

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Appropriations Committee on Agriculture, Environment, and General Government

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BILL: CS/CS/SB 902

INTRODUCER: Appropriations Committee on Agriculture, Environment, and General Government; Agriculture Committee; and Senator Thompson

SUBJECT: Safety Standards for Amusement Rides

DATE: April 20, 2023

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Burse</u>	<u>Becker</u>	<u>AG</u>	<u>Fav/CS</u>
2.	<u>Blizzard</u>	<u>Betta</u>	<u>AEG</u>	<u>Fav/CS</u>
3.	_____	_____	<u>FP</u>	_____

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/CS/SB 902, the “Tyre Sampson Act” requires permanent amusement rides operated for the first time in this state after a specified date, to have a ride commissioning and certification report on file with the Department of Agriculture and Consumer Services (department) within a specified timeframe. The bill provides requirements for permanent and temporary amusement ride permits and creates new reporting requirements for an affidavit of nondestructive testing.

Additionally, the bill revises the circumstances under which the owner or manager of an amusement ride is required to report an accident and under which the department may impound an amusement ride involved in an accident.

The bill has a significant fiscal impact to the Department of Agriculture and Consumer Services. See Section V. Fiscal Impact Statement.

This bill takes effect July 1, 2023.

## II. Present Situation:

### Tyre Sampson

In March 2022, 14 year old Tyre Sampson fell to his death from the 400-foot (122-meter) drop tower ride operated by Orlando Slingshot.<sup>1</sup> Outside engineers reported that sensors on the ride had been adjusted manually to double the size of the opening for restraints on two seats, resulting in the teen not being properly secured.<sup>2</sup> The ride has since been shut down and the company has been fined by the Department of Agriculture and Consumer Services (department).

### Amusement Ride Inspections

The department is required to inspect all amusement rides in Florida, except those at large parks with more than 1,000 employees and an inspector on staff. The Bureau of Fair Rides Inspection within the department is required to inspect, investigate, and enforce the regulations related to amusement rides.<sup>3</sup>

Amusement rides regulated in the state of Florida fall into two major groups:

- Temporary amusement rides (those that are regularly relocated with or without assembly); and
- Permanent facility amusement rides (those that are not regularly relocated and operate as a lasting part of the premises).<sup>4</sup>

All temporary amusement rides are inspected each time they are moved or set up at a new location, and permanent rides are inspected semiannually. All amusement rides are required to be permitted annually, are required to undergo nondestructive testing for structural integrity, and must have an annual inspection by a professional engineer or qualified inspector.<sup>5</sup>

The department also inspects go-kart tracks, water-related amusement rides, and zip-line courses operating in the state.<sup>6</sup>

In addition, the department investigates accidents involving amusement rides, and has the authority to impose sanctions on amusement ride owners for violation of the law. The department can close and impound amusement rides that pose an immediate serious danger to public health, safety, and welfare.<sup>7</sup>

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<sup>1</sup> <https://www.mysuncoast.com/2022/11/22/florida-amusement-park-where-tyre-sampson-fell-his-death-fined-250000/> (last visited February 24, 2023)

<sup>2</sup> *Id.*

<sup>3</sup> Section 616.242, F.S.

<sup>4</sup> Florida Department of Agriculture and Consumer Services, Fair Rides Inspection, <https://fdacs.gov/Business-Services/Fairs/Fair-Rides-Inspection> (last visited February 24, 2023).

<sup>5</sup> Florida Department of Agriculture and Consumer Services, Fair Rides Inspection, <https://fdacs.gov/Business-Services/Fairs/Fair-Rides-Inspection> (last visited February 28, 2023).

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

## Adoption of Standards

The department is required to adopt by rule standards for amusement rides which are the same as or similar to the following national standards:

- American Society for Testing and Materials (ASTM) Committee F-24 Standards on Amusement Rides and Devices.
- National Electric Code Handbook, Article 525.
- National Fire Protection Code 101 (chapters 8-4.6 and 9-4.6).
- ASTM Standards: E543 Practice for Determining the Qualification of Nondestructive Testing Agencies.
- American Society for Nondestructive Testing (ASNT) Document Recommended Practice for Nondestructive Testing Personnel Qualification and Certification (SNT-TC-1A).<sup>8</sup>

