

1 A bill to be entitled
2 An act relating to amusement rides; amending s.
3 616.242, F.S.; requiring amusement ride managers to
4 meet certain requirements; defining and redefining
5 terms; revising standards for rules adopted by the
6 Department of Agriculture and Consumer Services
7 relating to amusement rides; revising provisions for
8 permanent amusement ride annual permits; providing for
9 temporary amusement ride permits; revising provisions
10 for nondestructive testing and department testing of
11 amusement rides; removing the exemption from safety
12 standards for certain museums and institutions;
13 removing the limitation on the authority of the
14 department to establish exemptions from safety
15 standards; revising inspection standards for amusement
16 rides; directing the department to prescribe by rule
17 specified signage to be posted at amusement ride
18 events; revising requirements for compliance
19 certifications after major modifications to amusement
20 rides; revising requirements for amusement ride
21 inspections by owners and managers; providing
22 procedures for the introduction and examination of
23 witnesses and evidence in examinations and
24 investigations conducted by the department; revising
25 civil penalties; providing an effective date.

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

Section 1. Section 616.242, Florida Statutes, is amended to read:

616.242 Safety standards for amusement rides.—

(1) OWNER AND MANAGER RESPONSIBILITIES ~~RESPONSIBILITY~~.—The owner and the manager of an amusement ride, and each amusement ride, must meet at all times the requirements of this section and any rules adopted hereunder ~~thereunder~~.

(2) SCOPE.—This section applies to all amusement rides within this state unless exempt under subsection (11) ~~(10)~~.

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

(a) "Amusement ride" means any building, structure, or mechanical device or combination thereof through which a patron moves, walks, or is carried or conveyed on, along, around, over, or through a fixed or restricted course or within a defined area for the purpose of giving its patrons amusement, pleasure, thrills, or excitement.

(b) "Amusement ride event" means an event where an amusement ride is operated at a specific location and date as listed on an annual permit application or on a temporary amusement ride permit application.

(c) ~~(b)~~ "Annual permit" means the United States Amusement Identification Number and the ~~numbered and dated~~ decal issued by

51 the department, which signify that the permanent amusement ride
52 has been permitted by the department.

53 ~~(d)-(e)~~ "Bungy operation" means an amusement ride that uses
54 ~~which utilizes~~ as a component a bungy cord, which is an elastic
55 rope made of rubber, latex, or other elastic-type ~~elastic-type~~
56 materials, whether natural or synthetic.

57 ~~(e)-(d)~~ "Go-kart" means an amusement ride vehicle
58 controlled or driven by patrons and specifically designed for
59 and run on a fixed course.

60 ~~(e) "Inspection certificate" means the document issued by~~
61 ~~the department, which indicates that the amusement ride has~~
62 ~~undergone a recurring inspection by the department as required~~
63 ~~by this section.~~

64 (f) "Kiddie ride" means an amusement ride designed
65 primarily for use by patrons up to 12 years of age.

66 (g) "Kiddie train" means a train designed as a kiddie ride
67 which is operated on a flat surface or flat track, carries no
68 more than 14 patrons, and does not exceed a speed of 3 miles per
69 hour.

70 (h) "Major modification" means any change in ~~either~~ the
71 structural or operational characteristics of an ~~the~~ amusement
72 ride which will alter its performance from that specified in the
73 manufacturer's design criteria.

74 (i) "Manager" means a person having possession, custody,
75 or managerial control of an amusement ride, whether as owner,

76 lessee, agent, operator, attendant, or otherwise.

77 (j) "Nondestructive testing" is the development and
78 application of technical methods, including, but not limited to,
79 radiographic, magnetic particle, ultrasonic, liquid penetrant,
80 electromagnetic, neutron radiographic, acoustic emission,
81 visual, and leak testing, to examine materials or components in
82 ways that do not impair their future usefulness and
83 serviceability in order to detect, locate, measure, and evaluate
84 discontinuities, defects, and other imperfections; to assess
85 integrity, properties, and composition; and to measure
86 geometrical characters.

87 (k) "Owner" means the person exercising ultimate dominion
88 and control over an amusement ride.

89 (l) "Patron" means any person who is in the immediate
90 vicinity of an amusement ride, getting on or off, or entering or
91 exiting an amusement ride, or using an amusement ride. The term
92 does not include employees, agents, or servants of the owner
93 while they are engaged in the duties of their employment.

94 (m) "Permanent amusement ride" means an amusement ride
95 that is not regularly relocated.

96 (n) "Permanent facility" means a location or place from
97 which amusement rides are not regularly relocated and at which
98 such rides operate as a lasting part of the premises.

99 (o) "Private event" means an event that is not open to the
100 general public and for which ~~where no~~ admission is not charged.

101 (p) "Professional engineer" means a person who holds a
102 valid license as a professional engineer issued by the
103 Department of Business and Professional Regulation or by an
104 equivalent licensing body in another state.

105 (q) "Qualified inspector" means an employee or agent of an
106 insurance underwriter of an amusement ride who documents to the
107 department in a manner established by department rule ~~of the~~
108 ~~department~~ the following qualifications:

109 1. A minimum of 5 years' ~~years~~ experience in the amusement
110 ride field, at least 2 years of which were involved in actual
111 amusement ride inspection with a manufacturer, government
112 agency, park, carnival, or insurance underwriter;

113 2. The completion of 32 hours per year of continuing
114 education at a school approved by department rule ~~of the~~
115 ~~department~~, which includes inservice industry or manufacturer
116 updates and seminars; and

117 3. At least 80 hours of formal education during the past 5
118 years from a school approved by department rule ~~of the~~
119 ~~department~~ for amusement ride safety. Nondestructive-testing
120 training, as determined by department rule ~~of the department~~,
121 may be substituted for up to one-half of the 80 hours of
122 education.

