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2020 Legislature

1
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 providing exemptions from provisions relating to
14 permits, testing, inspections, and fees for certain
15 museums, institutions, specific ride types, and
16 facilities; authorizing the department to establish
17 exemptions from safety standards for specific rides
18 and types of rides; revising inspection standards for
19 amusement rides; directing the department to prescribe
20 by rule specified signage to be posted at amusement
21 ride events; revising requirements for compliance
22 certifications after major modifications to amusement
23 rides; revising requirements for amusement ride
24 inspections by owners and managers; providing
25 procedures for the introduction and examination of

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26 witnesses and evidence in examinations and
 27 investigations conducted by the department; revising
 28 civil penalties; providing an effective date.

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

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

34 616.242 Safety standards for amusement rides.—

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

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

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

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

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

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51 amusement ride permit application.

52 (c) ~~(b)~~ "Annual permit" means the United States Amusement
 53 Identification Number and the ~~numbered and dated~~ decal issued by
 54 the department, which signify that the permanent amusement ride
 55 has been permitted by the department.

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

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

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

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

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

73 (h) "Major modification" means any change in ~~either~~ the
 74 structural or operational characteristics of an ~~the~~ amusement
 75 ride which will alter its performance from that specified in the

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76 manufacturer's design criteria.

77 (i) "Manager" means a person having possession, custody,
78 or managerial control of an amusement ride, whether as owner,
79 lessee, agent, operator, attendant, or otherwise.

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

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

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

97 (m) "Permanent amusement ride" means an amusement ride
98 that is not regularly relocated.

99 (n) "Permanent facility" means a location or place from
100 which amusement rides are not regularly relocated and at which

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101 such rides operate as a lasting part of the premises.

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

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

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

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

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

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

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126 (r) "Simulator" means any amusement ride that is a self-
 127 contained unit requiring little or no assembly and that uses a
 128 motion picture simulation, along with a mechanical movement, to
 129 simulate activities that provide amusement or excitement for the
 130 patron.

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

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

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

140 (4) ADOPTION OF STANDARDS; RULES.—

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

144 1. ASTM International ~~American Society for Testing and~~
 145 ~~Materials~~ Committee F24 ~~F-24~~ Standards on Amusement Rides and
 146 Devices.

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

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

150 4. ~~ASTM Standards: E543 Practice for Determining the~~

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151 ~~Qualification of Nondestructive Testing Agencies.~~

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

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

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

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

173 (5) PERMANENT AMUSEMENT RIDE ANNUAL PERMIT.—

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

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176 (b) To apply for an annual permit, an owner or manager
 177 must submit to the department a written application on a form
 178 prescribed by department rule ~~of the department~~, which must
 179 include the following:

- 180 1. The legal name, address, and primary place of business
 181 of the owner or manager, as applicable.
- 182 2. A description, manufacturer's name, serial number,
 183 model number and, if previously assigned, the United States
 184 Amusement Identification Number of the amusement ride.
- 185 3. A valid certificate of insurance for each amusement
 186 ride.
- 187 4. If required under subsection (7), an annual affidavit
 188 of compliance and nondestructive testing certifying that the
 189 amusement ride was inspected in person by the affiant and that
 190 the amusement ride is in general conformance with the
 191 requirements of this section and all applicable department rules
 192 ~~adopted by the department~~. The affidavit must have been ~~be~~
 193 executed by a professional engineer or a qualified inspector
 194 within the last calendar year ~~no earlier than 60 days before,~~
 195 ~~but not later than, the date of the filing of the application~~
 196 ~~with the department. The owner shall request inspection and~~
 197 ~~permitting of the amusement ride within 60 days of the date of~~
 198 ~~filing the application with the department. The department shall~~
 199 ~~inspect and permit the amusement ride within 60 days after~~
 200 ~~filing the application with the department.~~

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201 ~~5. If required by subsection (6), an affidavit of~~
 202 ~~nondestructive testing dated and executed no earlier than 60~~
 203 ~~days before, but not later than, the date of the filing of the~~
 204 ~~application with the department. The owner shall request~~
 205 ~~inspection and permitting of the amusement ride within 60 days~~
 206 ~~of the date of filing the application with the department. The~~
 207 ~~department shall inspect and permit the amusement ride within 60~~
 208 ~~days after filing the application with the department.~~

209 ~~6. A request for inspection.~~

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

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

223 (d) ~~(e)~~ An annual permit must be issued by the department
 224 to the owner or manager of an amusement ride when a completed
 225 application has been received, the amusement ride has passed the

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226 department's inspection, and all applicable fees, as set by
 227 department rule ~~of the department~~, have been paid.

