

By the Committee on Agriculture; and Senator Thompson

575-02509-23

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1 A bill to be entitled
2 An act relating to safety standards for amusement
3 rides; providing a short title; amending s. 616.242,
4 F.S.; defining and redefining terms; requiring
5 permanent amusement rides operated for the first time
6 in this state after a specified date to have a ride
7 commissioning and certification report on file with
8 the Department of Agriculture and Consumer Services
9 within a specified timeframe; revising the application
10 requirements for permanent and temporary amusement
11 ride permits; exempting from permit requirements
12 temporary amusement rides that meet certain
13 conditions; revising the annual nondestructive testing
14 requirements for amusement rides; requiring nonvisual
15 nondestructive testing to be used in certain
16 circumstances; revising the affidavit requirements for
17 nondestructive testing; authorizing the department to
18 conduct unannounced inspections for specified
19 purposes; requiring the department to remove an
20 amusement ride from service and take appropriate
21 administrative actions under certain circumstances;
22 removing an exemption for temporary amusement ride
23 inspections; authorizing the department to conduct
24 certain inspections upon request; revising amusement
25 ride inspection standards; revising the reasons for
26 which the department is authorized to enter and
27 inspect amusement rides; requiring the department to
28 prepare a written report of each investigation it
29 conducts; revising the circumstances under which the

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30 owner or manager of an amusement ride is required to
31 report an accident and under which the department may
32 impound an amusement ride involved in an accident;
33 requiring daily owner or manager amusement ride
34 inspections to be recorded at the time of inspection;
35 requiring the department to establish by rule minimum
36 amusement ride training and retraining standards;
37 revising training requirements; revising circumstances
38 under which an amusement ride may be considered an
39 immediate serious danger to the public; providing an
40 effective date.

41
42 WHEREAS, on March 24, 2022, Tyre Sampson, a 14-year-old boy
43 visiting this state from Missouri, fell to his death from the
44 Eagle Drop Tower in Orlando, and

45 WHEREAS, after the accident, Department of Agriculture and
46 Consumer Services inspectors performed multiple onsite
47 inspections of the tower and its components and contracted with
48 a third party to conduct a failure analysis assessment of the
49 tower, and

50 WHEREAS, the investigators concluded that changes made to
51 the ride by the ride operators after initial installation
52 contributed to Tyre Sampson's death, and

53 WHEREAS, the proposed changes made by this act are
54 necessary to address the safety problems discovered during the
55 department's investigation, NOW, THEREFORE,

56
57 Be It Enacted by the Legislature of the State of Florida:
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59 Section 1. This act may be cited as the "Tyre Sampson Act."

60 Section 2. Present paragraphs (j) through (q) and (r)
61 through (u) of subsection (3) of section 616.242, Florida
62 Statutes, are redesignated as paragraphs (k) through (r) and (t)
63 through (w), respectively, new paragraphs (j) and (s) are added
64 to that subsection and a new paragraph (g) is added to
65 subsection (6) of that section, and paragraph (h) of subsection
66 (3), paragraph (a) of subsection (4), paragraph (b) of
67 subsection (5), paragraphs (b) and (f) of subsection (6),
68 subsection (7), paragraph (a) of subsection (8), paragraph (b)
69 of subsection (11), subsections (12) and (14), paragraphs (a)
70 and (c) of subsection (15), and subsections (16), (17), and (19)
71 of that section are amended, to read:

72 616.242 Safety standards for amusement rides.—

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

74 (h) "Major modification" means any change in the structural
75 characteristics, ~~or~~ operational characteristics, or safety
76 systems of an amusement ride which will alter its performance or
77 settings from those that specified in the manufacturer's design
78 criteria or operator's manual or as certified in the ride
79 commissioning and certification report.

80 (j) "Nationally recognized testing laboratory" means an
81 independent laboratory recognized by the United States
82 Occupational Safety and Health Administration which tests
83 products to applicable product safety standards in order to
84 provide independent testing and certification of devices that
85 may pose a risk to the user.

86 (s) "Ride commissioning and certification report" means a
87 commissioning and certification report by the ride manufacturer

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88 or a nationally recognized testing laboratory which certifies
89 that the ride has been designed, manufactured, installed, and
90 tested in conformance with the manufacturer's design criteria,
91 standards referenced in this section, and rules adopted by the
92 department.