123 (r) "Simulator" means any amusement ride that is a self-
124 contained unit requiring little or no assembly and that uses a
125 motion picture simulation, along with a mechanical movement, to

126 simulate activities that provide amusement or excitement for the
 127 patron.

128 (s) "Temporary amusement ride" means an amusement ride
 129 that is regularly relocated, with or without disassembly.

130 (t) "Temporary amusement ride permit" means the United
 131 States Amusement Identification Number and the decal issued by
 132 the department, which signify that the temporary amusement ride
 133 has been permitted by the department.

134 (u) ~~(t)~~ "Water park" means a permanent facility with one or
 135 more amusement rides that totally or partially immerse a patron
 136 in water.

137 (4) ADOPTION OF STANDARDS; RULES.—

138 (a) The department shall adopt by rule standards for
 139 amusement rides which are the same as or similar to the
 140 following national standards:

141 1. ASTM International ~~American Society for Testing and~~
 142 ~~Materials~~ Committee F24 ~~F-24~~ Standards on Amusement Rides and
 143 Devices.

144 2. The National Electric Code Handbook, ~~Article 525.~~

145 3. National Fire Protection Association standards ~~Code 101~~
 146 ~~(chapters 8-4.6 and 9-4.6).~~

147 4. ~~ASTM Standards: E543 Practice for Determining the~~
 148 ~~Qualification of Nondestructive Testing Agencies.~~

149 5. ~~ASNT Document Recommended Practice SNT-TC-1A Personnel~~
 150 ~~Qualification and Certification in Nondestructive Testing.~~

151 (b) The department may adopt rules necessary to effectuate
152 the statutory duties of the department in the interest of the
153 public health, safety, and welfare and to promote patron safety
154 in the design, construction, assembly, disassembly, maintenance,
155 and operation of amusement rides in this state.

156 (c) The Legislature finds that go-karts, amusement rides
157 at water parks, and bungy operations are amusement rides that,
158 because of their unique nature, pose safety risks to patrons
159 distinct from other amusement rides. Therefore, the department
160 shall adopt rules regulating their safe use and operation and
161 establish safety standards and inspection requirements in
162 addition to those required by this section or other department
163 rule ~~of the department~~.

164 (d) The Legislature finds that, as a result of accidents
165 or other unforeseen events, circumstances may arise requiring
166 additional safety standards for the protection of patrons of
167 amusement rides. ~~and~~ Therefore, the department may adopt rules
168 to address the circumstances that may arise following an
169 accident or unforeseen event.

170 (5) PERMANENT AMUSEMENT RIDE ANNUAL PERMIT.—

171 (a) A permanent ~~An~~ amusement ride may not be operated
172 without a current annual permit.

173 (b) To apply for an annual permit, an owner or manager
174 must submit to the department a written application on a form
175 prescribed by department rule ~~of the department~~, which must

176 include the following:

177 1. The legal name, address, and primary place of business
178 of the owner or manager, as applicable.

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

182 3. A valid certificate of insurance for each amusement
183 ride.

184 4. If required under subsection (7), an annual affidavit
185 of compliance and nondestructive testing certifying that the
186 amusement ride was inspected in person by the affiant and that
187 the amusement ride is in general conformance with the
188 requirements of this section and all applicable department rules
189 ~~adopted by the department.~~ The affidavit must have been ~~be~~
190 executed by a professional engineer or a qualified inspector
191 within the last calendar year no earlier than 60 days before,
192 ~~but not later than, the date of the filing of the application~~
193 ~~with the department. The owner shall request inspection and~~
194 ~~permitting of the amusement ride within 60 days of the date of~~
195 ~~filing the application with the department. The department shall~~
196 ~~inspect and permit the amusement ride within 60 days after~~
197 ~~filing the application with the department.~~

198 5. ~~If required by subsection (6), an affidavit of~~
199 ~~nondestructive testing dated and executed no earlier than 60~~
200 ~~days before, but not later than, the date of the filing of the~~

201 ~~application with the department. The owner shall request~~
202 ~~inspection and permitting of the amusement ride within 60 days~~
203 ~~of the date of filing the application with the department. The~~
204 ~~department shall inspect and permit the amusement ride within 60~~
205 ~~days after filing the application with the department.~~

206 ~~6. A request for inspection.~~

207 5.7. ~~Upon request,~~ The owner or manager shall, at no cost
208 to the department, provide the department an electronic a copy
209 of the manufacturer's current recommended operating instructions
210 ~~in the possession of the owner,~~ the owner's operating fact
211 sheet, and any written bulletins ~~in the possession of the owner~~
212 concerning the safety, operation, or maintenance of the
213 amusement ride.

214 (c) An annual permit application must be received by the
215 department at least 15 days before the planned opening date. If
216 an application is received less than 15 days before the planned
217 opening date or less than 15 days before the expiration of the
218 previous permit, the department may inspect the amusement ride
219 and charge a penalty as established by department rule.

220 (d) ~~(e)~~ An annual permit must be issued by the department
221 to the owner or manager of an amusement ride when a completed
222 application has been received, the amusement ride has passed the
223 department's inspection, and all applicable fees, as set by
224 department rule ~~of the department,~~ have been paid.