228 ~~(e)-(d)~~ The annual permit is valid for 1 year after ~~from~~
 229 the date of issue and is not transferable.

230 ~~(f)-(e)~~ The annual permit must be displayed in an
 231 accessible location on the amusement ride ~~in a place visible to~~
 232 ~~patrons of the amusement ride~~.

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

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

237 (6) TEMPORARY AMUSEMENT RIDE PERMIT.-

238 (a) A temporary amusement ride may not be operated without
 239 a current permit.

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

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

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

248 3. A valid certificate of insurance for each amusement
 249 ride.

250 4. If required under subsection (7), an affidavit of

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251 compliance and nondestructive testing certifying that the
252 amusement ride was inspected in person by the affiant and that
253 the amusement ride is in general conformance with the
254 requirements of this section and all applicable department
255 rules. The affidavit must be executed by a professional engineer
256 or a qualified inspector.

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

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

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

275 (e) The permit is valid for 6 months after the date of

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276 | issue or until the ride is relocated, with or without
 277 | disassembly, and is not transferable.

278 | (f) The permit must be displayed in an accessible location
 279 | on the amusement ride.

280 | (7)(6) NONDESTRUCTIVE TESTING; ANNUAL AFFIDAVIT;
 281 | EXEMPTIONS.-

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

300 | (b) Nondestructive testings must be performed by a

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301 technician who meets the requirements prescribed by department
 302 rule ~~of subparagraphs (4) (a) 4. and 5.~~

303 (c) An affidavit of nondestructive testing must state:

304 1. That the amusement ride was inspected in person by the
 305 affiant.

306 2. That all nondestructive testing requirements are
 307 current.

308 3. That the nondestructive testing was performed by a
 309 qualified nondestructive testing technician.

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

312 5. The type of nondestructive testing required or
 313 recommended by the manufacturer.

314 6. The frequency of the nondestructive testing required or
 315 recommended by the manufacturer.

316 7. The components of the amusement ride for which the
 317 affiant has recommended or required nondestructive testing.

318 8. The type of nondestructive testing required or
 319 recommended by the affiant.

320 9. The frequency of the nondestructive testing as required
 321 or recommended by the affiant.

322 10. That visual nondestructive testing is adequate for the
 323 amusement ride to be in general conformance with the
 324 requirements of this section, and all applicable rules, only if
 325 ~~only~~ visual nondestructive testing is required or recommended by

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326 ~~either~~ the manufacturer or the affiant.

327 (d) Nondestructive testing is not required for fun houses,
 328 houses of mirrors, haunted houses, mazes, wave pools, wave-
 329 making devices, kiddie pools, slides that are fully supported by
 330 an earthen mound, nonmotorized playground equipment that
 331 requires a manager, or lazy-river-type nonmotorized floating
 332 carriers propelled by water.

333 (8)~~(7)~~ DEPARTMENT INSPECTIONS.-

334 (a) In order to obtain an annual or a temporary amusement
 335 ride permit, an amusement ride must be inspected by the
 336 department.

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

346 a.1. Used at a private event;

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

349 c.3. A kiddie ride used at a public event, provided that
 350 not ~~there are no~~ more than three amusement rides are at the

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351 event, ~~none of~~ the kiddie rides at the event do not exceed
 352 ~~exceeds~~ a capacity of 12 persons, and the kiddie ride passed a
 353 department inspection and was issued a permit ~~has an inspection~~
 354 ~~certificate that was issued~~ within the preceding 6 months. The
 355 capacity of a kiddie ride shall be determined by department rule
 356 ~~of the department~~, unless the capacity of the ride has been
 357 determined and specified by the manufacturer. Any owner or
 358 manager of a kiddie ride operating under this exemption is
 359 responsible for ensuring that not ~~no~~ more than three amusement
 360 rides are operated at the event.