The department is authorized to adopt rules necessary to effectuate its statutory duties in the interest of public health, safety, and welfare and to promote patron safety in the design, construction, assembly, disassembly, maintenance, and operation of amusement rides in this state.<sup>9</sup>

There are no mandatory national safety standards for United States amusement rides, but the amusement ride industry has developed safety standards through the ASTM F-24 committee. The ASTM F-24 committee is responsible for standards related to amusement rides and devices. This includes waterslides, inflatables, go-karts, zip-lines and challenge courses, trampoline courts, and a growing list of commercially-operated amusement experiences.<sup>10</sup>

## Annual Permits

Amusement rides may not operate without an annual permit. To apply, an owner must submit to the department a written application on a form prescribed by department rule, and include:

- The legal name, address, and primary place of business of the owner.
- A description, manufacturer's name, serial number, model number, and, if previously assigned, the United States Amusement Identification Number of the amusement ride.
- A valid certificate of insurance for each amusement ride.
- An affidavit of compliance that the amusement ride was inspected and in general conformance with the law and applicable rules. The affidavit of compliance must be executed by a professional engineer or a qualified inspector no earlier than 60 days before, but not later than, the date of filing of the application with the department.
- A request of inspection and permitting of the amusement ride within 60 days of the date of filing the application with the department.<sup>11</sup>

Upon request, the owner must, at no cost to the department, provide the department with a copy of the manufacturer's current recommended operating instructions in the possession of the

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<sup>8</sup> Section 616.242(4), F.S.

<sup>9</sup> *Id.*

<sup>10</sup> ASTM International, *Committee F24 on Amusement Rides and Devices*, <https://www.astm.org/get-involved/technical-committees/committee-f24>

(Last visited February 28, 2023).

<sup>11</sup> Section 616.242(5), F.S.

owner, the owner's operating fact sheet, and any written bulletins in the possession of the owner concerning the safety, operation, or maintenance of the amusement ride.<sup>12</sup>

An annual permit must be issued to the owner when a completed application has been received, the amusement ride has passed department inspection, and all applicable fees, as set by department rule,<sup>13</sup> have been paid.<sup>14</sup>

The annual permit:

- Is valid for one year from the date of issuance;
- Is not transferable; and
- Must be displayed on the amusement ride in a place that is visible to patrons.<sup>15</sup>

### **Nondestructive Testing**

In order to operate an amusement ride the owner must at all times have a current affidavit of nondestructive testing from a professional engineer or qualified inspector. The affidavit provides that the amusement ride has undergone nondestructive testing for metal fatigue at least annually.<sup>16</sup> Nondestructive testing must be performed by a technician who meets the national standards for amusement rides provided in department rule.<sup>17</sup>

Nondestructive testing for metal fatigue must include visual and nonvisual testing, and can be conducted more often than annually, if required by any rule adopted under s. 616.242(7), F.S., by the manufacturer of the amusement ride, or the professional engineer or qualified inspector executing the affidavit of nondestructive testing.<sup>18</sup>

An affidavit of nondestructive testing must provide:

- That the amusement ride was inspected in person by the affiant.
- That all nondestructive testing requirements are current.
- That the nondestructive testing was performed by a qualified nondestructive testing technician.
- The components of the amusement ride for which the manufacturer has recommended or required nondestructive testing.
- The type of nondestructive testing required or recommended by the manufacturer.
- The frequency of the nondestructive testing required or recommended by the manufacturer.
- The components of the amusement ride for which the affiant has recommended or required nondestructive testing.
- The type of nondestructive testing required or recommended by the affiant.
- The frequency of the nondestructive testing as required or recommended by the affiant.

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<sup>12</sup> *Id.*

<sup>13</sup> R. 5J-18.012, F.A.C.

<sup>14</sup> Section 616.242(5), F.S.

<sup>15</sup> *Id.*

<sup>16</sup> Section 616.242(6), F.S.