225 (e) ~~(d)~~ The annual permit is valid for 1 year after ~~from~~

226 the date of issue and is not transferable.

227 (f)~~(e)~~ The annual permit must be displayed in an
228 accessible location on the amusement ride ~~in a place visible to~~
229 ~~patrons of the amusement ride.~~

230 (g)~~(f)~~ Each go-kart track at the same permanent facility
231 is considered a separate amusement ride.

232 (h)~~(g)~~ Amusement rides at water parks which operate from
233 the same deck or level are considered one amusement ride.

234 (6) TEMPORARY AMUSEMENT RIDE PERMIT.—

235 (a) A temporary amusement ride may not be operated without
236 a current permit.

237 (b) To apply for a permit, an owner or manager must submit
238 to the department a written application on a form prescribed by
239 department rule, which must include the following:

240 1. The legal name, address, and primary place of business
241 of the owner or manager, as applicable.

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

245 3. A valid certificate of insurance for each amusement
246 ride.

247 4. If required under subsection (7), an affidavit of
248 compliance and nondestructive testing certifying that the
249 amusement ride was inspected in person by the affiant and that
250 the amusement ride is in general conformance with the

251 requirements of this section and all applicable department
252 rules. The affidavit must be executed by a professional engineer
253 or a qualified inspector.

254 5. The owner or manager shall, at no cost to the
255 department, provide the department an electronic copy of the
256 manufacturer's current recommended operating instructions, the
257 operating fact sheet, and any written bulletins concerning the
258 safety, operation, or maintenance of the amusement ride.

259 (c) A temporary amusement ride permit application must be
260 received by the department each time the amusement ride is
261 relocated, with or without disassembly, at least 14 days before
262 the date of the ride's first intended use at the new location.
263 If the permit application is received less than 14 days before
264 the date of the ride's first intended use at the new location,
265 the department may inspect the amusement ride and charge a
266 penalty, as set by department rule.

267 (d) The department must issue a permit to the owner or
268 manager of an amusement ride when a completed application has
269 been received, the amusement ride has passed the department's
270 inspection, and all applicable fees, as set by department rule,
271 have been paid.

272 (e) The permit is valid for 6 months after the date of
273 issue or until the ride is relocated, with or without
274 disassembly, and is not transferable.

275 (f) The permit must be displayed in an accessible location

276 | on the amusement ride.

277 | (7)~~(6)~~ NONDESTRUCTIVE TESTING; ANNUAL AFFIDAVIT;

278 | EXEMPTIONS.—

279 | (a) Except as provided in paragraph (d), an owner or
 280 | manager may not operate an amusement ride unless the owner or
 281 | manager ~~has~~ at all times has a current affidavit of
 282 | nondestructive testing from a professional engineer or qualified
 283 | inspector that the amusement ride has undergone nondestructive
 284 | testing for metal fatigue at least annually. The nondestructive
 285 | testing for metal fatigue must be conducted more often than
 286 | annually~~r~~, if required by any rule adopted under this section, by
 287 | the manufacturer of the amusement ride~~,~~ or by the professional
 288 | engineer or qualified inspector executing the affidavit of
 289 | nondestructive testing. The nondestructive testing for metal
 290 | fatigue must consist at least of visual nondestructive testing~~,~~
 291 | as well as~~; in addition,~~ nonvisual nondestructive testing for
 292 | metal fatigue, which must be conducted on the components of the
 293 | amusement ride as required by any rule adopted under this
 294 | section, by the manufacturer of the amusement ride, or by the
 295 | professional engineer or qualified inspector executing the
 296 | affidavit of nondestructive testing.

297 | (b) Nondestructive testings must be performed by a
 298 | technician who meets the requirements prescribed by department
 299 | rule of subparagraphs ~~(4) (a) 4. and 5.~~

300 | (c) An affidavit of nondestructive testing must state:

- 301 1. That the amusement ride was inspected in person by the
 302 affiant.
- 303 2. That all nondestructive testing requirements are
 304 current.
- 305 3. That the nondestructive testing was performed by a
 306 qualified nondestructive testing technician.
- 307 4. The components of the amusement ride for which the
 308 manufacturer has recommended or required nondestructive testing.
- 309 5. The type of nondestructive testing required or
 310 recommended by the manufacturer.
- 311 6. The frequency of the nondestructive testing required or
 312 recommended by the manufacturer.
- 313 7. The components of the amusement ride for which the
 314 affiant has recommended or required nondestructive testing.
- 315 8. The type of nondestructive testing required or
 316 recommended by the affiant.
- 317 9. The frequency of the nondestructive testing as required
 318 or recommended by the affiant.
- 319 10. That visual nondestructive testing is adequate for the
 320 amusement ride to be in general conformance with the
 321 requirements of this section~~7~~ and all applicable rules, only~~7~~ if
 322 ~~only~~ visual nondestructive testing is required or recommended by
 323 ~~either~~ the manufacturer or the affiant.
- 324 (d) Nondestructive testing is not required for fun houses,
 325 houses of mirrors, haunted houses, mazes, wave pools, wave-

326 making devices, kiddie pools, slides that are fully supported by
327 an earthen mound, nonmotorized playground equipment that
328 requires a manager, or lazy-river-type nonmotorized floating
329 carriers propelled by water.

330 (8)~~(7)~~ DEPARTMENT INSPECTIONS.—

331 (a) Except as provided in subparagraphs 1. and 2., in
332 order to obtain an annual or a temporary amusement ride permit,
333 an amusement ride must be inspected by the department.