361 2.(b) The department shall inspect permanent amusement
 362 rides 6 months after the issuance of the annual permit. The
 363 required inspection may be waived for a permanent amusement ride
 364 if it was inspected and certified by an accredited trade
 365 organization as defined by department rule ~~To obtain a~~
 366 ~~department inspection for an amusement ride, the owner must~~
 367 ~~submit to the department on a form prescribed by rule of the~~
 368 ~~department a written Request for Inspection. The owner must~~
 369 ~~provide the following information to the department:~~

370 ~~1. The legal name, address, and primary place of business~~
 371 ~~of the owner.~~

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

375 ~~3. For a temporary amusement ride, for each time the~~

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376 ~~amusement ride is set up or moved to a new location, the date of~~
377 ~~first intended use at the new location and the address or a~~
378 ~~description of the new location.~~

379 ~~(c) For permanent amusement rides, the request for~~
380 ~~inspection must be received by the department at least 15 days~~
381 ~~before the owner's planned opening date or at least 15 days~~
382 ~~before the expiration of the prior inspection certificate. If~~
383 ~~the request for inspection is received less than 15 days before~~
384 ~~the owner's planned opening date or less than 15 days before the~~
385 ~~expiration of the prior inspection certificate, the department~~
386 ~~may nevertheless inspect the amusement ride and charge a late~~
387 ~~fee, as set by rule of the department.~~

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

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

400 ~~(c)(f)~~ Upon failure of an amusement ride to pass any

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401 department inspection, the owner or manager may request
 402 reinspection, which must ~~shall~~ be submitted in writing to the
 403 department on a form prescribed by department rule ~~of the~~
 404 ~~department~~. The department shall reinspect the amusement ride as
 405 soon as practicable after ~~practical following~~ receipt of the
 406 written request for reinspection and any applicable reinspection
 407 fees set by department rule ~~of the department~~. Inspections must
 408 ~~will~~ be assigned on a first-come, first-served ~~first-come, first~~
 409 ~~served~~ basis, and the overflow requests must ~~will~~ be scheduled
 410 on the closest date to the date for which the inspection was
 411 requested.

412 ~~(g) If the amusement ride passes inspection and the owner~~
 413 ~~pays the applicable fee set by rule of the department, the~~
 414 ~~department shall issue an inspection certificate on a form~~
 415 ~~prescribed by rule of the department.~~

416 ~~(h) The inspection certificate must contain the date of~~
 417 ~~inspection, the site of the inspection, and the name of the~~
 418 ~~inspector.~~

419 ~~(i) The inspection certificate is valid only for the site~~
 420 ~~stated on the inspection certificate. The inspection certificate~~
 421 ~~is valid for a period of not more than 6 months from the date of~~
 422 ~~issuance, and is not transferable.~~

423 ~~(j) The inspection certificate must be displayed on the~~
 424 ~~amusement ride at a place readily visible to patrons of the~~
 425 ~~amusement ride.~~

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426 (d)~~(k)~~ If the owner or manager fails to timely cancel a
 427 scheduled ~~Request for~~ inspection, requests holiday or weekend
 428 inspections, or is required to have a replacement USAID plate
 429 issued by the department, the owner or manager may be charged an
 430 appropriate fee to be set by department ~~of the department~~.

431 (e) In order to align inspection dates at permanent
 432 facilities, the department may shorten or extend the 6-month
 433 inspection interval. Fees for rides with shortened inspection
 434 intervals must be prorated. Extensions of inspection intervals
 435 may not exceed 2 months.

436 (9)~~(8)~~ FEES.—

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

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

450 (10)~~(9)~~ INSURANCE REQUIREMENTS.—

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451 (a) An owner or manager may not operate an amusement ride
 452 unless the owner or manager has in effect at all times of
 453 operation an insurance policy in an amount of at least \$1
 454 million per occurrence, \$1 million in the aggregate, which
 455 insures the owner or manager of the amusement ride against
 456 liability for injury to persons arising out of the use of the
 457 amusement ride.

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

461 (c) ~~The insurance requirements imposed under~~ This
 462 subsection does ~~de~~ not apply to a governmental entity that is
 463 covered under ~~by the provisions of~~ s. 768.28(16).

464 (11)~~(10)~~ EXEMPTIONS.—

465 (a) This section does not apply to:

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

474 2. Any playground operated by a school, a local
 475 government, or a business licensed under chapter 509, if the

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476 | playground is an incidental amenity and the operating entity is
 477 | not primarily engaged in providing amusement, pleasure, thrills,
 478 | or excitement.

