

By the Committee on Environmental Preservation and Conservation;
and Senator Margolis

592-04552-08

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1 A bill to be entitled

2 An act relating to commercial parasailing; amending s.
3 327.02, F.S.; providing definitions; creating s. 327.375,
4 F.S.; providing a short title; prohibiting a person from
5 operating or giving permission for the operation of a
6 vessel engaged in commercial parasailing unless he or she
7 obtains a license from the Fish and Wildlife Conservation
8 Commission; requiring that licensing fees be paid into the
9 Marine Resources Conservation Trust Fund in the Fish and
10 Wildlife Conservation Commission; requiring the license to
11 be available for inspection; requiring proof of insurance;
12 requiring the owner of a vessel engaged in commercial
13 parasailing to obtain and carry an insurance policy;
14 providing minimum coverage from the insurance policy;
15 providing requirements for proof of insurance; requiring a
16 person who conducts commercial parasailing activity to
17 provide a copy of the certificate of insurance to each
18 rider upon request; providing certain requirements for a
19 vessel used for commercial parasailing; requiring a person
20 engaged in operating a vessel for commercial parasailing
21 to possess a license to engage in carrying passengers for
22 hire; requiring a minimum age for a person to monitor the
23 progress of an airborne parasail rider and equipment;
24 prohibiting a person from operating a vessel engaged in
25 commercial parasailing unless certain conditions are met;
26 prohibiting a person from operating a vessel towing a
27 commercial parasailing rider in certain waters or within a
28 certain distance of specified objects; providing
29 circumstances in which commercial parasailing is

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30 prohibited; providing requirements for tow lines;
31 requiring commercial parasail operators to launch and
32 recover riders from the vessel's launch platform;
33 requiring a safety briefing for passengers and
34 participants; requiring that a person possess a current
35 cardiopulmonary resuscitation course card and a standard
36 first aid course card in order to operate a parasail
37 vessel; providing that an agreement that attempts to
38 exculpate or release a provider from liability is not
39 enforceable; prohibiting a provider from conditioning
40 participation in commercial parasailing upon the execution
41 of an exculpatory agreement; providing a criminal penalty;
42 providing an effective date.

43
44 Be It Enacted by the Legislature of the State of Florida:

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46 Section 1. Subsections (41) and (42) are added to section
47 327.02, Florida Statutes, to read:

48 327.02 Definitions of terms used in this chapter and in
49 chapter 328.--As used in this chapter and in chapter 328, unless
50 the context clearly requires a different meaning, the term:

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

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

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

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

58 (42) "Sustained wind speed" means a wind speed determined

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59 by averaging the observed wind speed rounded to the nearest whole
60 knot over a 2-minute period.

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

63 327.375 Commercial parasailing.--

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

65 (2) A person may not operate or give permission for the
66 operation of a vessel engaged in commercial parasailing unless
67 the owner has obtained an annual license from the commission at a
68 cost of \$50. All license fees collected shall be paid into the
69 Marine Resources Conservation Trust Fund to recover the
70 associated costs of regulating commercial parasailing. The
71 license must be available for inspection when the vessel is
72 engaged in commercial parasailing. Proof of insurance, as
73 required in subsection (3), must be provided to the commission
74 before a license may be issued.

75 (3) The owner of a vessel engaged in commercial parasailing
76 must obtain and carry a policy from an insurance carrier licensed
77 in this state, insuring against an accident, loss, injury,
78 property damage, or other casualty caused by or resulting from
79 the commercial parasailing activity. The insurance policy must
80 provide coverage for a minimum of \$750,000 per person and \$1.5
81 million per event. The deductible for the insurance policy may
82 not exceed \$5,000 per event. Proof of insurance must be kept at
83 any location where a person offers or agrees to conduct
84 commercial parasailing activities and must be on any vessel
85 conducting parasailing activities. This proof of insurance must
86 be posted on the vessel in plain view and available for
87 inspection whenever commercial parasailing activities are

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88 conducted. A person conducting a commercial parasailing activity
89 must provide to each rider upon request a copy of the certificate
90 of insurance, including the insurance carrier's name and address
91 and the insurance policy number.