334 1. A ~~in accordance with subsection (11) and receive an~~
335 ~~inspection certificate. In addition, each permanent amusement~~
336 ~~ride must be inspected semiannually by the department in~~
337 ~~accordance with subsection (11) and receive an inspection~~
338 ~~certificate, and each temporary amusement ride must be inspected~~
339 ~~by the department in accordance with subsection (11), and must~~
340 ~~receive an inspection certificate each time the ride is set up~~
341 ~~or moved to a new location in this state unless the temporary~~
342 amusement ride is exempt from the required inspection if it is:

343 a.1. Used at a private event;

344 b.2. A simulator, the capacity of which does not exceed 16
345 persons; or

346 c.3. A kiddie ride used at a public event, provided that
347 not ~~there are no~~ more than three amusement rides are at the
348 event, ~~none of~~ the kiddie rides at the event do not exceed
349 ~~exceeds~~ a capacity of 12 persons, and the kiddie ride passed a
350 department inspection and was issued a permit ~~has an inspection~~

351 ~~certificate that was issued~~ within the preceding 6 months. The
352 capacity of a kiddie ride shall be determined by department rule
353 ~~of the department~~, unless the capacity of the ride has been
354 determined and specified by the manufacturer. Any owner or
355 manager of a kiddie ride operating under this exemption is
356 responsible for ensuring that not ~~no~~ more than three amusement
357 rides are operated at the event.

358 2.(b) The required inspection may be waived for a
359 permanent amusement ride if it was inspected and certified by an
360 accredited trade organization as defined by department rule ~~To~~
361 ~~obtain a department inspection for an amusement ride, the owner~~
362 ~~must submit to the department on a form prescribed by rule of~~
363 ~~the department a written Request for Inspection. The owner must~~
364 ~~provide the following information to the department:~~

365 ~~1. The legal name, address, and primary place of business~~
366 ~~of the owner.~~

367 ~~2. A description, manufacturer's name, serial number,~~
368 ~~model number, and the United States Amusement Identification~~
369 ~~Number, if previously assigned, of the amusement ride.~~

370 ~~3. For a temporary amusement ride, for each time the~~
371 ~~amusement ride is set up or moved to a new location, the date of~~
372 ~~first intended use at the new location and the address or a~~
373 ~~description of the new location.~~

374 ~~(c) For permanent amusement rides, the request for~~
375 ~~inspection must be received by the department at least 15 days~~

376 ~~before the owner's planned opening date or at least 15 days~~
377 ~~before the expiration of the prior inspection certificate. If~~
378 ~~the request for inspection is received less than 15 days before~~
379 ~~the owner's planned opening date or less than 15 days before the~~
380 ~~expiration of the prior inspection certificate, the department~~
381 ~~may nevertheless inspect the amusement ride and charge a late~~
382 ~~fee, as set by rule of the department.~~

383 ~~(d) For temporary amusement rides, the request for~~
384 ~~inspection must be received by the department for each time the~~
385 ~~amusement ride is set up or moved to a new location at least 14~~
386 ~~days before the date of first intended use at the new location.~~
387 ~~If the request for inspection is received less than 14 days~~
388 ~~before the date of first intended use at the new location, the~~
389 ~~department may nevertheless inspect the amusement ride and~~
390 ~~charge a late fee, as set by rule of the department.~~

391 ~~(b)(e)~~ Inspections must ~~will~~ be assigned on a first-come,
392 first-served ~~first come, first served~~ basis, and overflow
393 requests must ~~will~~ be scheduled on the closest date to the date
394 for which the inspection was requested.

395 ~~(c)(f)~~ Upon failure of an amusement ride to pass any
396 department inspection, the owner or manager may request
397 reinspection, which must ~~shall~~ be submitted in writing to the
398 department on a form prescribed by department rule ~~of the~~
399 ~~department~~. The department shall reinspect the amusement ride as
400 soon as practicable after ~~practical following~~ receipt of the

401 written request for reinspection and any applicable reinspection
402 fees set by department rule ~~of the department~~. Inspections must
403 ~~will~~ be assigned on a first-come, first-served ~~first-come, first~~
404 ~~served~~ basis, and the overflow requests must ~~will~~ be scheduled
405 on the closest date to the date for which the inspection was
406 requested.

407 ~~(g) If the amusement ride passes inspection and the owner~~
408 ~~pays the applicable fee set by rule of the department, the~~
409 ~~department shall issue an inspection certificate on a form~~
410 ~~prescribed by rule of the department.~~

411 ~~(h) The inspection certificate must contain the date of~~
412 ~~inspection, the site of the inspection, and the name of the~~
413 ~~inspector.~~

414 ~~(i) The inspection certificate is valid only for the site~~
415 ~~stated on the inspection certificate. The inspection certificate~~
416 ~~is valid for a period of not more than 6 months from the date of~~
417 ~~issuance, and is not transferable.~~

418 ~~(j) The inspection certificate must be displayed on the~~
419 ~~amusement ride at a place readily visible to patrons of the~~
420 ~~amusement ride.~~

421 ~~(d)(k)~~ If the owner or manager fails to timely cancel a
422 scheduled ~~Request for~~ inspection, requests holiday or weekend
423 inspections, or is required to have a replacement USAID plate
424 issued by the department, the owner or manager may be charged an
425 appropriate fee to be set by department rule ~~of the department~~.