479 | ~~3. Museums or other institutions principally devoted to~~
 480 | ~~the exhibition of products of agriculture, industry, education,~~
 481 | ~~science, religion, or the arts.~~

482 | ~~4. Conventions or trade shows for the sale or exhibit of~~
 483 | ~~amusement rides if there are a minimum of 15 amusement rides on~~
 484 | ~~display or exhibition, and if any operation of such amusement~~
 485 | ~~rides is limited to the registered attendees of the convention~~
 486 | ~~or trade show.~~

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

495 | ~~4.6. Go-karts operated in competitive sporting events if~~
 496 | ~~participation is not open to the public.~~

497 | (b) All of the following are exempt from subsections (5),
 498 | (6), (8) and (9), but may be inspected by the department
 499 | following a complaint or pursuant to an accident that is
 500 | required to be reported under subsection (15), and such

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501 exemption may be removed if the exempted amusement ride is found
 502 to have been operating in a manner or circumstance that presents
 503 a risk or resulted in a serious injury to patrons:

504 1. Museums or other institutions principally devoted to
 505 the exhibition of products of agriculture, industry, education,
 506 science, religion, or the arts.

507 2. Conventions or trade shows for the sale or exhibit of
 508 amusement rides if there are a minimum of 15 amusement rides on
 509 display or exhibition and if any operation of such amusement
 510 rides is limited to the registered attendees of the convention
 511 or trade show.

512 ~~3.7.~~ Nonmotorized playground equipment that is not
 513 required to have a manager.

514 ~~4.8.~~ Coin-actuated amusement rides designed to be operated
 515 by depositing coins, tokens, credit cards, debit cards, bills,
 516 or other cash money and which are not required to have a
 517 manager, and which have a capacity of six persons or less.

518 ~~5.9.~~ Facilities described in s. 549.09(1)(a) when such
 519 facilities are operating cars, trucks, or motorcycles only.

520 ~~6.10.~~ Battery-powered cars or other vehicles that are
 521 designed to be operated by children 7 years of age or under and
 522 that cannot exceed a speed of 4 miles per hour.

523 ~~7.11.~~—Mechanically driven vehicles that pull train cars,
 524 carts, wagons, or other similar vehicles, that are not confined
 525 to a metal track or confined to an area but are steered by an

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526 operator and do not exceed a speed of 4 miles per hour.

527 ~~8.12.~~ A water-related amusement ride operated by a
 528 business licensed under chapter 509 if the water-related
 529 amusement ride is an incidental amenity and the operating
 530 business is not primarily engaged in providing amusement,
 531 pleasure, thrills, or excitement and does not offer day rates.

532 ~~9.13.~~ An amusement ride at a private, membership-only
 533 facility if the amusement ride is an incidental amenity and the
 534 facility is not open to the general public; is not primarily
 535 engaged in providing amusement, pleasure, thrills, or
 536 excitement; and does not offer day rates.

537 ~~10.14.~~ A nonprofit permanent facility registered under
 538 chapter 496 which is not open to the general public.

539 ~~(c)(b)~~ The department may, ~~by rule,~~ establish by rule
 540 exemptions from this section for specific rides or types of
 541 ~~rides nonmotorized or human-powered amusement rides or coin-~~
 542 ~~actuated amusement rides.~~

543 ~~(12)(11)~~ INSPECTION STANDARDS.—An amusement ride must
 544 conform to ~~and must be inspected by the department in accordance~~
 545 ~~with~~ the following standards:

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

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

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

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

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

563 (f) Machinery used in or with an amusement ride must be
 564 enclosed, barricaded, or otherwise effectively guarded against
 565 inadvertent contact.

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

569 (h) The interior and exterior parts of all patron-carrying
 570 amusement rides with which a patron may come in contact must be
 571 smooth and rounded and free from sharp, rough, or splintered
 572 edges and corners, and from ~~with no~~ projecting studs, bolts, and
 573 screws, or other projections that ~~which~~ might cause injury.

574 (i) Signs that advise or warn patrons of age restrictions,
 575 size restrictions, health restrictions, weight limitations, or

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576 any other special consideration or use restrictions required or
 577 recommended for the amusement ride by the manufacturer must
 578 ~~shall~~ be prominently displayed at the patron entrance of each
 579 amusement ride.

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

583 (k) A sign containing the toll-free number of the
 584 department and informing patrons that they may contact the
 585 department with complaints or concerns regarding the operation
 586 of amusement rides must be posted in a manner conspicuous to the
 587 public at each entrance of a temporary amusement ride facility.
 588 The department shall prescribe by rule specifications for such
 589 signs.