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

- That visual nondestructive testing is adequate for the amusement ride to be in general conformance with the requirements of this section, and all applicable rules, if only visual nondestructive testing is required or recommended by either the manufacturer or the affiant.<sup>19</sup>

Nondestructive testing is not required for:

- Fun houses;
- Houses of mirrors;
- Haunted houses;
- Mazes;
- Wave pools;
- Wave-making devices;
- Kiddie pools;
- Slides that are fully supported by an earthen mound;
- Non-motorized playground equipment that requires a manager; or
- Lazy-river type non-motorized floating carriers propelled by water.<sup>20</sup>

### **Inspections**

In order to obtain an annual permit, amusement rides must be inspected by the department and receive an inspection certificate. In addition, the following requirements must be met:

- Permanent amusement rides must be inspected semiannually and receive an inspection certificate; and
- Temporary amusement rides must be inspected and receive an inspection certificate each time the ride is set up or moved to a new location in this state unless the ride is:
  - Used at a private event;
  - A simulator, the capacity of which does not exceed 16 persons; or
  - A kiddie ride used at a public event, provided that there are no more than three amusement rides at the event, none of the kiddie rides at the event exceeds a capacity of 12 persons, and the ride has an inspection certificate that was issued within the preceding six months.<sup>21</sup>

To obtain a department inspection, the owner must submit a written request to the department on a department prescribed form, and provide the following information:

- The legal name, address, and primary place of business of the owner.
- A description, manufacturer's name, serial number, model number, and the United States Amusement Identification Number, if previously assigned, of the amusement ride.
- For a temporary amusement ride, for each time the amusement ride is set up or moved to a new location, the date of first intended use at the new location and the address or a description of the new location.<sup>22</sup>

For permanent amusement rides, a request for inspection must be received by the department at least 15 days before the:

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<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> Section 616.242(7), F.S.

<sup>22</sup> *Id.*

- Owner's planned opening date; or
- Expiration of the prior inspection certificate.<sup>23</sup>

For temporary amusement rides, the request for inspection must be received by the department each time the amusement ride is set up or moved to a new location at least 14 days before the date of first intended use at the new location.<sup>24</sup>

In both cases, if the request for inspection is received late, the department is authorized to inspect the amusement ride and charge a late fee. In addition, if the owner fails to timely cancel a Request for Inspection, requests holiday or weekend inspections, or is required to have a replacement United States Amusement ID Program (USAID) plate issued by the department, the owner may be charged an appropriate fee.<sup>25</sup>

Inspections are assigned on a first come, first served basis, and overflow requests will be scheduled on the closest date to the date for which the inspection was requested. Upon failure of an amusement ride to pass an inspection, the owner may request in writing a re-inspection. The department is required to re-inspect the ride as soon as practical following receipt of the written request and applicable re-inspection fees.<sup>26</sup>

Upon passage of inspection and payment of the applicable fee, the department must issue an inspection certificate containing the following information:

- Date of inspection;
- Site of the inspection; and
- Name of the inspector.<sup>27</sup>

Inspection certificates are valid only for the site stated on the certificate, for a period of not more than six months from the date of issuance. They are not transferable and must be displayed on the amusement ride at a place readily visible to patrons.<sup>28</sup>

## Fees

The department is required by rule to establish fees to cover the costs and expenditures associated with the fair rides inspection program, including all direct and indirect costs. If there is not sufficient general revenue appropriated by the Legislature, the industry is required to pay for the remaining cost of the program.<sup>29</sup>

Fees must be deposited in the General Inspection Trust Fund. Any owner of an amusement ride who has not paid all the fees required under this section or who has any unpaid fine outstanding

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<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> Section 616.242(8), F.S.

under this section are prohibited from operating any amusement ride in this state until the fees and fines have been paid to the department.<sup>30</sup>

The department has adopted the following fees:<sup>31</sup>

Type of Fee	Permanent Ride	Temporary Ride
Annual permit fee for each kiddie amusement ride	\$300	\$150
Annual permit fee for each non-kiddie amusement ride	\$400	\$200
Annual permit fee for each super amusement ride	\$600	\$300
Inspection fee per go kart, in addition to the track inspection fee	\$10	\$10
Reinspection fee (return to site)	\$500	\$500
Reinspection fee (return on-site)	\$100	\$100
Fee to replace a lost U.S. Amusement Identification (USAID) plate	\$100	\$100
Fee per amusement ride for late inspection request	\$100	\$100
Fee per amusement ride for failure to cancel inspection request	\$100	\$100
Additional fee per amusement ride for inspection on weekend or state holiday	\$75	\$75
Inspection fee per harness, in addition to the ropes course/zip-line permit fee	\$5	\$5

In order to obtain a permit to operate an amusement ride in Florida, the ride owner must obtain injury liability insurance in the following amounts:

- One million dollars minimum per occurrence; and
- One million dollars in the aggregate.<sup>32</sup>