93 (4) ADOPTION OF STANDARDS; RULES.—

94 (a) The department shall adopt by rule standards for
95 amusement rides. The rules must:

96 1. Be ~~which are~~ the same as or similar to the following
97 ~~national~~ standards:

98 ~~a.1.~~ ASTM International Committee F24 Standards on
99 Amusement Rides and Devices.

100 ~~b.2.~~ The National Electric Code Handbook.

101 ~~c.3.~~ National Fire Protection Association standards.

102 2. Require that each permanent amusement ride operated for
103 the first time in this state after July 1, 2023, have a ride
104 commissioning and certification report on file with the
105 department before the department conducts the permanent
106 amusement ride's first inspection and issues a permit for the
107 permanent amusement ride.

108 (5) PERMANENT AMUSEMENT RIDE ANNUAL PERMIT.—

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

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

115 2. A description, manufacturer's name, serial number, model
116 number, and, if previously assigned, the United States Amusement

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117 Identification Number of the amusement ride.

118 3. A valid certificate of insurance for each amusement
119 ride.

120 4. ~~If required under subsection (7),~~ An annual affidavit of
121 compliance and nondestructive testing certifying that the
122 amusement ride was inspected in person by the affiant and that
123 the amusement ride is in ~~general~~ conformance with the
124 requirements of this section and all applicable department
125 rules. The affidavit must have been executed by a professional
126 engineer or a qualified inspector within the last calendar year.

127 5. ~~The owner or manager shall,~~ At no cost to the
128 department, ~~provide the department~~ an electronic copy of the
129 manufacturer's current recommended operating instructions, the
130 owner's operating fact sheet, a longitudinal record regarding
131 accidents involving rides he or she previously owned or
132 operated, and any written bulletins concerning the safety,
133 operation, or maintenance of the amusement ride.

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

137 (6) TEMPORARY AMUSEMENT RIDE PERMIT.—

138 (b) To apply for a permit, an owner or manager must submit
139 to the department a written application on a form prescribed by
140 department rule. The written application, ~~which~~ must include all
141 of the following:

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

144 2. A description, manufacturer's name, serial number, model
145 number, and, if previously assigned, the United States Amusement

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146 Identification Number of the amusement ride.

147 3. A valid certificate of insurance for each amusement
148 ride.

149 4. ~~If required under subsection (7),~~ An affidavit of
150 compliance and nondestructive testing certifying that the
151 amusement ride was inspected in person by the affiant and that
152 the amusement ride is in ~~general~~ conformance with the
153 requirements of this section and all applicable department
154 rules. The affidavit must be executed by a professional engineer
155 or a qualified inspector.

156 5. ~~The owner or manager shall,~~ At no cost to the
157 department, ~~provide the department~~ an electronic copy of the
158 manufacturer's current recommended operating instructions, the
159 operating fact sheet, a longitudinal record regarding accidents
160 involving rides he or she previously owned or operated, and any
161 written bulletins concerning the safety, operation, or
162 maintenance of the amusement ride.

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

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

167 2. A kiddie ride used at a public event, provided that not
168 more than three amusement rides are at the event, the kiddie
169 rides at the event do not exceed a capacity of 12 persons, and
170 the kiddie ride passed a department inspection and was issued a
171 permit within the preceding 6 months. Unless the capacity of the
172 ride has been determined and specified by the manufacturer, the
173 department shall determine the capacity of the kiddie ride by
174 rule. An owner or a manager of a kiddie ride operating under

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175 this exemption is responsible for ensuring that not more than
176 three amusement rides are operated at the event.

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

179 (7) NONDESTRUCTIVE TESTING; ANNUAL AFFIDAVIT; EXEMPTIONS.-

180 (a) ~~Except as provided in paragraph (d),~~ An owner or
181 manager may not operate an amusement ride unless the owner or
182 manager at all times has a current affidavit of nondestructive
183 testing from a professional engineer or qualified inspector that
184 the amusement ride has undergone nondestructive testing to
185 verify the integrity of all components ~~for metal fatigue~~ at
186 least annually. The nondestructive testing ~~for metal fatigue~~
187 must be conducted more often than annually if required by any
188 rule adopted under this section, by the manufacturer of the
189 amusement ride, or by the professional engineer or qualified
190 inspector executing the affidavit of nondestructive testing. The
191 nondestructive testing ~~for metal fatigue~~ must consist at least
192 of visual nondestructive testing, as well as nonvisual
193 nondestructive testing ~~for metal fatigue~~, which must be
194 conducted on the components of the amusement ride as required by
195 any rule adopted under this section, by the manufacturer of the
196 amusement ride, or by the professional engineer or qualified
197 inspector executing the affidavit of nondestructive testing.

