



Can Florida Amusement Parks Be Held Liable by People Who Suspect They Contracted COVID-19 During a Visit?

These parks are, according to their press releases and public relations efforts, putting in place measures to minimize the risk for guests. As Disney World says on their website:

“As you prepare to visit, please know that we’ve made updates based on guidance from health authorities, such as the Centers for Disease Control and Prevention (CDC) and appropriate government agencies.”

When it comes to a virus like COVID-19, there’s no 100-percent fool-proof solution. There’s also no guarantee that people will follow the rules. Conversely, it could also be extremely difficult to prove COVID-19 was contracted at the amusement park.

Voluntarily Assuming Risk

If you are thinking about visiting Disney World, you should familiarize yourself with [their liability disclaimer](#). Every Florida amusement park will be using some type of assumption of risk disclaimer to tell visitors that entering the park is tacit acknowledgement and acceptance of the COVID-19 risk, essentially waiving your right to seek damages if you get sick. Disney World's COVID-19 warning reads, in part:

"By visiting Walt Disney World Resort, you voluntarily assume all risks related to exposure to COVID-19."



Do Assumption of Risk Warnings Make Amusement Parks Immune to Litigation?

In order for an “assumption of risk” sign to be a legally effective litigation deterrent, it must be:

- Placed somewhere a visitor is highly likely to see it
- Clearly visible, unobstructed and easy to read
- Written in a language the vast majority of visitors will understand

At a place like Disney World, they should have the warning in several spots out front and in a variety of languages, including Spanish, since guests visit from all over the world. They should also show it when people make reservations or purchase tickets online.



How Has COVID-19 Affected Disney's Many Florida Theme Parks

Before COVID-19, Disney World had only closed twice – on September 11, 2001 during the terrorist attacks and November 25, 1963 to honor assassinated president John F. Kennedy. Those were both significant, scarring moments in the nation's history – and both closures lasted for a single day.

Does Disney World close for hurricanes? Nope. But it did close for COVID-19; from March 15, 2020 to June 13, 2020. That's a nearly three-month closure for an amusement park that has never missed more than a day.



What Steps Have Amusement Parks Taken to Reduce Risk?

Open Space: This is less of a safety measure and more just a feature of amusement park environments – most are big, open spaces, which reduces the risk for COVID-19 transmissions.

Reservations Required: One way they're managing crowds and lowering capacity is by requiring all visitors to reserve a spot on a specific day at a specific park.

Face Coverings: Every guest 2 years of age or older (and cast members) are required to wear a facemask.

Temperature Screenings: Getting into the park and certain other locations requires a temperature screening.