The policies must be procured from an insurer that is:

- Licensed to transact business in this state; or
- Approved as a surplus lines insurer.<sup>33</sup>

The insurance requirements do not apply to a governmental entity that is covered by the provisions of s. 768.28(16), F.S., which authorizes the state and its agencies and subdivisions to:

- Be self-insured;
- Enter into risk management programs;
- Purchase liability insurance for whatever coverage they may choose; or
- Have any combination thereof.<sup>34</sup>

**Exemptions**

The regulations related to amusement rides do not apply to the following:

- Permanent facilities that employ at least 1,000 full-time employees and that maintain full-time, in-house safety inspectors;

<sup>30</sup> *Id.*

<sup>31</sup> R. 5J-18.012, F.A.C.

<sup>32</sup> Section 616.242(8), F.S.

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

- Any playground operated by a school, local government, or business licensed under ch. 509, F.S., if the playground is an incidental amenity and the operating entity is not primarily engaged in providing amusement, pleasure, thrills, or excitement;
- Museums or other institutions principally devoted to the exhibition of products of agriculture, industry, education, science, religion, or the arts;
- Conventions or trade shows for the sale or exhibit of amusement rides if there are a minimum of 15 amusement rides on display or exhibition, and if any operation of such amusement rides is limited to the registered attendees of the convention or trade show;
- Skating rinks, arcades, laser or paint ball war games, bowling alleys, miniature golf courses, mechanical bulls, inflatable rides, trampolines, ball crawls, exercise equipment, jet skis, paddle boats, airboats, helicopters, airplanes, parasails, hot air or helium balloons whether tethered or untethered, theatres, batting cages, stationary spring-mounted fixtures, rider-propelled merry-go-rounds, games, side shows, live animal rides, or live animal shows;
- Go-karts operated in competitive sporting events if participation is not open to the public;
- Non-motorized playground equipment that is not required to have a manager;
- Coin-actuated amusement rides designed to be operated by depositing coins, tokens, credit cards, debit cards, bills, or other cash money and which are not required to have a manager, and which have a capacity of six persons or less;
- Motorsports facilities described in s. 549.09(1)(a), F.S., when such facilities are operating cars, trucks, or motorcycles only;
- Battery-powered cars or other vehicles that are designed to be operated by children seven years of age or under and that cannot exceed a speed of four miles per hour;
- Mechanically driven vehicles that pull train cars, carts, wagons, or other similar vehicles, that are not confined to a metal track or confined to an area but are steered by an operator and do not exceed a speed of four miles per hour;
- Water-related amusement rides operated by a business licensed under ch. 509, F.S., if the water-related amusement ride is an incidental amenity and the operating business is not primarily engaged in providing amusement, pleasure, thrills, or excitement and does not offer day rates;
- Amusement rides at a private, membership-only facility, if the amusement ride is an incidental amenity, and the facility is not open to the general public; is not primarily engaged in providing amusement, pleasure, thrills, or excitement; and does not offer day rates; and
- Nonprofit permanent facilities registered under ch. 496, F.S., which are not open to the general public.<sup>35</sup>

The department is authorized to establish by rule exemptions from the regulations on amusement rides for “non-motorized or human-powered amusement rides or coin-actuated amusement rides.”<sup>36</sup>

### **Inspection Standards**

Amusement rides are required to adhere to the following inspection standards:

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<sup>35</sup> Section 616.242(10), F.S.

<sup>36</sup> *Id.*



- All mechanical, structural, and electrical components that affect patron safety must be in good working order.
- All control devices, speed-limiting devices, brakes, and safety equipment designated by the manufacturer must be in good working order.
- Parts must be properly aligned and not be bent, distorted, cut, or otherwise injured to force a fit. Parts requiring lubrication must be lubricated in the course of assembly. Fastening and locking devices must be installed where required for safe operation.
- Before being used by the public, an amusement ride must be placed or secured with blocking, cribbing, outriggers, guys, or other means so as to be stable under all operating conditions.
- Areas in which patrons may be endangered by the operation of an amusement ride must be fenced, barricaded, or otherwise effectively guarded against inadvertent contact.
- Machinery used in or with an amusement ride must be enclosed, barricaded, or otherwise effectively guarded against inadvertent contact.
- An amusement ride powered so as to be capable of exceeding its maximum safe operating speed must be provided with a maximum-speed-limiting device.
- The interior and exterior parts of all patron-carrying amusement rides with which a patron may come in contact must be smooth and rounded and free from sharp, rough, or splintered edges and corners, with no projecting studs, bolts, screws, or other projections which might cause injury.
- Signs that advise or warn patrons of age restrictions, size restrictions, health restrictions, weight limitations, or any other special consideration or use restrictions required or recommended for the amusement ride by the manufacturer must be prominently displayed at the patron entrance of each amusement ride.
- All amusement rides must comply with the section of law governing amusement rides and related rules.<sup>37</sup>