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

202 (c) Nondestructive testing ~~testings~~ must be performed by a
203 technician who meets the requirements prescribed by department

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204 rule.

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

208 1. That the amusement ride was inspected in person by the
209 affiant.

210 2. That all of the manufacturer's nondestructive testing
211 requirements and recommendations are current.

212 3. That the nondestructive testing was performed by a
213 qualified nondestructive testing technician.

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

216 5. The type of nondestructive testing required or
217 recommended by the manufacturer.

218 6. The frequency of the nondestructive testing required or
219 recommended by the manufacturer.

220 7. The components of the amusement ride for which the
221 affiant, in addition to the manufacturer's requirements and
222 recommendations, has recommended or required nondestructive
223 testing.

224 8. The type of nondestructive testing required or
225 recommended by the affiant in addition to the manufacturer's
226 requirements and recommendations. If the affiant does not
227 require or recommend additional nondestructive testing, the
228 affiant must affirm that the manufacturer's requirements are
229 sufficient for the safe operation of the amusement ride.

230 9. The frequency of the nondestructive testing as required
231 or recommended by the affiant.

232 10. That visual nondestructive testing is adequate for the

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233 amusement ride to be in ~~general~~ conformance with the
234 requirements of this section and all applicable rules, ~~only~~ if
235 only visual nondestructive testing is required ~~or recommended~~ by
236 the manufacturer or the affiant.

237 11. That the amusement ride is in conformance with the
238 requirements of this section and all applicable department
239 rules.

240 12. Whether the amusement ride has undergone a major
241 modification and, if so, the name of the manager, owner, or
242 operator who authorized the modification and the date the
243 modification took place.

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

246 14. That the amusement ride is in conformance with all of
247 the manufacturer's required or recommended bulletins.

248 (e) ~~(d)~~ Nonvisual nondestructive testing is not required for
249 fun houses, houses of mirrors, haunted houses, mazes, wave
250 pools, wave-making devices, kiddie pools, slides that are fully
251 supported by an earthen mound, nonmotorized playground equipment
252 that requires a manager, or lazy-river-type nonmotorized
253 floating carriers propelled by water.

254 (8) DEPARTMENT INSPECTIONS.—

255 (a) In order to obtain an annual or a temporary amusement
256 ride permit, an amusement ride must be inspected by the
257 department.

258 1. The department may conduct unannounced inspections to
259 observe operations and ensure the amusement ride is being
260 conducted pursuant to proper procedures, to verify that on-duty
261 employees have received proper training, and to observe the

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262 amusement ride in operation in order to detect unsafe ride
 263 conditions that may have occurred following the last inspection.
 264 If unsafe conditions are found, the inspector must immediately
 265 remove the amusement ride from service to ensure patron safety
 266 and follow up with the appropriate administrative actions ~~A~~
 267 ~~temporary amusement ride is exempt from the required inspection~~
 268 ~~if it is:~~

269 ~~a. Used at a private event;~~
 270 ~~b. A simulator, the capacity of which does not exceed 16~~
 271 ~~persons; or~~
 272 ~~c. A kiddie ride used at a public event, provided that not~~
 273 ~~more than three amusement rides are at the event, the kiddie~~
 274 ~~rides at the event do not exceed a capacity of 12 persons, and~~
 275 ~~the kiddie ride passed a department inspection and was issued a~~
 276 ~~permit within the preceding 6 months. The capacity of a kiddie~~
 277 ~~ride shall be determined by department rule, unless the capacity~~
 278 ~~of the ride has been determined and specified by the~~
 279 ~~manufacturer. Any owner or manager of a kiddie ride operating~~
 280 ~~under this exemption is responsible for ensuring that not more~~
 281 ~~than three amusement rides are operated at the event.~~

282 2. The department shall inspect permanent amusement rides 6
 283 months after the issuance of the annual permit. The required
 284 inspection may be waived for a permanent amusement ride if it
 285 was inspected and certified by an accredited trade organization
 286 as defined by department rule.

