

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. 919

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

Committee hearing bill: Committee on Conservation & State Lands  
Representative Domino offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. Subsection (41) is added to section 327.02,  
Florida Statutes, to read:

327.02 Definitions of terms used in this chapter and in  
chapter 328.--As used in this chapter and in chapter 328, unless  
the context clearly requires a different meaning, the term:

(41) "Commercial parasailing" means providing or offering  
to provide, for consideration, any activity involving the towing  
of a person by a motorboat when:

(a) One or more persons are tethered to the towing vessel;

(b) The person or persons ascend above the water; and

(c) The person or persons remain suspended above the water  
while the vessel is underway.

Section 2. Section 327.375, Florida Statutes, is created to  
read:

**327.375 Commercial parasailing.--**

(1) This section may be cited as the "Amber May White Act."

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22       (2) The owner of a vessel engaged in commercial parasailing  
23 may not offer or provide for consideration any parasailing  
24 activity unless the owner first obtains and carries in full  
25 force and effect a policy, from an insurance carrier licensed in  
26 this state, insuring against any accident, loss, injury,  
27 property damage, or other casualty caused by or resulting from  
28 any commercial parasailing activity. The insurance policy shall  
29 provide coverage of at least \$500,000 per person and \$1 million  
30 per event. The owner must have proof of such insurance available  
31 for inspection at the location wherever commercial parasailing  
32 is offered or provided for consideration and shall provide to  
33 each customer the insurance carrier's name and address and the  
34 insurance policy number.

35       (3) A person engaged in commercial parasailing must meet  
36 the following requirements:

37       (a) Commercial parasail operators shall launch riders only  
38 from and recover riders only to the vessel.

39       (b) A person may not operate a vessel engaged in commercial  
40 parasailing on the waters of this state unless the person in  
41 charge of or in command of the vessel has a current and valid  
42 license issued by the United States Coast Guard authorizing that  
43 person to engage in carrying passengers for hire. The license  
44 must be appropriate for the number of passengers carried and the  
45 displacement of the vessel. The license must be carried on the  
46 vessel and be available for inspection while commercial  
47 parasailing activities are conducted.

48       (c) A person may not operate a vessel for commercial  
49 parasailing unless an observer 18 years of age or older is  
50 present in the vessel at all times to monitor the progress of  
51 any tethered parasail rider and parasail equipment. The observer  
52 shall be attentive to the parasail rider or riders and equipment

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and may not have any other duties while the rider or riders are in the water or suspended above the water.

(d) A person may not operate any vessel engaged in commercial parasailing unless:

1. All riders wear an appropriate floatation device approved by the United States Coast Guard, other than an inflatable device, that is in serviceable condition and of the proper size;

2. The vessel is in full compliance with all requirements of the United States Coast Guard governing crewing and equipment carriage for passenger-carrying vessels as specified in the Code of Federal Regulations or as otherwise specified by the United States Coast Guard in the vessel's certificate of inspection; and

3. The vessel is equipped with a functional VHF marine transceiver.

(e) No more than two persons may be tethered to the towing vessel and ascend above the water at any time.

(4) Commercial parasailing is prohibited from one-half hour after sunset to one-half hour before sunrise.

(5) Any person convicted of violating this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 3. Section 327.50, Florida Statutes is amended to read:

**327.50 Vessel safety regulations; equipment and lighting requirements.--**

(1)~~(a)~~ The owner and operator of every vessel on the waters of this state shall carry, store, maintain, and use safety equipment in accordance with current United States Coast Guard safety equipment requirements as specified in the Code of

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Federal Regulations, unless expressly exempted by the department.

~~(b) No person shall operate a vessel less than 26 feet in length on the waters of this state unless every person under 6 years of age on board the vessel is wearing a type I, type II, or type III Coast Guard approved personal flotation device while such vessel is underway. For the purpose of this section, "underway" shall mean at all times except when a vessel is anchored, moored, made fast to the shore, or aground.~~

(2) No person shall operate a vessel on the waters of this state unless said vessel is equipped with properly serviceable lights and shapes required by the navigation rules.

(3) The use of sirens or flashing, occulting, or revolving lights on any vessel is prohibited, except as expressly provided in the navigation rules or annexes thereto.

Section 4. This act shall take effect October 1, 2008.

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**T I T L E   A M E N D M E N T**

Remove the entire title and insert:

An act relating to commercial parasailing; amending s. 327.02, F.S.; providing definition; creating 327.375; providing a short title; requiring the owner of a vessel engaged in commercial parasailing to obtain and carry an insurance policy; providing minimum coverage from the insurance policy; providing requirements for proof of insurance; providing insurance information to be provided to each rider; providing for launch and recovery of riders from towing vessel; requiring a person engaged in operating

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115 a vessel for commercial parasailing to have certain  
116 licenses; requiring a minimum age for a person to monitor  
117 the progress of a parasail rider; providing requirements  
118 for operation of commercial parasailing vessels; requiring  
119 certain equipment; providing penalties; amending s. 327.50,  
120 F.S.; providing an effective date.  
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