426 (e) In order to align inspection dates at permanent
 427 facilities, the department may shorten or extend the 6-month
 428 inspection interval. Fees for rides with shortened inspection
 429 intervals must be prorated. Extensions of inspection intervals
 430 may not exceed 2 months.

431 (9)-(8) FEES.-

432 (a) The department shall ~~by rule~~ establish by rule fees to
 433 cover the costs and expenditures associated with the fair rides
 434 inspection program, including all direct and indirect costs. If
 435 the Legislature does not appropriate ~~there is not sufficient~~
 436 general revenue sufficient to cover such costs and expenditures
 437 ~~appropriated by the Legislature,~~ the industry shall pay ~~for~~ the
 438 remainder ~~remaining cost of the program.~~ The fees must be
 439 deposited in the General Inspection Trust Fund.

440 (b) An ~~Any~~ owner or manager of an amusement ride who has
 441 not paid ~~all~~ the fees required under this section or who has any
 442 unpaid fine outstanding under this section may not operate any
 443 amusement ride in this state until the fees or ~~and~~ fines have
 444 been paid to the department.

445 (10)-(9) INSURANCE REQUIREMENTS.-

446 (a) An owner or manager may not operate an amusement ride
 447 unless the owner or manager has in effect at all times of
 448 operation an insurance policy in an amount of at least \$1
 449 million per occurrence, \$1 million in the aggregate, which
 450 insures the owner or manager of the amusement ride against

451 liability for injury to persons arising out of the use of the
452 amusement ride.

453 (b) The policy must be procured from an insurer that is
454 licensed to transact business in this state or that is approved
455 as a surplus lines insurer.

456 (c) ~~The insurance requirements imposed under~~ This
457 subsection does ~~do~~ not apply to a governmental entity that is
458 covered under ~~by the provisions of~~ s. 768.28(16).

459 (11) ~~(10)~~ EXEMPTIONS.—

460 (a) This section does not apply to:

461 1. Permanent facilities that employ at least 1,000 full-
462 time employees and that maintain full-time, in-house safety
463 inspectors. However ~~Furthermore~~, the permanent facilities must
464 file an affidavit of the annual inspection with the department,
465 on a form prescribed by department ~~of the department~~.
466 ~~Additionally~~, The department ~~of Agriculture and Consumer~~
467 ~~Services~~ may consult annually with the permanent facilities
468 regarding industry safety programs.

469 2. Any playground operated by a school, a local
470 government, or a business licensed under chapter 509, if the
471 playground is an incidental amenity and the operating entity is
472 not primarily engaged in providing amusement, pleasure, thrills,
473 or excitement.

474 ~~3. Museums or other institutions principally devoted to~~
475 ~~the exhibition of products of agriculture, industry, education,~~

476 ~~science, religion, or the arts.~~

477 ~~3.4.~~ Conventions or trade shows for the sale or exhibit of
478 amusement rides, if there are a minimum of 15 amusement rides on
479 display or exhibition, and if any operation of such amusement
480 rides is limited to the registered attendees of the convention
481 or trade show.

482 ~~4.5.~~ Skating rinks; arcades; laser or paint ball war
483 games; bowling alleys; miniature golf courses; mechanical
484 bulls; inflatable rides; trampolines; ball crawls; exercise
485 equipment; jet skis; paddle boats; airboats; helicopters; airplanes;
486 parasails; hot air or helium balloons, whether
487 tethered or untethered; theatres; batting cages; stationary
488 spring-mounted fixtures; rider-propelled merry-go-rounds;
489 games; side shows; live animal rides; or live animal shows.

490 ~~5.6.~~ Go-karts operated in competitive sporting events if
491 participation is not open to the public.

492 ~~6.7.~~ Nonmotorized playground equipment that is not
493 required to have a manager.

494 ~~7.8.~~ Coin-actuated amusement rides designed to be operated
495 by depositing coins, tokens, credit cards, debit cards, bills,
496 or other cash money and which are not required to have a
497 manager, and which have a capacity of six persons or less.

498 ~~8.9.~~ Facilities described in s. 549.09(1)(a), when such
499 facilities are operating only cars, trucks, or motorcycles ~~only~~.

500 ~~9.10.~~ Battery-powered cars or other vehicles that are

501 designed to be operated by children 7 years of age or younger
502 ~~under~~ and that cannot exceed a speed of 4 miles per hour.

503 ~~10.11.~~ Mechanically driven vehicles that pull train cars,
504 carts, wagons, or other similar vehicles;~~;~~ that are not confined
505 to a metal track or confined to an area but are steered by an
506 operator; and that cannot ~~do not~~ exceed a speed of 4 miles per
507 hour.

508 ~~11.12.~~ A water-related amusement ride operated by a
509 business licensed under chapter 509, if the water-related
510 amusement ride is an incidental amenity and the operating
511 business is not primarily engaged in providing amusement,
512 pleasure, thrills, or excitement and does not offer day rates.

513 ~~12.13.~~ An amusement ride at a private, membership-only
514 facility if the amusement ride is an incidental amenity, and the
515 facility is not open to the general public; is not primarily
516 engaged in providing amusement, pleasure, thrills, or
517 excitement; and does not offer day rates.

518 ~~13.14.~~ A nonprofit permanent facility registered under
519 chapter 496 which is not open to the general public.