287 (11) EXEMPTIONS.—

288 (b) All of the following are exempt from subsections (5),
 289 (6), (8), and (9), but may be inspected by the department upon
 290 request, following a complaint or pursuant to an accident that

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291 is required to be reported under subsection (15), and such
292 exemption may be removed if the exempted amusement ride is found
293 to have been operating in a manner or circumstance that presents
294 a risk or resulted in a serious injury to patrons:

295 1. Museums or other institutions principally devoted to the
296 exhibition of products of agriculture, industry, education,
297 science, religion, or the arts.

298 2. Conventions or trade shows for the sale or exhibit of
299 amusement rides if there are a minimum of 15 amusement rides on
300 display or exhibition and if any operation of such amusement
301 rides is limited to the registered attendees of the convention
302 or trade show.

303 3. Nonmotorized playground equipment that is not required
304 to have a manager.

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

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

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

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

318 8. A water-related amusement ride operated by a business
319 licensed under chapter 509 if the water-related amusement ride

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320 is an incidental amenity and the operating business is not
321 primarily engaged in providing amusement, pleasure, thrills, or
322 excitement and does not offer day rates.

323 9. An amusement ride at a private, membership-only facility
324 if the amusement ride is an incidental amenity and the facility
325 is not open to the general public; is not primarily engaged in
326 providing amusement, pleasure, thrills, or excitement; and does
327 not offer day rates.

328 10. A nonprofit permanent facility registered under chapter
329 496 which is not open to the general public.

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

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

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

336 (c) Parts must be properly aligned and may not be bent,
337 distorted, cut, or otherwise injured to force a fit. Parts
338 requiring lubrication must be lubricated in the course of
339 assembly. Fastening and locking devices must be installed when
340 required for safe operation.

341 (d) Sensors and other limiting devices related to patron
342 safety restraint systems may not be adjusted beyond the
343 prescribed tolerances determined by the manufacturer or by a
344 licensed professional engineer if the manufacturer is no longer
345 in business.

346 (e) The proper positioning and measurements related to
347 patron safety restraint systems must be provided to the
348 department before the time of inspection. The specifications

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349 must include redundant restraints, such as seat belts and safety
350 bars for any ride that rises more than 100 feet, and must be
351 approved by the ride manufacturer or by a licensed professional
352 engineer if the manufacturer is no longer in business.

353 (f) An amusement ride must be placed or secured with
354 blocking, cribbing, outriggers, guys, or other means ~~so as~~ to be
355 stable under all operating conditions.

356 (g)~~(e)~~ Areas in which patrons may be endangered by the
357 operation of an amusement ride must be fenced, barricaded, or
358 otherwise effectively guarded against inadvertent contact.

359 (h)~~(f)~~ Machinery used in or with an amusement ride must be
360 enclosed, barricaded, or otherwise effectively guarded against
361 inadvertent contact.

362 (i)~~(g)~~ An amusement ride powered ~~so as~~ to be capable of
363 exceeding its maximum safe operating speed must be provided with
364 a maximum-speed-limiting device.

365 (j)~~(h)~~ The interior and exterior parts of all patron-
366 carrying amusement rides with which a patron may come in contact
367 must be smooth and rounded and free from sharp, rough, or
368 splintered edges and corners, and from projecting studs, bolts,
369 and screws or other projections that might cause injury.

370 (k)~~(i)~~ Signs that advise or warn patrons of age
371 restrictions, size restrictions, health restrictions, weight
372 limitations, or any other special consideration or use
373 restrictions, or lack thereof, required or recommended for the
374 amusement ride by the manufacturer must be prominently displayed
375 at the patron entrance of each amusement ride. If such rider
376 restrictions are not provided by the manufacturer, the owner or
377 manager must provide the department with documentation from the

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378 manufacturer or a licensed professional engineer stating that
379 such rider restrictions are not necessary for the safe operation
380 of the amusement ride.

381 (l)~~(j)~~ All amusement rides presented for inspection as
382 ready for operation or in operation must comply with this
383 section and department rule.

384 (m)~~(k)~~ A sign containing the toll-free number of the
385 department and informing patrons that they may contact the
386 department with complaints or concerns regarding the safe
387 operation of amusement rides must be posted in a manner
388 conspicuous to the public at each entrance of an ~~a temporary~~
389 amusement ride ~~facility~~. The department shall prescribe by rule
390 specifications for such signs.

391 (14) ENTRY FOR INSPECTION OR INVESTIGATION.—

392 (a) Upon presentation of identification, an authorized
393 employee of the department may enter unannounced and inspect
394 amusement rides at any time and in a reasonable manner and has
395 the right to question any owner, operator, or manager; to
396 inspect, investigate, photograph, and sample all pertinent
397 places, areas, and devices and review required documentation;
398 and to conduct or have conducted all appropriate tests,
399 including nondestructive testing. The department may impose fees
400 for unannounced inspections and recover the cost of tests
401 authorized by this subsection.