590 ~~(13)-(12)~~ MAJOR MODIFICATION.—After an amusement ride has
 591 undergone a major modification, and before ~~prior to~~ the time it
 592 is placed in operation, a professional engineer licensed by the
 593 state in which the certification is performed must certify that
 594 the amusement ride is in compliance with this section and
 595 department rule ~~all rules adopted pursuant thereto~~. Upon
 596 request, the owner or manager of the amusement ride shall
 597 provide to the department a copy of the required certification
 598 and all evidence used by the professional engineer to prepare
 599 the certification.

600 ~~(14)-(13)~~ ENTRY FOR INSPECTION OR INVESTIGATION.—Upon

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601 presentation of identification, an authorized employee of the
602 department may enter unannounced and inspect amusement rides at
603 any time and in a reasonable manner and has the right to
604 question any owner or manager; to inspect, investigate,
605 photograph, and sample all pertinent places, areas, and devices;
606 and to conduct or have conducted all appropriate tests including
607 nondestructive testing. The department may impose fees for
608 unannounced inspections and recover the cost of tests authorized
609 by this subsection.

610 (15)~~(14)~~ REPORTING AND INVESTIGATION OF ACCIDENTS AND
611 DEFECTS; IMPOUNDMENTS.—

612 (a) Any accident of which the owner or manager has
613 knowledge or, through the exercise of reasonable diligence
614 should have knowledge, and for which a patron is transported to
615 a hospital, as defined in chapter 395, must be reported by the
616 owner or manager to the department by telephone within 4 hours
617 after the occurrence of the accident and must be followed up by
618 a written report to the department within 24 hours after the
619 occurrence of the accident.

620 (b) Any mechanical, structural, or electrical defects or
621 failures affecting patron safety for which an amusement ride is
622 closed to patron use ~~for more than 4 hours~~ must be reported by
623 the owner or manager to the department by telephone or facsimile
624 within 8 hours after the closing of the ride. A written report
625 of the closing of the ride, on a form prescribed by department

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626 | rule ~~of the department~~, must be filed by the owner or manager
 627 | with the department within 24 hours after the closing of the
 628 | amusement ride. The affected ride must remain closed until
 629 | repairs are reviewed and the ride is released for operation by
 630 | the department.

631 | (c) The department may impound an amusement ride involved
 632 | in an accident for which a patron is transported to a hospital
 633 | as defined in chapter 395 or which has a mechanical, structural,
 634 | or electrical defect affecting patron safety; ~~and~~ may impound
 635 | any other amusement ride of a similar make and model; ~~and~~ may
 636 | perform all necessary tests to determine the cause of the
 637 | accident or the mechanical, structural, or electrical defect, ~~or~~
 638 | to determine the safety of the amusement ride and any other
 639 | amusement ride of a similar make and model. The cost of
 640 | impounding the amusement ride and performing the necessary tests
 641 | must be borne by the owner of the amusement ride.

642 | ~~(16)~~ ~~(15)~~ INSPECTION BY OWNER OR MANAGER.—Before opening on
 643 | each day of operation and before any inspection by the
 644 | department, the owner or manager of an amusement ride must
 645 | inspect and test each ~~the~~ amusement ride to ensure compliance
 646 | with ~~all requirements of~~ this section. Each inspection must be
 647 | recorded on a form prescribed by department rule ~~of the~~
 648 | ~~department~~ and signed by the person who conducted the
 649 | inspection. In lieu of the form prescribed by department rule ~~of~~
 650 | ~~the department~~, the owner or manager may request approval of an

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651 alternative form that ~~if the alternative form~~ includes, at a
 652 minimum, the information required on the form prescribed by
 653 department rule ~~of the department~~. Inspection records of the
 654 last 14 daily inspections must be kept on site by the owner or
 655 manager and made immediately available to the department upon
 656 request.

657 (17) ~~(16)~~ TRAINING OF EMPLOYEES.—The owner or manager of an
 658 amusement ride shall maintain a record of employee training for
 659 each employee authorized to operate, assemble, disassemble,
 660 transport, or conduct maintenance on an amusement ride on a form
 661 prescribed by department rule ~~of the department~~. In lieu of the
 662 form prescribed by department rule ~~of the department~~, the owner
 663 or manager may request approval of an alternative form that ~~if~~
 664 ~~the alternative form~~ includes, at a minimum, the information
 665 required on the form prescribed by department rule ~~of the~~
 666 ~~department~~. The training record must be kept on site by the
 667 owner or manager and made immediately available to the
 668 department upon request. Training may not be conducted when an
 669 amusement ride is open to the public unless the training is
 670 conducted under the supervision of an employee who is trained in
 671 the operation of that ride. The owner or manager shall certify
 672 that each employee is trained, as required by this section and
 673 any rules adopted thereunder, on the amusement ride for which
 674 the employee is responsible.

