring that not more than
93 three amusement rides are operated at the event.

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

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

97 (a) ~~Except as provided in paragraph (d),~~ An owner or
98 manager may not operate an amusement ride unless the owner or



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99 manager at all times has a current affidavit of nondestructive
100 testing from a professional engineer or qualified inspector that
101 the amusement ride has undergone nondestructive testing to
102 verify the integrity of all components ~~for metal fatigue~~ at
103 least annually. The nondestructive testing ~~for metal fatigue~~
104 must be conducted more often than annually if required by any
105 rule adopted under this section, by the manufacturer of the
106 amusement ride, or by the professional engineer or qualified
107 inspector executing the affidavit of nondestructive testing. The
108 nondestructive testing ~~for metal fatigue~~ must consist at least
109 of visual nondestructive testing, as well as nonvisual
110 nondestructive testing ~~for metal fatigue~~, which must be
111 conducted on the components of the amusement ride as required by
112 any rule adopted under this section, by the manufacturer of the
113 amusement ride, or by the professional engineer or qualified
114 inspector executing the affidavit of nondestructive testing.

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

119 (c) Nondestructive testing ~~testings~~ must be performed by a
120 technician who meets the requirements prescribed by department
121 rule.

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

125 1. That the amusement ride was inspected in person by the
126 affiant.

127 2. That all of the manufacturer's nondestructive testing



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128 requirements and recommendations are current.

129 3. That the nondestructive testing was performed by a
130 qualified nondestructive testing technician.

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

133 5. The type of nondestructive testing required or
134 recommended by the manufacturer.

135 6. The frequency of the nondestructive testing required or
136 recommended by the manufacturer.

137 7. The components of the amusement ride for which the
138 affiant, in addition to the manufacturer's requirements and
139 recommendations, has recommended or required nondestructive
140 testing.

141 8. The type of nondestructive testing required or
142 recommended by the affiant in addition to the manufacturer's
143 requirements and recommendations. If the affiant does not
144 require or recommend additional nondestructive testing, the
145 affiant must affirm that the manufacturer's requirements are
146 sufficient for the safe operation of the amusement ride.

147 9. The frequency of the nondestructive testing as required
148 or recommended by the affiant.

149 10. That visual nondestructive testing is adequate for the
150 amusement ride to be in ~~general~~ conformance with the
151 requirements of this section and all applicable rules, ~~only~~ if
152 only visual nondestructive testing is required ~~or recommended~~ by
153 the manufacturer or the affiant.

154 11. That the amusement ride is in conformance with the
155 requirements of this section and all applicable department
156 rules.



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157 12. Whether the amusement ride has undergone a major
158 modification and, if so, the name of the manager, owner, or
159 operator who authorized the modification and the date the
160 modification took place.

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

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

169 (8) DEPARTMENT INSPECTIONS.—

170 (a) In order to obtain an annual or a temporary amusement
171 ride permit, an amusement ride must be inspected by the
172 department.

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

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

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

178 ~~c. A kiddie ride used at a public event, provided that not~~
179 ~~more than three amusement rides are at the event, the kiddie~~
180 ~~rides at the event do not exceed a capacity of 12 persons, and~~
181 ~~the kiddie ride passed a department inspection and was issued a~~
182 ~~permit within the preceding 6 months. The capacity of a kiddie~~
183 ~~ride shall be determined by department rule, unless the capacity~~
184 ~~of the ride has been determined and specified by the~~
185 ~~manufacturer. Any owner or manager of a kiddie ride operating~~



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186 ~~under this exemption is responsible for ensuring that not more~~
187 ~~than three amusement rides are operated at the event.~~

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

193 (11) EXEMPTIONS.—

194 (b) All of the following are exempt from subsections (5),
195 (6), (8), and (9), but may be inspected by the department upon
196 request following a complaint or pursuant to an accident that is
197 required to be reported under subsection (15), and such
198 exemption may be removed if the exempted amusement ride is found
199 to have been operating in a manner or circumstance that presents
200 a risk or resulted in a serious injury to patrons:

201 1. Museums or other institutions principally devoted to the
202 exhibition of products of agriculture, industry, education,
203 science, religion, or the arts.

204 2. Conventions or trade shows for the sale or exhibit of
205 amusement rides if there are a minimum of 15 amusement rides on
206 display or exhibition and if any operation of such amusement
207 rides is limited to the registered attendees of the convention
208 or trade show.

209 3. Nonmotorized playground equipment that is not required
210 to have a manager.

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



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

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

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

224 8. A water-related amusement ride operated by a business
225 licensed under chapter 509 if the water-related amusement ride
226 is an incidental amenity and the operating business is not
227 primarily engaged in providing amusement, pleasure, thrills, or
228 excitement and does not offer day rates.

229 9. An amusement ride at a private, membership-only facility
230 if the amusement ride is an incidental amenity and the facility
231 is not open to the general public; is not primarily engaged in
232 providing amusement, pleasure, thrills, or excitement; and does
233 not offer day rates.

234 10. A nonprofit permanent facility registered under chapter
235 496 which is not open to the general public.

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

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

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

242 (c) Parts must be properly aligned and may not be bent,
243 distorted, cut, or otherwise injured to force a fit. Parts



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244 requiring lubrication must be lubricated in the course of
245 assembly. Fastening and locking devices must be installed when
246 required for safe operation.

247 (d) The proper positioning, measurements, and demonstration
248 of proper patron loading procedures related to patron safety
249 restraint systems must be provided to the department upon
250 request.

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

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

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

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

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

268 (j)~~(i)~~ Signs that advise or warn patrons of age
269 restrictions, size restrictions, health restrictions, weight
270 limitations, or any other special consideration or use
271 restrictions, or lack thereof, required or recommended for the
272 amusement ride by the manufacturer must be prominently displayed



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273 at the patron entrance of each amusement ride. If such rider
274 restrictions are not provided by the manufacturer, the owner or
275 manager must provide the department with documentation from the
276 manufacturer or a licensed professional engineer stating that
277 such rider restrictions are not necessary for the safe operation
278 of the amusement ride.

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

282 (l)~~(k)~~ A sign containing the toll-free number of the
283

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

285 And the title is amended as follows:

286 Delete lines 17 - 19

287 and insert:

288 nondestructive testing; requiring the department to
289 remove an