

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

39
 40 WHEREAS, on March 24, 2022, Tyre Sampson, a 14-year-old boy
 41 visiting this state from Missouri, fell to his death from the
 42 Eagle Drop Tower in Orlando, and

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

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

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

54
 55 Be It Enacted by the Legislature of the State of Florida:

56
 57 Section 1. This act may be cited as the "Tyre Sampson
 58 Act."

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

70 616.242 Safety standards for amusement rides.—

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

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

76 manufacturer's design criteria or operator's manual.

77 (r) "Ride commissioning and certification report" means a
 78 commissioning and certification report by the ride manufacturer
 79 which certifies that the ride has been designed and manufactured
 80 in conformance with the manufacturer's design criteria,
 81 standards referenced in this section, and rules adopted by the
 82 department.

83 (5) PERMANENT AMUSEMENT RIDE ANNUAL PERMIT.—

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

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

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

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

95 4. ~~If required under subsection (7),~~ An annual affidavit
 96 of compliance and nondestructive testing certifying that the
 97 amusement ride was inspected in person by the affiant and that
 98 the amusement ride is in ~~general~~ conformance with the
 99 requirements of this section and all applicable department
 100 rules. The affidavit must have been executed by a professional

101 engineer or a qualified inspector within the last calendar year.

102 5. ~~The owner or manager shall,~~ At no cost to the
 103 department, ~~provide the department~~ an electronic copy of the
 104 manufacturer's current recommended operating instructions, the
 105 owner's operating fact sheet, and any written bulletins
 106 concerning the safety, operation, or maintenance of the
 107 amusement ride.

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

111 (6) TEMPORARY AMUSEMENT RIDE PERMIT.—

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

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

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

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

123 4. ~~If required under subsection (7),~~ An affidavit of
 124 compliance and nondestructive testing certifying that the
 125 amusement ride was inspected in person by the affiant and that

126 the amusement ride is in ~~general~~ conformance with the
127 requirements of this section and all applicable department
128 rules. The affidavit must be executed by a professional engineer
129 or a qualified inspector.

130 5. ~~The owner or manager shall,~~ At no cost to the
131 department, ~~provide the department~~ an electronic copy of the
132 manufacturer's current recommended operating instructions, the
133 operating fact sheet, and any written bulletins concerning the
134 safety, operation, or maintenance of the amusement ride.

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

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

139 2. A kiddie ride used at a public event, provided that not
140 more than three amusement rides are at the event, the kiddie
141 rides at the event do not exceed a capacity of 12 persons, and
142 the kiddie ride passed a department inspection and was issued a
143 permit within the preceding 6 months. Unless the capacity of the
144 ride has been determined and specified by the manufacturer, the
145 department shall determine the capacity of the kiddie ride by
146 rule. An owner or a manager of a kiddie ride operating under
147 this exemption is responsible for ensuring that not more than
148 three amusement rides are operated at the event.

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

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

152 (a) ~~Except as provided in paragraph (d),~~ An owner or
153 manager may not operate an amusement ride unless the owner or
154 manager at all times has a current affidavit of nondestructive
155 testing from a professional engineer or qualified inspector that
156 the amusement ride has undergone nondestructive testing to
157 verify the integrity of all components that are recommended or
158 specified by the manufacturer ~~for metal fatigue~~ at least
159 annually. The nondestructive testing ~~for metal fatigue~~ must be
160 conducted more often than annually if required by any rule
161 adopted under this section, by the manufacturer of the amusement
162 ride, or by the professional engineer or qualified inspector
163 executing the affidavit of nondestructive testing. The
164 nondestructive testing ~~for metal fatigue~~ must consist at least
165 of visual nondestructive testing, as well as nonvisual
166 nondestructive testing ~~for metal fatigue~~, which must be
167 conducted on the components of the amusement ride as required by
168 any rule adopted under this section, by the manufacturer of the
169 amusement ride, or by the professional engineer or qualified
170 inspector executing the affidavit of nondestructive testing.

171 (b) When specified by the manufacturer, nonvisual
172 nondestructive testing must be used to verify the integrity of
173 components that, due to their design, location, installation, or
174 a combination thereof, cannot be adequately evaluated by other
175 means.

176 ~~(c)-(b)~~ Nondestructive testing ~~testings~~ must be performed
 177 by a technician who meets the requirements prescribed by
 178 department rule.

179 ~~(d)-(e)~~ An affidavit of nondestructive testing, on a form
 180 prescribed by department rule, must state, at a minimum, all of
 181 the following:

182 1. That the amusement ride was inspected in person by the
 183 affiant.

