

CHAPTER 2020-141

Committee Substitute for House Bill No. 1275

An act relating to amusement rides; amending s. 616.242, F.S.; requiring amusement ride managers to meet certain requirements; defining and redefining terms; revising standards for rules adopted by the Department of Agriculture and Consumer Services relating to amusement rides; revising provisions for permanent amusement ride annual permits; providing for temporary amusement ride permits; revising provisions for nondestructive testing and department testing of amusement rides; removing the exemption from safety standards for certain museums and institutions; providing exemptions from provisions relating to permits, testing, inspections, and fees for certain museums, institutions, specific ride types, and facilities; authorizing the department to establish exemptions from safety standards for specific rides and types of rides; revising inspection standards for amusement rides; directing the department to prescribe by rule specified signage to be posted at amusement ride events; revising requirements for compliance certifications after major modifications to amusement rides; revising requirements for amusement ride inspections by owners and managers; providing procedures for the introduction and examination of witnesses and evidence in examinations and investigations conducted by the department; revising civil penalties; providing an effective date.

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) ~~(40)~~.

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

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

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

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

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

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

(h) “Major modification” means any change in ~~either~~ the structural or operational characteristics of an ~~the~~ amusement ride which will alter its performance from that specified in the manufacturer’s design criteria.

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

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

(k) “Owner” means the person exercising ultimate dominion and control over an amusement ride.

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

(m) “Permanent amusement ride” means an amusement ride that is not regularly relocated.

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

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

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

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

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

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

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

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

(s) “Temporary amusement ride” means an amusement ride that is regularly relocated, with or without disassembly.

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

(u)(t) “Water park” means a permanent facility with one or more amusement rides that totally or partially immerse a patron in water.

(4) ADOPTION OF STANDARDS; RULES.—

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

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

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

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

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

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

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

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

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

(5) PERMANENT AMUSEMENT RIDE ANNUAL PERMIT.—

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

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

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

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

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

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

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

~~6.— A request for inspection.~~

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

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

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

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

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

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

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

(6) TEMPORARY AMUSEMENT RIDE PERMIT.—

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

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

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

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

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

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

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

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

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

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

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

(7)(6) NONDESTRUCTIVE TESTING; ANNUAL AFFIDAVIT; EXEMPTIONS.—

(a) Except as provided in paragraph (d), an owner or manager may not operate an amusement ride unless the owner or manager has at all times has a current affidavit of nondestructive testing from a professional engineer or qualified inspector that the amusement ride has undergone nondestructive testing for metal fatigue at least annually. The nondestructive testing for metal fatigue must be conducted more often than annually, if required by any rule adopted under this section, by the manufacturer of the amusement ride, or by the professional engineer or qualified inspector executing the affidavit of nondestructive testing. The nondestructive testing for metal fatigue must consist at least of visual nondestructive testing, as well as; in addition, nonvisual nondestructive testing for metal fatigue, which must be conducted on the components of the amusement ride as required by any rule adopted under this section, by the manufacturer of the amusement ride, or by the professional engineer or qualified inspector executing the affidavit of nondestructive testing.

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

(c) An affidavit of nondestructive testing must state:

1. That the amusement ride was inspected in person by the affiant.
2. That all nondestructive testing requirements are current.
3. That the nondestructive testing was performed by a qualified nondestructive testing technician.
4. The components of the amusement ride for which the manufacturer has recommended or required nondestructive testing.
5. The type of nondestructive testing required or recommended by the manufacturer.
6. The frequency of the nondestructive testing required or recommended by the manufacturer.
7. The components of the amusement ride for which the affiant has recommended or required nondestructive testing.

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

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

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

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

~~(8)~~(7) DEPARTMENT INSPECTIONS.—

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

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

~~a.1. Used at a private event;~~

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

~~c.3. A kiddie ride used at a public event, provided that not there are no more than three amusement rides are at the event, ~~none of the kiddie rides at the event do not exceed~~ exceeds a capacity of 12 persons, and the kiddie ride passed a department inspection and was issued a permit ~~has an inspection certificate that was issued within the preceding 6 months. The capacity of a kiddie ride shall be determined by department rule of the department, unless the capacity of the ride has been determined and specified by the manufacturer. Any owner or manager of a kiddie ride operating under this exemption is responsible for ensuring that not no more than three amusement rides are operated at the event.~~~~

~~2.(b) The department shall inspect permanent amusement rides 6 months after the issuance of the annual permit. The required inspection may be waived for a permanent amusement ride if it was inspected and certified by an accredited trade organization as defined by department rule. To obtain a department inspection for an amusement ride, the owner must~~

submit to the department on a form prescribed by rule of the department a written Request for Inspection. The owner must provide the following information to the department:

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

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

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

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

~~(c)(f) Upon failure of an amusement ride to pass any department inspection, the owner or manager may request reinspection, which must shall be submitted in writing to the department on a form prescribed by department ~~rule of the department~~. The department shall reinspect the amusement ride as soon as practicable after practical ~~following~~ receipt of the written request for reinspection and any applicable reinspection fees set by department ~~rule of the department~~. Inspections must will be assigned on a first-come, first-served ~~first come, first served~~ basis, and the overflow requests must will be scheduled on the closest date to the date for which the inspection was requested.~~

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

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

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

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

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

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

~~(9)(8) FEES.—~~

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

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

~~(10)(9) INSURANCE REQUIREMENTS.—~~

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

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

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

~~(11)(10) EXEMPTIONS.—~~

(a) This section does not apply to:

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

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

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

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

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

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

(b) All of the following are exempt from subsections (5), (6), (8) and (9), but may be inspected by the department following a complaint or pursuant to an accident that is required to be reported under subsection (15), and such exemption may be removed if the exempted amusement ride is found to have been operating in a manner or circumstance that presents a risk or resulted in a serious injury to patrons:

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

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

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

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

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

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

~~7.11.~~ Mechanically driven vehicles that pull train cars, carts, wagons, or other similar vehicles, that are not confined to a metal track or confined to an area but are steered by an operator and do not exceed a speed of 4 miles per hour.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(14)(13)~~ ENTRY FOR INSPECTION OR INVESTIGATION.—Upon presentation of identification, an authorized employee of the department may enter unannounced and inspect amusement rides at any time and in a reasonable manner and has the right to question any owner or manager; to

inspect, investigate, photograph, and sample all pertinent places, areas, and devices; and to conduct or have conducted all appropriate tests including nondestructive testing. The department may impose fees for unannounced inspections and recover the cost of tests authorized by this subsection.

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

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

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

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

(16)(15) INSPECTION BY OWNER OR MANAGER.—Before opening on each day of operation and before any inspection by the department, the owner or manager of an amusement ride must inspect and test each the amusement ride to ensure compliance with ~~all requirements of this section~~. Each inspection must be recorded on a form prescribed by department rule of the department and signed by the person who conducted the inspection. In lieu of the form prescribed by department rule of the department, the owner or manager may request approval of an alternative form that if the alternative form includes, at a minimum, the information required on the form prescribed by department rule of the department. Inspection records of the last 14 daily inspections must be kept on site by the owner or manager and made immediately available to the department upon request.

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

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

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

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

(c) Tandem or multiple bungee jumping.

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

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

~~(19)~~(18) IMMEDIATE FINAL ORDERS.—

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

(b) An amusement ride of a similar make and model to an amusement ride described in paragraph (a) may be considered an immediate serious danger to the public health, safety, and welfare and, upon issuance of an

immediate final order prohibiting patron use of the ride, may not be operated for patron use until it has passed a subsequent inspection by or at the direction of the department.

(20) WITNESSES AND EVIDENCE.—

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

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

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

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

(e) Any person who asks to be excused from attending or testifying or from producing any documents or other evidence in connection with any examination, hearing, or investigation on the ground that the testimony or evidence required may tend to incriminate him or her or subject him or her to a penalty or forfeiture and who, nevertheless, is directed by the department and the Department of Legal Affairs to give such testimony or produce such evidence shall comply with that directive. The person may not thereafter be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he or she may have testified or produced evidence, and no testimony given or evidence produced may be received against him or her in any criminal action, investigation, or proceeding. However, a person so testifying is not exempt from prosecution or punishment for any perjury committed by him or her in such testimony, and the testimony or evidence given or produced is admissible against him or her in any criminal action, investigation, or proceeding concerning such perjury; and the person is not exempt from the refusal, suspension, or revocation of any license, permission, or authority conferred or to be conferred pursuant to this chapter.

(f) Any such individual may execute, acknowledge, and file with the department a statement expressly waiving such immunity or privilege with

respect to any transaction, matter, or thing specified in such statement; and upon such filing, the testimony of such individual or such evidence in relation to such transaction, matter, or thing may be received or produced before any judge or justice, court, tribunal, grand jury, or otherwise; and, if so received or produced, such individual is not entitled to any immunity or privileges on account of any testimony he or she may so give or evidence so produced.

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

(21)(19) ENFORCEMENT AND PENALTIES.—

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

1. An amusement ride has operated or is operating:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved by the Governor June 29, 2020.

Filed in Office Secretary of State June 29, 2020.