675 (18) ~~(17)~~ PROHIBITIONS RELATED TO BUNGY OPERATIONS.—The

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676 following bungee operations are prohibited:

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

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

685 (c) Tandem or multiple bungee jumping.

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

688 (e) The practice of bungee catapulting or reverse bungee
689 jumping.

690 (19)~~(18)~~ IMMEDIATE FINAL ORDERS.—

691 (a) An amusement ride that fails to meet the requirements
692 of this section or pass the inspections required by this
693 section; ~~or an amusement ride that is involved in an accident~~
694 for which a patron is transported to a hospital as defined in
695 chapter 395; ~~or an amusement ride that has a mechanical,~~
696 structural, or electrical defect that affects patron safety may
697 be considered an immediate serious danger to the public health,
698 safety, and welfare and, upon issuance of an immediate final
699 order prohibiting patron use of the ride, may not be operated
700 for patron use until it has passed a subsequent inspection by or

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701 at the direction of the department.

702 (b) An amusement ride of a similar make and model to an
703 amusement ride described in paragraph (a) may be considered an
704 immediate serious danger to the public health, safety, and
705 welfare and, upon issuance of an immediate final order
706 prohibiting patron use of the ride, may not be operated for
707 patron use until it has passed a subsequent inspection by or at
708 the direction of the department.

709 (20) WITNESSES AND EVIDENCE.—

710 (a) In any examination or investigation conducted by the
711 department or by an examiner appointed by the department, the
712 department may administer oaths, examine and cross-examine
713 witnesses, receive oral and documentary evidence, subpoena
714 witnesses, compel witness attendance and testimony, and require
715 by subpoena the production of documents or other evidence that
716 it deems relevant to the inquiry.

717 (b) If any person refuses to comply with such subpoena or
718 to testify as to any relevant matter, the Circuit Court of Leon
719 County, or the circuit court of the county in which such
720 examination or investigation is being conducted or the county in
721 which such person resides pursuant to an application filed with
722 the department, may issue an order requiring such person to
723 comply with the subpoena and to testify. Any failure to obey
724 such an order of the court may be punished by the court as a
725 contempt thereof.

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

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

733 (e) Any person who asks to be excused from attending or
734 testifying or from producing any documents or other evidence in
735 connection with any examination, hearing, or investigation on
736 the ground that the testimony or evidence required may tend to
737 incriminate him or her or subject him or her to a penalty or
738 forfeiture and who, nevertheless, is directed by the department
739 and the Department of Legal Affairs to give such testimony or
740 produce such evidence shall comply with that directive. The
741 person may not thereafter be prosecuted or subjected to any
742 penalty or forfeiture for or on account of any transaction,
743 matter, or thing concerning which he or she may have testified
744 or produced evidence, and no testimony given or evidence
745 produced may be received against him or her in any criminal
746 action, investigation, or proceeding. However, a person so
747 testifying is not exempt from prosecution or punishment for any
748 perjury committed by him or her in such testimony, and the
749 testimony or evidence given or produced is admissible against
750 him or her in any criminal action, investigation, or proceeding

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751 concerning such perjury; and the person is not exempt from the
 752 refusal, suspension, or revocation of any license, permission,
 753 or authority conferred or to be conferred pursuant to this
 754 chapter.

755 (f) Any such individual may execute, acknowledge, and file
 756 with the department a statement expressly waiving such immunity
 757 or privilege with respect to any transaction, matter, or thing
 758 specified in such statement; and upon such filing, the testimony
 759 of such individual or such evidence in relation to such
 760 transaction, matter, or thing may be received or produced before
 761 any judge or justice, court, tribunal, grand jury, or otherwise;
 762 and, if so received or produced, such individual is not entitled
 763 to any immunity or privileges on account of any testimony he or
 764 she may so give or evidence so produced.

765 (g) Any person who refuses or fails without lawful cause
 766 to testify relative to the affairs of any person, when
 767 subpoenaed and requested by the department to so testify,
 768 commits a misdemeanor of the second degree, punishable as
 769 provided in s. 775.083.