520 (b) The department ~~may, by rule,~~ establish by rule
521 exemptions from this section ~~for nonmotorized or human-powered~~
522 ~~amusement rides or coin-actuated amusement rides.~~

523 ~~(12)-(11)~~ INSPECTION STANDARDS.—An amusement ride must
524 conform to ~~and must be inspected by the department in accordance~~
525 ~~with~~ the following standards:

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

528 (b) All control devices, speed-limiting devices, brakes,
529 and safety equipment ~~designated by the manufacturer~~ must be in
530 good working order.

531 (c) Parts must be properly aligned, ~~and they~~ may not be
532 bent, distorted, cut, or otherwise injured to force a fit. Parts
533 requiring lubrication must be lubricated in the course of
534 assembly. Fastening and locking devices must be installed when
535 ~~where~~ required for safe operation.

536 (d) ~~Before being used by the public,~~ An amusement ride
537 must be placed or secured with blocking, cribbing, outriggers,
538 guys, or other means so as to be stable under all operating
539 conditions.

540 (e) Areas in which patrons may be endangered by the
541 operation of an amusement ride must be fenced, barricaded, or
542 otherwise effectively guarded against inadvertent contact.

543 (f) Machinery used in or with an amusement ride must be
544 enclosed, barricaded, or otherwise effectively guarded against
545 inadvertent contact.

546 (g) An amusement ride powered so as to be capable of
547 exceeding its maximum safe operating speed must be provided with
548 a maximum-speed-limiting device.

549 (h) The interior and exterior parts of all patron-carrying
550 amusement rides with which a patron may come in contact must be

551 smooth and rounded and free from sharp, rough, or splintered
552 edges and corners, and from ~~with no~~ projecting studs, bolts, and
553 screws, ~~or other projections that which~~ might cause injury.

554 (i) Signs that advise or warn patrons of age restrictions,
555 size restrictions, health restrictions, weight limitations, or
556 any other special consideration or use restrictions required or
557 recommended for the amusement ride by the manufacturer must
558 ~~shall~~ be prominently displayed at the patron entrance of each
559 amusement ride.

560 (j) All amusement rides presented for inspection as ready
561 for operation or in operation must comply with this section and
562 department rule ~~the rules adopted hereunder~~.

563 (k) A sign containing the toll-free number of the
564 department and informing patrons that they may contact the
565 department with complaints or concerns regarding the operation
566 of amusement rides must be posted in a manner conspicuous to the
567 public at each entrance of an amusement ride event, unless such
568 facility or event is exempt under subsection (11). The
569 department shall prescribe by rule specifications for such
570 signs.

571 (13) ~~(12)~~ MAJOR MODIFICATION.—After an amusement ride has
572 undergone a major modification, and before ~~prior to~~ the time it
573 is placed in operation, a professional engineer licensed by the
574 state in which the certification is performed must certify that
575 the amusement ride is in compliance with this section and

576 department rule ~~all rules adopted pursuant thereto.~~ Upon
577 request, the owner or manager of the amusement ride shall
578 provide to the department a copy of the required certification
579 and all evidence used by the professional engineer to prepare
580 the certification.

581 (14) ~~(13)~~ ENTRY FOR INSPECTION OR INVESTIGATION.—Upon
582 presentation of identification, an authorized employee of the
583 department may enter unannounced and inspect amusement rides at
584 any time and in a reasonable manner and has the right to
585 question any owner or manager; to inspect, investigate,
586 photograph, and sample all pertinent places, areas, and devices;
587 and to conduct or have conducted all appropriate tests including
588 nondestructive testing. The department may impose fees for
589 unannounced inspections and recover the cost of tests authorized
590 by this subsection.

591 (15) ~~(14)~~ REPORTING AND INVESTIGATION OF ACCIDENTS AND
592 DEFECTS; IMPOUNDMENTS.—

593 (a) Any accident of which the owner or manager has
594 knowledge or, through the exercise of reasonable diligence
595 should have knowledge, and for which a patron is transported to
596 a hospital, as defined in chapter 395, must be reported by the
597 owner or manager to the department by telephone within 4 hours
598 after the occurrence of the accident and must be followed up by
599 a written report to the department within 24 hours after the
600 occurrence of the accident.

601 (b) Any mechanical, structural, or electrical defects or
 602 failures affecting patron safety for which an amusement ride is
 603 closed to patron use ~~for more than 4 hours~~ must be reported by
 604 the owner or manager to the department by telephone or facsimile
 605 within 8 hours after the closing of the ride. A written report
 606 of the closing of the ride, on a form prescribed by department
 607 ~~rule of the department~~, must be filed by the owner or manager
 608 with the department within 24 hours after the closing of the
 609 amusement ride. The affected ride must remain closed until
 610 repairs are reviewed and the ride is released for operation by
 611 the department.

612 (c) The department may impound an amusement ride involved
 613 in an accident for which a patron is transported to a hospital
 614 as defined in chapter 395 or which has a mechanical, structural,
 615 or electrical defect affecting patron safety; ~~and~~ and may impound
 616 any other amusement ride of a similar make and model; ~~and~~ and may
 617 perform all necessary tests to determine the cause of the
 618 accident or the mechanical, structural, or electrical defect ~~or~~
 619 to determine the safety of the amusement ride and any other
 620 amusement ride of a similar make and model. The cost of
 621 impounding the amusement ride and performing the necessary tests
 622 must be borne by the owner of the amusement ride.

