

CHAPTER 2023-56

Committee Substitute for Senate Bill No. 1458

An act relating to roller skating rink safety; creating s. 768.395, F.S.; providing legislative findings; defining terms; providing that an operator of a roller skating rink is not liable for damages or personal injury resulting from inherent risks of roller skating; providing exceptions; providing that certain persons assume the inherent risk of roller skating; providing that an operator is not required to eliminate, alter, or control the inherent risks in roller skating; establishing the responsibilities of roller skaters; providing that failure to take certain actions or comply with certain responsibilities constitutes negligence; providing an effective date.

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

Section 1. Section 768.395, Florida Statutes, is created to read:

768.395 Roller skating rink safety.—

(1) This section may be cited as the “Roller Skating Rink Safety Act.”

(2)(a) The Legislature finds that the recreational activity of roller skating is practiced by a large number of residents of the state, roller skating is a wholesome and healthy family activity that should be encouraged, and the allocation of risks and costs of roller skating is an important matter of public policy.

(b) The Legislature further finds that owners of roller skating rinks face great difficulty in obtaining liability insurance coverage at an affordable cost and that the lack of affordable insurance coverage affects not only owners of roller skating rinks, but also persons who may suffer personal injuries or property damages as a result of accidents that occur on the premises of a roller skating rink. In order to make it more economically feasible for insurance companies to provide coverage to roller skating rinks at an affordable rate to the owners, occurrences resulting in liability to owners should be more predictable by limiting the liability that may be incurred by the owners and encouraging the development and implementation of risk reduction techniques. This section shall be liberally construed to carry out the purposes of this section.

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

(a) “Inherent risk” means those dangers or conditions that are characteristic of, intrinsic to, or an integral part of the activity of roller skating.

(b) “Operator” means a person or entity that owns, manages, controls, directs, or has operational responsibility for a roller skating rink.

(c) “Roller skater” means a person who participates in the activity of roller skating while in a roller skating rink.

(d) “Roller skating rink” means a building, facility, or premises that provides an area specifically designed to be used for roller skating.

(e) “Spectator” means a person in a roller skating rink whose participation is limited to observing the activity of roller skating.

(4) An operator is not liable to a roller skater or spectator for any damages or personal injury resulting from the inherent risks of roller skating.

(5) This section does not limit liability that would otherwise exist if the operator fails to:

(a) Conspicuously post in at least three areas on the premises, the responsibilities of roller skaters and spectators under subsection (6) and the duties of the operator under this subsection.

(b) Maintain the stability and legibility of all signs, symbols, and posted notices required by this section.

(c) Have at least one roller skating rink supervisor or manager on duty for every 200 skaters when the roller skating rink is open for business.

(d) Maintain the skating surface in a reasonably safe condition and clean and inspect the skating surface before each skating session.

(e) Maintain in good condition the railings, kickboards, and walls surrounding the skating surface.

(f) Ensure that all coverings on risers are securely fastened in roller skating rinks with step-up or step-down skating surfaces.

(g) Install and regularly inspect fire extinguishers.

(h) Inspect emergency lights at least quarterly to ensure the lights are in proper working order.

(i) Keep exit lights and service area lights on when skating surface lights are turned off during a skating session.

(j) Inspect and maintain in good mechanical condition roller skating equipment that the operator leases or rents to roller skaters.

(k) Comply with all applicable state and local safety codes.

(l) Take reasonable action to correct a dangerous condition that is known or reasonably should have been known.

(6)(a) A roller skater or spectator at a roller skating rink assumes the inherent risks in the activity of roller skating irrespective of age, and is legally responsible for all damages and injury to himself or herself or other persons or property which result from this activity. An operator is not required to eliminate, alter, or control the inherent risks in this activity.

(b) While engaging in the activity of roller skating at a roller skating rink, a roller skater must:

1. Maintain reasonable control of his or her speed and direction of travel at all times.
2. Heed all posted signs and warnings.
3. Maintain a proper awareness to avoid other roller skaters and objects.
4. Accept the responsibility for knowing the range of his or her own ability to negotiate the intended direction of travel while roller skating and to skate within the limits of that ability.
5. Refrain from acting in a manner that may cause or contribute to his or her own personal injury or the personal injury of another person.

(7)(a) This section does not limit the liability of an operator for personal injuries or damages caused by an act of gross negligence by the operator or his or her employees.

(b) Failure of an operator to take the actions described in subsection (5) or a roller skater to comply with paragraph (6)(b) constitutes negligence.

Section 2. This act shall take effect July 1, 2023.

Approved by the Governor May 11, 2023.

Filed in Office Secretary of State May 11, 2023.