### **Major Modifications**

After an amusement ride has undergone a major modification, and prior to the time it is placed in operation, a Florida licensed professional engineer must certify that the amusement ride is in compliance with the entire section of law governing amusement ride safety, and all related rules.<sup>38</sup>

### **Entry for Inspections**

Authorized department employees may enter unannounced and inspect amusement rides at any time in a reasonable manner. Such employees are authorized to:

- Question any owner or manager;
- Inspect, investigate, photograph, and sample all pertinent places, areas, and devices; and
- Conduct all appropriate tests including nondestructive testing.<sup>39</sup>

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<sup>37</sup> Section 616.242(11), F.S.

<sup>38</sup> Section 616.242(12), F.S.

<sup>39</sup> Section 616.242(13), F.S.

The department is authorized to impose fees for unannounced inspections and recover the cost of related tests.<sup>40</sup>

### **Reporting and Investigating Accidents and Defects**

Accidents that the owner or manager have knowledge or, through the exercise of reasonable diligence should have knowledge, and for which a patron is transported to a hospital as defined in ch. 395, F.S., must be reported by the owner or manager to the department. Such reporting must be conducted by telephone within four hours after the accident and followed up by a written report to the department within 24 hours after the accident.

Any mechanical, structural, or electrical defects affecting patron safety for which an amusement ride is closed to patron use for more than four hours must be reported by the owner or manager to the department by telephone or facsimile within eight hours after the closing of the ride. A written report of the closing must be filed by the owner or manager with the department within 24 hours after the ride closes.

In addition, the department is authorized to impound amusement rides that have:

- Been involved in an accident for which a patron is transported to a hospital as defined in ch. 395, F.S.; or
- A mechanical, structural, or electrical defect affecting patron safety.

In cases of impoundment, the department is authorized to impound any other amusement ride of a similar make and model and perform all necessary tests to determine the cause of the accident, defect, or safety of the ride and any other ride of a similar make and model. The ride owners are responsible for the cost of impoundment and related testing.<sup>41</sup>

### **Owner/Manager Inspections**

Prior to opening each day of operation, and before any inspection by the department, the owner or manager of an amusement ride is required to inspect and test the ride to ensure compliance with all requirements of the law governing amusement rides. Each inspection must be recorded on a form prescribed by department rule and signed by the person who conducted the inspection.<sup>42</sup>

In lieu of using the department form, an owner or manager may request approval of an alternative form, which must include at least the information required on the department form. Inspection records of the last 14 daily inspections must be:

- Kept on site by the owner or manager; and
- Made immediately available to the department upon request.<sup>43</sup>

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<sup>40</sup> *Id.*

<sup>41</sup> Section 616.242(14), F.S.

<sup>42</sup> Section 616.242(15), F.S.

<sup>43</sup> *Id.*

## Employee Training

Owners or managers of amusement rides are required to:

- Maintain a record of employee training for each employee who is authorized to operate, assemble, disassemble, transport, or conduct maintenance on an amusement ride; and
- Certify that each employee is trained on the amusement ride for which the employee is responsible.<sup>44</sup>

The training record must be kept on site by the owner or manager and made immediately available to the department upon request. In lieu of using the department form, the owner or manager may request approval of an alternative form.<sup>45</sup> Training is prohibited when an amusement ride is open to the public, unless the training is conducted under the supervision of an employee who is trained in the operation of that ride.<sup>46</sup>

## Enforcement and Penalties

The department has the authority to deny, suspend for up to one year, or revoke any permit or inspection certificate. In addition, the department may impose an administrative fine pursuant to s. 570.971, F.S., not to exceed \$2,500 per violation, for each day the violation exists, against the owner of the amusement ride if the department finds that an amusement ride has operated or is operating:

- With a mechanical, structural, or electrical defect that affects patron safety, of which the owner or manager has knowledge, or, through the exercise of reasonable diligence, should have knowledge;
- In a manner or circumstance that presents a risk of serious injury to patrons;
- At a speed in excess of its maximum safe operating speed;
- In violation of department rules or state law; or
- In violation of an order of the department or any court.