623 (16)~~(15)~~ INSPECTION BY OWNER OR MANAGER.—Before opening on
 624 each day of operation and before any inspection by the
 625 department, the owner or manager of an amusement ride must

626 inspect and test each ~~the~~ amusement ride to ensure compliance
627 with ~~all requirements of~~ this section. Each inspection must be
628 recorded on a form prescribed by department rule ~~of the~~
629 ~~department~~ and signed by the person who conducted the
630 inspection. In lieu of the form prescribed by department rule ~~of~~
631 ~~the department~~, the owner or manager may request approval of an
632 alternative form that ~~if the alternative form~~ includes, at a
633 minimum, the information required on the form prescribed by
634 department rule ~~of the department~~. Inspection records of the
635 last 14 daily inspections must be kept on site by the owner or
636 manager and made immediately available to the department upon
637 request.

638 (17) ~~(16)~~ TRAINING OF EMPLOYEES.—The owner or manager of an
639 amusement ride shall maintain a record of employee training for
640 each employee authorized to operate, assemble, disassemble,
641 transport, or conduct maintenance on an amusement ride on a form
642 prescribed by department rule ~~of the department~~. In lieu of the
643 form prescribed by department rule ~~of the department~~, the owner
644 or manager may request approval of an alternative form that ~~if~~
645 ~~the alternative form~~ includes, at a minimum, the information
646 required on the form prescribed by department rule ~~of the~~
647 ~~department~~. The training record must be kept on site by the
648 owner or manager and made immediately available to the
649 department upon request. Training may not be conducted when an
650 amusement ride is open to the public unless the training is

651 conducted under the supervision of an employee who is trained in
652 the operation of that ride. The owner or manager shall certify
653 that each employee is trained, as required by this section and
654 any rules adopted thereunder, on the amusement ride for which
655 the employee is responsible.

656 (18)~~(17)~~ PROHIBITIONS RELATED TO BUNGY OPERATIONS.—The
657 following bungee operations are prohibited:

658 (a) A bungee operation conducted with balloons, blimps,
659 helicopters, or other aircraft.

660 (b) Sand bagging, which is the practice of holding onto
661 any object, including another person, while bungee jumping, for
662 the purpose of exerting more force on the bungee cord to stretch
663 it further, and then releasing the object during the jump
664 causing the jumper to rebound with more force than could be
665 created by the jumper's weight alone.

666 (c) Tandem or multiple bungee jumping.

667 (d) Bungee jumping from any bridge, overpass, or any other
668 structure not specifically designed as an amusement ride.

669 (e) The practice of bungee catapulting or reverse bungee
670 jumping.

671 (19)~~(18)~~ IMMEDIATE FINAL ORDERS.—

672 (a) An amusement ride that fails to meet the requirements
673 of this section or pass the inspections required by this
674 section; ~~or an amusement ride~~ that is involved in an accident
675 for which a patron is transported to a hospital as defined in

676 chapter 395; ~~or an amusement ride~~ that has a mechanical,
677 structural, or electrical defect that affects patron safety may
678 be considered an immediate serious danger to the public health,
679 safety, and welfare and, upon issuance of an immediate final
680 order prohibiting patron use of the ride, may not be operated
681 for patron use until it has passed a subsequent inspection by or
682 at the direction of the department.

683 (b) An amusement ride of a similar make and model to an
684 amusement ride described in paragraph (a) may be considered an
685 immediate serious danger to the public health, safety, and
686 welfare and, upon issuance of an immediate final order
687 prohibiting patron use of the ride, may not be operated for
688 patron use until it has passed a subsequent inspection by or at
689 the direction of the department.

690 (20) WITNESSES AND EVIDENCE.—

691 (a) In any examination or investigation conducted by the
692 department or by an examiner appointed by the department, the
693 department may administer oaths, examine and cross-examine
694 witnesses, receive oral and documentary evidence, subpoena
695 witnesses, compel witness attendance and testimony, and require
696 by subpoena the production of documents or other evidence that
697 it deems relevant to the inquiry.

698 (b) If any person refuses to comply with such subpoena or
699 to testify as to any relevant matter, the Circuit Court of Leon
700 County, or the circuit court of the county in which such

701 examination or investigation is being conducted or the county in
702 which such person resides pursuant to an application filed with
703 the department, may issue an order requiring such person to
704 comply with the subpoena and to testify. Any failure to obey
705 such an order of the court may be punished by the court as a
706 contempt thereof.

707 (c) Subpoenas must be served, and proof of such service
708 must be made, in the same manner as if issued by a circuit
709 court. Witness fees and mileage, if claimed, must be allowed as
710 they are for testimony in a circuit court.

711 (d) Any person willfully testifying falsely under oath as
712 to any matter material to any such examination, investigation,
713 or hearing commits perjury and shall be punished accordingly.

714 (e) Any person who asks to be excused from attending or
715 testifying or from producing any documents or other evidence in
716 connection with any examination, hearing, or investigation on
717 the ground that the testimony or evidence required may tend to
718 incriminate him or her or subject him or her to a penalty or
719 forfeiture and who, nevertheless, is directed by the department
720 and the Department of Legal Affairs to give such testimony or
721 produce such evidence shall comply with that directive. The
722 person may not thereafter be prosecuted or subjected to any
723 penalty or forfeiture for or on account of any transaction,
724 matter, or thing concerning which he or she may have testified
725 or produced evidence, and no testimony given or evidence

726 produced may be received against him or her in any criminal
727 action, investigation, or proceeding. However, a person so
728 testifying is not exempt from prosecution or punishment for any
729 perjury committed by him or her in such testimony, and the
730 testimony or evidence given or produced is admissible against
731 him or her in any criminal action, investigation, or proceeding
732 concerning such perjury; and the person is not exempt from the
733 refusal, suspension, or revocation of any license, permission,
734 or authority conferred or to be conferred pursuant to this
735 chapter.