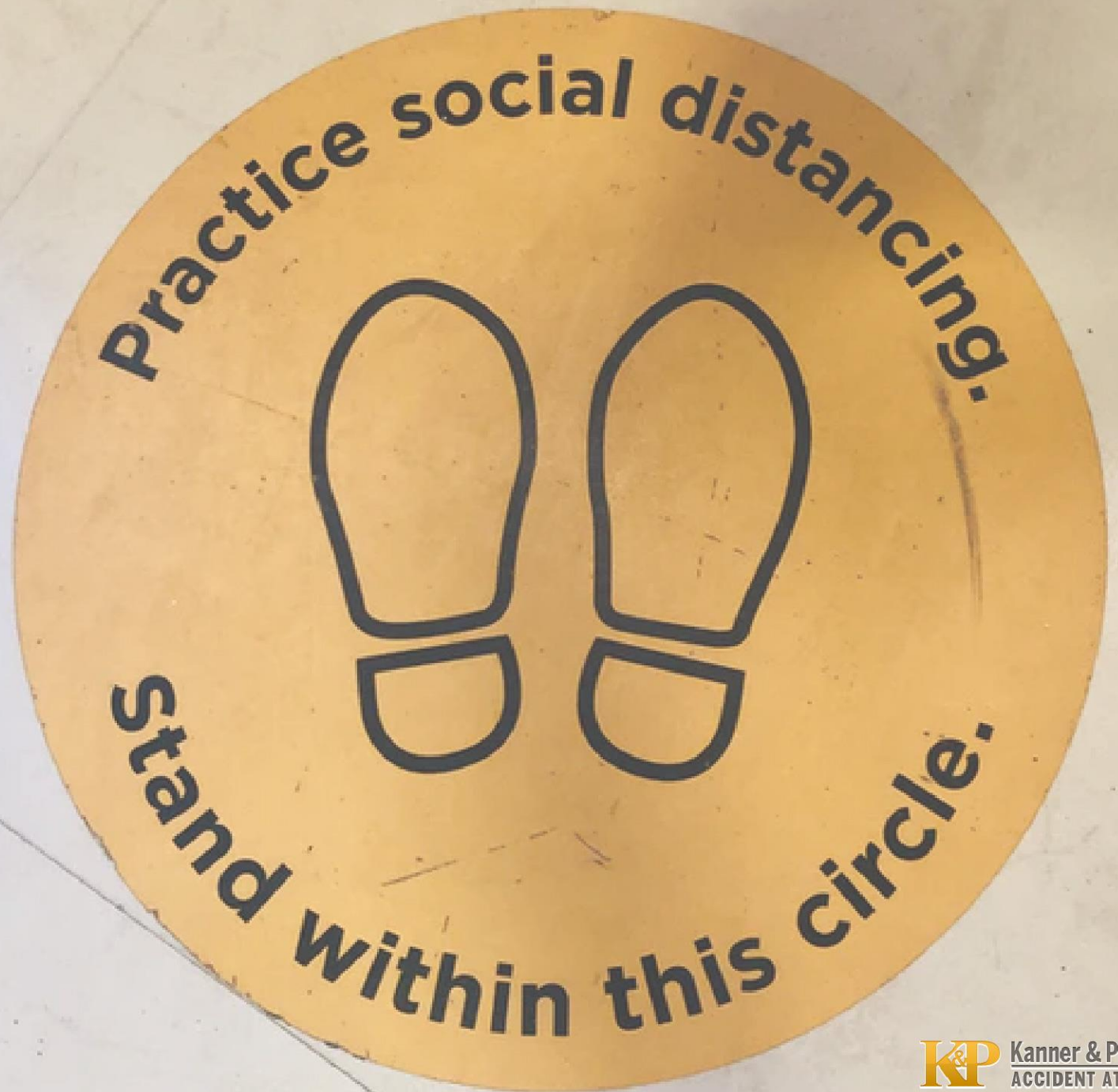
Other COVID-19 Measures

Social Distancing: There have been mixed reviews about social distancing at Disney World – which is supposed to be a minimum of six feet between each person according to their website. Ground markings and physical barriers have been strategically added to enforce distancing, and cashless payment is being used in parking lots.

Reduced Contact: Disney is encouraging visitors to go cashless to minimize close interactions. Their Disney Resort facilities are being cleaned with “modified housekeeping,” which includes enhanced measures and reduced contact.

Limited Capacity: Fewer people are being allowed inside the parks at once and limited capacity is being enforced in the restaurants and rides that are currently operating.

<https://www.thewrap.com/disney-world-opened-social-distancing-not-happening/>



Have There Been Any Confirmed Outbreaks at Florida Amusement Parks?

A Florida Department of Health official in Orange County, Dr. Raul Pino, said that there were no cases definitively traced to any of Orlando's theme parks (Disney World, Universal and SeaWorld) as of August 27, 2020.

He said there have been people with COVID-19 who had been to parks within a week or two of being diagnosed, but Florida Department of Health has not identified any trends that could indicate an amusement-park-fueled outbreak.

Which highlights another difficulty with holding a business liable for coronavirus infections – how can you prove you caught the virus there?

<https://www.clickorlando.com/news/local/2020/08/27/so-far-orange-countys-theme-parks-havent-had-any-covid-19-outbreaks/>



Could You Still Have a Case Even With the Assumption of Risk Warning?

If you can effectively argue that you didn't see the warning signs because Disney didn't do a good enough job making them obvious, you could have a case.

If Disney failed to do all the things they promised to do in their "voluntary assuming risk" statement, such as their "enhanced health and safety measures," it is possible that a guest could argue they were misled about the degree of danger.

A visitor may have been willing to take the risk after being told about the aggressive safety measures. If it turns out those safety measures weren't enforced and the risk was higher than they were led to believe, that could change matters.