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

186 3. That the nondestructive testing was performed by a
 187 qualified nondestructive testing technician.

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

190 5. The type of nondestructive testing required or
 191 recommended by the manufacturer.

192 6. The frequency of the nondestructive testing required or
 193 recommended by the manufacturer.

194 7. The components of the amusement ride for which the
 195 affiant, in addition to the manufacturer's requirements and
 196 recommendations, has recommended or required nondestructive
 197 testing.

198 8. The type of nondestructive testing required or
 199 recommended by the affiant in addition to the manufacturer's
 200 requirements and recommendations. If the affiant does not

201 require or recommend additional nondestructive testing, the
 202 affiant must affirm that the manufacturer's requirements are
 203 sufficient for the safe operation of the amusement ride.

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

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

211 11. That the amusement ride is in conformance with the
 212 requirements of this section and all applicable department
 213 rules.

214 12. Whether the amusement ride has undergone a major
 215 modification and, if so, the name of the manager, owner, or
 216 operator who authorized the modification and the date the
 217 modification took place.

218 13. That the amusement ride and its components are in
 219 conformance with the service life if the manufacturer has
 220 provided a service life for such ride and its components.

221 ~~(e)-(d)~~ Nonvisual nondestructive testing is not required
 222 for fun houses, houses of mirrors, haunted houses, mazes, wave
 223 pools, wave-making devices, kiddie pools, slides that are fully
 224 supported by an earthen mound, nonmotorized playground equipment
 225 that requires a manager, or lazy-river-type nonmotorized

226 floating carriers propelled by water.

227 (8) DEPARTMENT INSPECTIONS.—

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

231 ~~1. A temporary amusement ride is exempt from the required~~
 232 ~~inspection if it is:~~

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

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

236 ~~e. A kiddie ride used at a public event, provided that not~~
 237 ~~more than three amusement rides are at the event, the kiddie~~
 238 ~~rides at the event do not exceed a capacity of 12 persons, and~~
 239 ~~the kiddie ride passed a department inspection and was issued a~~
 240 ~~permit within the preceding 6 months. The capacity of a kiddie~~
 241 ~~ride shall be determined by department rule, unless the capacity~~
 242 ~~of the ride has been determined and specified by the~~
 243 ~~manufacturer. Any owner or manager of a kiddie ride operating~~
 244 ~~under this exemption is responsible for ensuring that not more~~
 245 ~~than three amusement rides are operated at the event.~~

246 ~~2.~~ The department shall inspect permanent amusement rides
 247 6 months after the issuance of the annual permit. The required
 248 inspection may be waived for a permanent amusement ride if it
 249 was inspected and certified by an accredited trade organization
 250 as defined by department rule.

251 (11) EXEMPTIONS.—

252 (b) All of the following are exempt from subsections (5),
 253 (6), (8), and (9), but may be inspected by the department upon
 254 request, following a complaint or pursuant to an accident that
 255 is required to be reported under subsection (15), and such
 256 exemption may be removed if the exempted amusement ride is found
 257 to have been operating in a manner or circumstance that presents
 258 a risk or resulted in a serious injury to patrons:

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

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

267 3. Nonmotorized playground equipment that is not required
 268 to have a manager.

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

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

275 6. Battery-powered cars or other vehicles that are

276 | designed to be operated by children 7 years of age or under and
277 | that cannot exceed a speed of 4 miles per hour.

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

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

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

292 | 10. A nonprofit permanent facility registered under
293 | chapter 496 which is not open to the general public.

294 | (12) INSPECTION STANDARDS.—An amusement ride must conform
295 | to all of the following standards:

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

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

300 | (c) Parts must be properly aligned and may not be bent,

301 distorted, cut, or otherwise injured to force a fit. Parts
302 requiring lubrication must be lubricated in the course of
303 assembly. Fastening and locking devices must be installed when
304 required for safe operation.

305 (d) The proper positioning, measurements, and
306 demonstration of proper patron loading procedures related to
307 patron safety restraint systems must be provided to the
308 department upon request if provided by the manufacturer.

309 (e)-(d) An amusement ride must be placed or secured with
310 blocking, cribbing, outriggers, guys, or other means ~~so as~~ to be
311 stable under all operating conditions.

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

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

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

321 (i)-(h) The interior and exterior parts of all patron-
322 carrying amusement rides with which a patron may come in contact
323 must be smooth and rounded and free from sharp, rough, or
324 splintered edges and corners, and from projecting studs, bolts,
325 and screws or other projections that might cause injury.

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

332 (k)~~(j)~~ All amusement rides presented for inspection as
 333 ready for operation or in operation must comply with this
 334 section and department rule.