402 (b) The department shall prepare a written report of each
403 investigation it conducts.

404 (15) REPORTING AND INVESTIGATION OF ACCIDENTS AND DEFECTS;
405 IMPOUNDMENTS.—

406 (a) Any accident of which the owner or manager has

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407 knowledge or, through the exercise of reasonable diligence
408 should have knowledge, and for which a patron seeks treatment at
409 ~~is transported to~~ a hospital or an urgent care center, as those
410 terms are defined in chapter 395, must be reported by the owner
411 or manager to the department by telephone within 4 hours after
412 the occurrence of the accident or after notification by the
413 patron and must be followed up by a written report to the
414 department within 24 hours after the occurrence of the accident
415 or after notification by the patron.

416 (c) The department may impound an amusement ride involved
417 in an accident for which a patron seeks treatment at ~~is~~
418 ~~transported to~~ a hospital or an urgent care center as those
419 terms are defined in chapter 395 or which has a mechanical,
420 structural, or electrical defect affecting patron safety; may
421 impound any other amusement ride of a similar make and model or
422 with similar operating characteristics; and may perform all
423 necessary tests to determine the cause of the accident or the
424 mechanical, structural, or electrical defect or to determine the
425 safety of the amusement ride and any other amusement ride of a
426 similar make and model or with similar operating
427 characteristics. The cost of impounding the amusement ride and
428 performing the necessary tests must be borne by the owner of the
429 amusement ride.

430 (16) INSPECTION BY OWNER OR MANAGER.—Before opening on each
431 day of operation and before any inspection by the department,
432 the owner or manager of an amusement ride must inspect and test
433 each amusement ride to ensure compliance with this section. Each
434 inspection must be recorded at the time of inspection on a form
435 prescribed by department rule and signed by the person who

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436 conducted the inspection. In lieu of the form prescribed by
437 department rule, the owner or manager may request approval of an
438 alternative form that includes, at a minimum, the information
439 required on the form prescribed by department rule. Inspection
440 records of the last 14 daily inspections must be kept on site by
441 the owner or manager and made immediately available to the
442 department upon request.

443 (17) TRAINING OF EMPLOYEES.—

444 (a) The department shall establish by rule minimum training
445 and retraining standards and the frequency of employee training
446 for all amusement rides.

447 (b) The owner or manager of an amusement ride shall
448 maintain a record of employee training for each employee
449 authorized to operate, assemble, disassemble, transport, or
450 conduct maintenance on an amusement ride on a form prescribed by
451 department rule. In lieu of the form prescribed by department
452 rule, the owner or manager may request approval of an
453 alternative form that includes, at a minimum, the information
454 required on the form prescribed by department rule. The training
455 record must be kept on site by the owner or manager and made
456 immediately available to the department upon request. Training
457 may not be conducted when an amusement ride is open to the
458 public unless the training is conducted under the supervision of
459 an employee who is trained in the operation of that ride. The
460 owner or manager shall immediately document all training
461 following each training session and certify that each employee
462 is trained, as required by this section and any rules adopted
463 thereunder, on the amusement ride for which the employee is
464 responsible.

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465 (19) IMMEDIATE FINAL ORDERS.—

466 (a) An amusement ride that fails to meet the requirements
467 of this section or pass the inspections required by this
468 section; that is involved in an accident for which a patron
469 seeks treatment at ~~is transported to~~ a hospital or an urgent
470 care center as those terms are defined in chapter 395; or that
471 has a mechanical, structural, or electrical defect that affects
472 patron safety may be considered an immediate serious danger to
473 the public health, safety, and welfare and, upon issuance of an
474 immediate final order prohibiting patron use of the ride, may
475 not be operated for patron use until it has passed a subsequent
476 inspection by or at the direction of the department.

477 (b) An amusement ride of a similar make and model or with
478 similar operating characteristics to an amusement ride described
479 in paragraph (a) may be considered an immediate serious danger
480 to the public health, safety, and welfare and, upon issuance of
481 an immediate final order prohibiting patron use of the ride, may
482 not be operated for patron use until it has passed a subsequent
483 inspection by or at the direction of the department.

484 Section 3. This act shall take effect July 1, 2023.