736 (f) Any such individual may execute, acknowledge, and file
737 with the department a statement expressly waiving such immunity
738 or privilege with respect to any transaction, matter, or thing
739 specified in such statement; and upon such filing, the testimony
740 of such individual or such evidence in relation to such
741 transaction, matter, or thing may be received or produced before
742 any judge or justice, court, tribunal, grand jury, or otherwise;
743 and, if so received or produced, such individual is not entitled
744 to any immunity or privileges on account of any testimony he or
745 she may so give or evidence so produced.

746 (g) Any person who refuses or fails without lawful cause
747 to testify relative to the affairs of any person, when
748 subpoenaed and requested by the department to so testify,
749 commits a misdemeanor of the second degree, punishable as
750 provided in s. 775.083.

751 (21) ~~(19)~~ ENFORCEMENT AND PENALTIES.—

752 (a) The department may deny, suspend for a period not to
 753 exceed 1 year, or revoke any permit ~~or inspection certificate~~.
 754 In addition to denial, suspension, or revocation, the department
 755 may impose an administrative fine in the Class III ~~Class II~~
 756 category pursuant to s. 570.971 not to exceed \$10,000 ~~\$2,500~~ for
 757 each violation, for each day the violation exists, against the
 758 owner or manager of the amusement ride if it finds that:

- 759 1. An amusement ride has operated or is operating:
- 760 a. With a mechanical, structural, or electrical defect
 761 that affects patron safety, of which the owner or manager has
 762 knowledge, or, through the exercise of reasonable diligence,
 763 should have knowledge;
- 764 b. In a manner or circumstance that presents a risk of
 765 serious injury to patrons;
- 766 c. At a speed in excess of its maximum safe operating
 767 speed;
- 768 d. In violation of this section or department ~~any~~ rule
 769 ~~adopted under this section~~; or
- 770 e. In violation of an order of the department or order of
 771 any court; ~~or~~
- 772 2. An owner, a manager, or an operator in the course of
 773 his or her duties is under the influence of drugs or alcohol; or
- 774 3. An amusement ride was presented for inspection as ready
 775 for operation with a mechanical, structural, or electrical

776 defect that affects patron safety, of which the owner or manager
777 has knowledge or, through the exercise of reasonable diligence,
778 should have knowledge.

779 (b) In addition to the administrative fine provided in
780 paragraph (a), the department may impose an additional
781 administrative fine in the Class IV category pursuant to s.
782 570.971 of \$10,000 or more against the owner or manager if a
783 violation resulted in serious injury or death to a patron.

784 ~~(c)-(b)~~ ~~The department shall,~~ In its order suspending a
785 permit ~~or inspection certificate,~~ the department shall specify
786 the period during which the suspension is effective, which, ~~but~~
787 ~~such period~~ may not exceed 1 year. The permit must ~~or inspection~~
788 ~~certificate shall~~ remain suspended during the period so
789 specified, subject, however, to any rescission or modification
790 of the order by the department, or modification or reversal
791 thereof by the court, before ~~prior to~~ expiration of the
792 suspension period.

793 ~~(d)-(c)~~ ~~The owner of an amusement ride,~~ If the permit ~~or~~
794 ~~inspection certificate~~ for the amusement ride has been revoked
795 by the department, the owner or manager of such ride may not
796 apply for another permit ~~or inspection certificate~~ for the
797 amusement ride within 2 years after the date of such revocation.
798 If judicial review is sought and a stay of the revocation is
799 obtained, the owner or manager may not apply for another permit
800 ~~or inspection certificate~~ within 2 years after the final order

801 of the court sustaining the revocation.

802 (e)~~(d)~~ During the period of suspension or revocation of a
803 permit ~~or inspection certificate~~, the owner or manager may not
804 engage in or attempt to engage in any operation of the amusement
805 ride for which a permit ~~or inspection certificate~~ is required
806 under this section.

807 (f)~~(e)~~ When a suspension period imposed by the department
808 has expired, an owner or manager whose ~~annual~~ permit ~~or~~
809 ~~inspection certificate~~ has expired may reapply for a new permit
810 ~~or inspection certificate~~ by submitting a complete application
811 to the department.

812 (g)~~(f)~~ In addition to the remedies provided in this
813 section, and notwithstanding the existence of any adequate
814 remedy at law, the department may bring an action to enjoin the
815 violation ~~of any provision~~ of this section, or rules adopted
816 under this section, in the circuit court of the county in which
817 the violation occurs or is about to occur. Upon presentation
818 ~~competent and substantial evidence~~ presented by the department
819 to the court of competent and substantial evidence of the
820 violation or threatened violation, the court must immediately
821 issue the temporary or permanent injunction sought by the
822 department. The injunction must be issued without bond.

823 (h)~~(g)~~ In addition to the penalties authorized ~~to be~~
824 ~~imposed~~ for any violation of this section or any rule adopted
825 under this section, the department may issue a letter of warning

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826 | to the owner or manager of the amusement ride specifying the
827 | violation and directing the owner or manager to immediately
828 | correct the violation.

829 | (i)~~(h)~~ Any person who knowingly violates ~~any provision of~~
830 | this section commits a misdemeanor of the second degree,
831 | punishable as provided in s. 775.082 or s. 775.083.

832 | Section 2. This act shall take effect July 1, 2020.