The department also has the authority to deny, suspend, revoke any permit, and impose fines if an owner, manager, or operator is under the influence of drugs or alcohol in the course of his or her duties.<sup>47</sup>

The department is required, in its order suspending a permit or inspection certificate, to specify the period during which the suspension is effective, which may not exceed one year. The permit or inspection certificate must remain suspended during the period, subject to any rescission or modification of the order by the department or modification or reversal by the court, prior to expiration of the suspension period.<sup>48</sup>

The owner of an amusement ride whose permit or inspection certificate has been revoked by the department may not apply for another permit or inspection certificate for the amusement ride

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<sup>44</sup> Section 616.242(16), F.S.

<sup>45</sup> *Id.*

<sup>46</sup> *Id.*

<sup>47</sup> Section 616.242(19), F.S.

<sup>48</sup> *Id.*

within two years after the date of the revocation. If judicial review is sought and a stay of the revocation is obtained, the owner may not apply for another permit or inspection certificate within two years after the final order of the court sustaining the revocation.<sup>49</sup>

During the period of suspension or revocation, the owner may not engage in or attempt to engage in any operation of the amusement ride for which a permit or inspection certificate is required.<sup>50</sup>

When a department imposed suspension period has expired, the owner may reapply for a new permit or inspection certificate by submitting a complete application to the department.<sup>51</sup>

In addition, and notwithstanding the existence of any adequate remedy at law, the department is authorized to bring an action to enjoin the violation of any provision, or rules adopted, under this section, in the circuit court of the county in which the violation occurs or is about to occur. Upon competent and substantial evidence presented by the department, the court is required to immediately issue the temporary or permanent injunction sought by the department without bond.<sup>52</sup>

In addition to the penalties, the department is authorized to issue a letter of warning to the owner of the ride specifying the violation and requiring immediate corrective action.<sup>53</sup>

Any person who knowingly violates any of the provisions of the regulations governing amusement rides commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, F.S.<sup>54</sup>

### **Consumer Product Safety Commission**

The Consumer Product Safety Commission (Commission) is charged with protecting the public from unreasonable risks of injury or death associated with the use of the thousands of types of consumer products under the Commission's jurisdiction. The Consumer Product Safety Act (Act)<sup>55</sup> authorizes the Commission to investigate serious accidents involving portable carnival rides, inflatables, and go-karts. Amusement rides operated at permanent parks ("permanently fixed to a site") are exempt from compliance with the Act.<sup>56</sup>

Ride manufacturers or owner/operators are required to notify the Commission if they obtain information which reasonably supports the conclusion that a portable amusement ride, inflatable device, go-kart or other non-exempt amusement device:

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<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

<sup>52</sup> *Id.*

<sup>53</sup> *Id.*

<sup>54</sup> *Id.*

<sup>55</sup> 15 U.S.C. ch. 47 § 2051 et seq.

<sup>56</sup> Saferparks, *U.S. Federal and State Amusement Ride Regulation*, <https://ridesdatabase.org/saferparks/u-s-regulatory-agencies/> (last visited February 28, 2023)

- Fails to comply with a consumer product safety standard or banning regulation established by the omission or a voluntary consumer product safety standard upon which the Commission has relied under s. 9 of the Act;
- Contains a defect which could create a substantial product hazard described in s.15(a)(2) of the Act; or
- Creates an unreasonable risk of serious injury or death.<sup>57</sup>

The Commission does not provide for an inspection program.

**Other States**

According to a consumer safety organization, Saferparks.org, the research of amusement ride laws in 50 states found the following:<sup>58</sup>

Degree of Oversight	Number of States
Comprehensive Government Oversight	20 States (Including Florida)
Partial Government Oversight	12 States
Private Sector Oversight	9 States
No State Agency with Jurisdiction	8 States
Electrical Inspections Only	1 State

**III. Effect of Proposed Changes:**

This act may be cited as the “Tyre Sampson Act.”