770 (21)-(19) ENFORCEMENT AND PENALTIES.—

771 (a) The department may deny, suspend for a period not to
 772 exceed 1 year, or revoke any permit ~~or inspection certificate~~.
 773 In addition to denial, suspension, or revocation, the department
 774 may impose an administrative fine in the Class III ~~Class II~~
 775 category pursuant to s. 570.971 not to exceed \$10,000 ~~\$2,500~~ for

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776 | each violation, for each day the violation exists, against the
 777 | owner or manager of the amusement ride if it finds that:

778 | 1. An amusement ride has operated or is operating:

779 | a. With a mechanical, structural, or electrical defect
 780 | that affects patron safety, of which the owner or manager has
 781 | knowledge, or, through the exercise of reasonable diligence,
 782 | should have knowledge;

783 | b. In a manner or circumstance that presents a risk of
 784 | serious injury to patrons;

785 | c. At a speed in excess of its maximum safe operating
 786 | speed;

787 | d. In violation of this section or department ~~any~~ rule
 788 | ~~adopted under this section~~; or

789 | e. In violation of an order of the department or order of
 790 | any court; ~~or~~

791 | 2. An owner, a manager, or an operator in the course of
 792 | his or her duties is under the influence of drugs or alcohol; or

793 | 3. An amusement ride was presented for inspection as ready
 794 | for operation with a mechanical, structural, or electrical
 795 | defect that affects patron safety, of which the owner or manager
 796 | has knowledge or, through the exercise of reasonable diligence,
 797 | should have knowledge.

798 | (b) In addition to the administrative fine provided in
 799 | paragraph (a), the department may impose an additional
 800 | administrative fine in the Class IV category pursuant to s.

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801 570.971 of \$10,000 or more against the owner or manager if a
 802 violation resulted in serious injury or death to a patron.

803 ~~(c)(b) The department shall,~~ In its order suspending a
 804 permit ~~or inspection certificate,~~ the department shall specify
 805 the period during which the suspension is effective, which, ~~but~~
 806 ~~such period~~ may not exceed 1 year. The permit must ~~or inspection~~
 807 ~~certificate shall~~ remain suspended during the period so
 808 specified, subject, however, to any rescission or modification
 809 of the order by the department, or modification or reversal
 810 thereof by the court, before ~~prior to~~ expiration of the
 811 suspension period.

812 ~~(d)(c) The owner of an amusement ride,~~ If the permit ~~or~~
 813 ~~inspection certificate~~ for the amusement ride has been revoked
 814 by the department, the owner or manager of such ride may not
 815 apply for another permit ~~or inspection certificate~~ for the
 816 amusement ride within 2 years after the date of such revocation.
 817 If judicial review is sought and a stay of the revocation is
 818 obtained, the owner or manager may not apply for another permit
 819 ~~or inspection certificate~~ within 2 years after the final order
 820 of the court sustaining the revocation.

821 ~~(e)(d)~~ During the period of suspension or revocation of a
 822 permit ~~or inspection certificate,~~ the owner or manager may not
 823 engage in or attempt to engage in any operation of the amusement
 824 ride for which a permit ~~or inspection certificate~~ is required
 825 under this section.

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826 (f) ~~(e)~~ When a suspension period imposed by the department
 827 has expired, an owner or manager whose ~~annual permit or~~
 828 ~~inspection certificate~~ has expired may reapply for a new permit
 829 ~~or inspection certificate~~ by submitting a complete application
 830 to the department.

831 (g) ~~(f)~~ In addition to the remedies provided in this
 832 section, and notwithstanding the existence of any adequate
 833 remedy at law, the department may bring an action to enjoin the
 834 violation ~~of any provision~~ of this section, or rules adopted
 835 under this section, in the circuit court of the county in which
 836 the violation occurs or is about to occur. Upon presentation
 837 ~~competent and substantial evidence presented~~ by the department
 838 to the court of competent and substantial evidence of the
 839 violation or threatened violation, the court must immediately
 840 issue the temporary or permanent injunction sought by the
 841 department. The injunction must be issued without bond.

842 (h) ~~(g)~~ In addition to the penalties authorized ~~to be~~
 843 ~~imposed~~ for any violation of this section or any rule adopted
 844 under this section, the department may issue a letter of warning
 845 to the owner or manager of the amusement ride specifying the
 846 violation and directing the owner or manager to immediately
 847 correct the violation.

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

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