92 (4) A person engaged in commercial parasailing must meet
93 the following requirements:

94 (a) A person may not operate a vessel for commercial
95 parasailing unless it is designed and equipped for towing a
96 person while parasailing and is equipped with a launch platform
97 and powered winch to release and retrieve the towline.

98 (b) A person may not operate a vessel engaged in commercial
99 parasailing on the waters of this state unless the person in
100 charge of or in command of the vessel has a current and valid
101 license issued by the United States Coast Guard authorizing that
102 person to engage in carrying passengers for hire. The license
103 must be appropriate for the number of passengers carried and the
104 displacement of the vessel. The license must be carried on the
105 vessel and be available for inspection while commercial
106 parasailing activities are conducted.

107 (c) A person may not operate a vessel for commercial
108 parasailing unless an observer who is 18 years of age or older is
109 present in the vessel at all times to monitor the progress of any
110 airborne parasail rider and parasail equipment. The observer
111 shall be attentive to the parasail rider or riders and equipment,
112 and may not have any other duties while the rider or riders are
113 in the water or suspended above the water.

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

116 1. All riders wear an appropriate floatation device

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117 approved by the United States Coast Guard, other than an
118 inflatable device, which is in serviceable condition and of the
119 proper size;

120 2. All riders are connected to the towline and secured in a
121 seat or harness passenger support that is specifically designed
122 for parasailing and attached to an ascending type of parachute or
123 parasail;

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

129 4. The vessel is equipped with a functional VHF marine
130 transceiver.

131 (e) A person may not operate a vessel towing a commercial
132 parasailing rider in the Atlantic Ocean or the Gulf of Mexico in
133 waters less than 3,000 feet from the shore. The restriction
134 applies to the entire commercial parasailing apparatus, including
135 the vessel, towline, and rider.

136 (f) A person may not operate a vessel towing a commercial
137 parasailing rider so that the vessel, towline, or rider comes
138 within 600 feet of:

139 1. An anchored vessel;

140 2. A person in the water; or

141 3. A structure, bridge, power line, wharf, pier, dock,
142 buoy, platform, piling, channel marker, or other similar object.

143 (g) Commercial parasailing is prohibited:

144 1. On any body of water less than 2,000 feet in width in
145 its narrowest dimension from shore to shore in the area where the

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146 parasailing activity is taking place;

147 2. From sunset to sunrise and at all times during
148 restricted visibility as defined in the navigation rules; and

149 3. When there is a sustained wind speed of 18 knots or
150 higher in the area of operation.

151 (h) Towlines used for commercial parasailing must be a
152 double braided, low-stretch type and may not exceed 600 feet in
153 length.

154 (i) Commercial parasail operators shall launch riders only
155 from and recover riders only to the vessel's launch platform.

156 (j) Each passenger and parasail participant shall be given
157 a safety briefing before leaving the dock or before the parasail
158 activity commences. This briefing should include a basic
159 description of the parasail activity and emergency procedures as
160 defined by the parasail equipment manufacturer.

161 (k) A person may not operate a parasail vessel unless he or
162 she possesses a current, valid American Red Cross or American
163 Heart Association cardiopulmonary resuscitation course card or
164 its equivalent and a current, valid American Red Cross or
165 National Safety Council standard first aid course card or its
166 equivalent.

167 (5) As used in this subsection, "provider" means an owner
168 or operator of a vessel engaged in commercial parasailing or any
169 person, individual, partnership, firm, corporation, association,
170 entity, or any of their privies that provides or facilitates the
171 provision of the equipment or location needed or used for
172 participation in commercial parasailing.

173 (a) An agreement that attempts to exculpate or release any
174 provider from liability or financial responsibility for a claim

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175 arising out of a commercial parasailing activity is not
176 enforceable.

177 (b) A provider may not condition participation in
178 commercial parasailing upon the execution of an exculpatory
179 agreement that attempts to exculpate or release the provider from
180 liability or financial responsibility for a claim arising out of
181 a commercial parasailing activity.

182 (6) A person who violates this section commits a
183 misdemeanor of the second degree, punishable as provided in s.
184 775.082 or s. 775.083.

185 Section 3. This act shall take effect October 1, 2008.