The bill significantly amends ch. 616, F.S., relating to the regulation of amusement rides. The bill amends the definition of “major modification” and provides a definition for the term “ride commissioning and certification report.”

The bill provides new requirements for permanent and temporary amusement rides and requires that each permanent or temporary amusement ride operated for the first time after July 1, 2023, have a ride commissioning and certification report on file with the Department of Agriculture and Consumer Services (department) before the ride’s first inspection and a permit is issued.

The bill provides exemptions for temporary amusement rides from required permit to include previously permitted rides at private events and kiddie rides at public events not exceeding three amusement rides.

The bill requires that nonvisual nondestructive testing must be used when it cannot be adequately evaluated by other means. The bill also requires that the type of nondestructive testing required or recommended by the affiant must include the manufacturer’s requirements and recommendations. If there is no additional nondestructive testing, the affiant must affirm the manufacturer’s requirements are sufficient for safe operation.

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<sup>57</sup> *Id.*

<sup>58</sup> *Id.*

The bill creates new reporting requirements for an affidavit of nondestructive testing. The affidavit of nondestructive testing must include the following:

- That all the ride manufacturer's nondestructive testing requirements and recommendations are current;
- That the components of the amusement ride for which the affiant, in addition to the manufacturer's requirements and recommendations, has recommended or required nondestructive testing;
- That the ride is in conformance with the requirements of statute and applicable department rules;
- Whether the amusement ride went under a major modification, the name of the person who authorized the modification and the date the modification took place; and
- That the amusement ride and its components are in conformance with the services life specified by the manufacturer.

The bill requires that the proper positioning and measurements for patron safety restraint systems must be provided to the department prior to inspection. It also provides that if rider restrictions are not provided from the manufacturer, the owner or manager must provide the department with documentation from the manufacturer stating that such restrictions are not necessary for safe operation.

The bill permits the department to prepare a written report of each investigation it conducts. The bill also changes the accident reporting requirements for owners and managers following an accident, and changes the parameters in which the department is permitted to impound an amusement ride involved in an accident.

The bill requires the department to establish by rule, minimum training and retraining standards, and the frequency of employee training for all amusement rides. The bill also creates the requirement that the owner or manager of an amusement ride shall immediately document all training following each training session.

The bill takes effect on July 1, 2023.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

This bill may result in additional inspections and/or closures of amusement rides. The fiscal impact on owners and/or operators would be difficult to determine due to complexity of the rides and additional requirements.<sup>59</sup>

C. Government Sector Impact:

The Department of Agriculture and Consumer Services (department) estimates that implementation of the bill would require additional resources. The department estimates 18 additional positions, and \$1,409,949 in recurring funds and \$791,204 in nonrecurring funds from the General Revenue Fund, will be needed in Fiscal Year 2023-2024.<sup>60</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

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<sup>59</sup> Department of Agriculture and Consumer Services, *Senate Bill 902 Fiscal Analysis* (Mar. 8, 2023) (on file with the Senate Agriculture Committee)

<sup>60</sup> *Id.*

**VIII. Statutes Affected:**

This bill substantially amends section 616.242 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS/CS by Appropriations Committee on Agriculture, Environment, and General Government on April 18, 2023:**

The committee substitute:

- Removes the definition of “nationally recognized testing laboratory” and revises the term “major modification.”
- Removes requirement for each permanent or temporary amusement ride operated for the first time after July 1, 2023, to have a ride commissioning and certification report on file with the Department of Agriculture and Consumer Services (department) before the ride’s first inspection and a permit is issued pursuant to s. 616.242(4), F.S.
- Removes requirement for a longitudinal record regarding accidents involving rides an operator previously owned, or operated from the permanent and temporary amusement ride permit applications.
- Removes requirement that the amusement ride is in conformance with all of the manufacturer’s required or recommended bulletins from the affidavit of nondestructive testing.
- Eliminates a duplicative provision regarding the department’s authority to conduct unannounced inspections.
- Removes sensor and other limiting devices related to patron safety restraint system adjustments prohibition.
- Revises the proper positioning and measurements requirement to include the demonstration of proper patron loading procedures related to safety restraint systems and that they all must be provided to the department upon request.

**CS by Agriculture on March 13, 2023:**

The committee substitute revises specifications related to the patron safety restraint systems. Any ride that rises more than 100 feet, must include redundant restraints, such as seat belts and safety bars.

**B. Amendments:**

None.