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

342 (14) ENTRY FOR INSPECTION OR INVESTIGATION.—

343 (a) Upon presentation of identification, an authorized
 344 employee of the department may enter unannounced and inspect
 345 amusement rides at any time and in a reasonable manner and has
 346 the right to question any owner, operator, or manager; to
 347 inspect, investigate, photograph, and sample all pertinent
 348 places, areas, and devices and review required documentation;
 349 and to conduct or have conducted all appropriate tests,
 350 including nondestructive testing. The department may impose fees

351 for unannounced inspections and recover the cost of tests
 352 authorized by this subsection.

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

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

357 (a) Any accident of which the owner or manager has
 358 knowledge or, through the exercise of reasonable diligence
 359 should have knowledge, and for which a patron seeks treatment at
 360 is transported to a hospital or an urgent care center, as those
 361 terms are defined in chapter 395, must be reported by the owner
 362 or manager to the department by telephone within 4 hours after
 363 the occurrence of the accident or after notification by the
 364 patron and must be followed up by a written report to the
 365 department within 24 hours after the occurrence of the accident
 366 or after notification by the patron.

367 (c) The department may impound an amusement ride involved
 368 in an accident for which a patron seeks treatment at is
 369 transported to a hospital or an urgent care center as those
 370 terms are defined in chapter 395 or which has a mechanical,
 371 structural, or electrical defect affecting patron safety; may
 372 impound any other amusement ride of a similar make and model or
 373 with similar operating characteristics; and may perform all
 374 necessary tests to determine the cause of the accident or the
 375 mechanical, structural, or electrical defect or to determine the

376 safety of the amusement ride and any other amusement ride of a
377 similar make and model or with similar operating
378 characteristics. The cost of impounding the amusement ride and
379 performing the necessary tests must be borne by the owner of the
380 amusement ride.

381 (16) INSPECTION BY OWNER OR MANAGER.—Before opening on
382 each day of operation and before any inspection by the
383 department, the owner or manager of an amusement ride must
384 inspect and test each amusement ride to ensure compliance with
385 this section. Each inspection must be recorded at the time of
386 inspection on a form prescribed by department rule and signed by
387 the person who conducted the inspection. In lieu of the form
388 prescribed by department rule, the owner or manager may request
389 approval of an alternative form that includes, at a minimum, the
390 information required on the form prescribed by department rule.
391 Inspection records of the last 14 daily inspections must be kept
392 on site by the owner or manager and made immediately available
393 to the department upon request.

394 (17) TRAINING OF EMPLOYEES.—

395 (a) The department shall establish by rule minimum
396 training and retraining standards and the frequency of employee
397 training for all amusement rides.

398 (b) The owner or manager of an amusement ride shall
399 maintain a record of employee training for each employee
400 authorized to operate, assemble, disassemble, transport, or

401 conduct maintenance on an amusement ride on a form prescribed by
 402 department rule. In lieu of the form prescribed by department
 403 rule, the owner or manager may request approval of an
 404 alternative form that includes, at a minimum, the information
 405 required on the form prescribed by department rule. The training
 406 record must be kept on site by the owner or manager and made
 407 immediately available to the department upon request. Training
 408 may not be conducted when an amusement ride is open to the
 409 public unless the training is conducted under the supervision of
 410 an employee who is trained in the operation of that ride. The
 411 owner or manager shall immediately document all training
 412 following each training session and certify that each employee
 413 is trained, as required by this section and any rules adopted
 414 thereunder, on the amusement ride for which the employee is
 415 responsible.

416 (19) IMMEDIATE FINAL ORDERS.—

417 (a) An amusement ride that fails to meet the requirements
 418 of this section or pass the inspections required by this
 419 section; that is involved in an accident for which a patron
 420 seeks treatment at ~~is transported to~~ a hospital or an urgent
 421 care center as those terms are defined in chapter 395; or that
 422 has a mechanical, structural, or electrical defect that affects
 423 patron safety may be considered an immediate serious danger to
 424 the public health, safety, and welfare and, upon issuance of an
 425 immediate final order prohibiting patron use of the ride, may

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426 | not be operated for patron use until it has passed a subsequent
427 | inspection by or at the direction of the department.

428 | (b) An amusement ride of a similar make and model or with
429 | similar operating characteristics to an amusement ride described
430 | in paragraph (a) may be considered an immediate serious danger
431 | to the public health, safety, and welfare and, upon issuance of
432 | an immediate final order prohibiting patron use of the ride, may
433 | not be operated for patron use until it has passed a subsequent
434 | inspection by or at the direction of the department.

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