

Bill No. SB 406



379064

CHAMBER ACTION

Senate

.
.
.
.
.

House

The Committee on Environmental Preservation and Conservation
(Rich) recommended the following **amendment**:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsections (41) and (42) are 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:



379064

16 (a) One or more persons are tethered to the towing vessel;
17 (b) The person or persons ascend above the water; and
18 (c) The person or persons remain suspended above the water
19 while the vessel is underway.

20 (42) "Sustained wind speed" means a wind speed determined
21 by averaging the observed wind speed rounded to the nearest
22 whole knot over a 2-minute period.

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

25 327.375 Commercial parasailing.--

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

27 (2) A person may not operate or give permission for the
28 operation of a vessel engaged in commercial parasailing unless
29 the owner has obtained an annual license from the commission at
30 a cost of \$50. All license fees collected shall be paid into the
31 Marine Resources Conservation Trust Fund to recover the
32 associated costs of regulating commercial parasailing. The
33 license must be available for inspection when the vessel is
34 engaged in commercial parasailing. Proof of insurance, as
35 required in subsection (2), must be provided to the commission
36 before a license may be issued.

37 (3) The owner of a vessel engaged in commercial
38 parasailing must obtain and carry a policy from an insurance
39 carrier licensed in this state, insuring against an accident,
40 loss, injury, property damage, or other casualty caused by or
41 resulting from the commercial parasailing activity. The
42 insurance policy must provide coverage for a minimum of \$750,000
43 per person and \$1.5 million per event. The deductible for the



379064

insurance policy may not exceed \$5,000 per event. Proof of insurance must be kept at any location where a person offers or agrees to conduct commercial parasailing activities and must be on any vessel conducting parasailing activities. This proof of insurance must be posted on the vessel in plain view and available for inspection whenever commercial parasailing activities are conducted. A person conducting a commercial parasailing activity must provide to each rider upon request a copy of the certificate of insurance, including the insurance carrier's name and address and the insurance policy number.

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

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

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

(c) A person may not operate a vessel for commercial parasailing unless an observer who is 18 years of age or older



379064

is present in the vessel at all times to monitor the progress of any airborne parasail rider and parasail equipment. The observer shall be attentive to the parasail rider or riders and equipment, 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, which is in serviceable condition and of the proper size;

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

3. 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

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

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



379064

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

- 103 1. An anchored vessel;
104 2. A person in the water; or
105 3. A structure, bridge, power line, wharf, pier, dock,
106 buoy, platform, piling, channel marker, or other similar object.

107 (g) Commercial parasailing is prohibited:

108 1. On any body of water less than 2,000 feet in width in
109 its narrowest dimension from shore to shore in the area where
110 the parasailing activity is taking place;

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

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

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

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

120 (j) Each passenger and parasail participant shall be given
121 a safety briefing before leaving the dock or before the parasail
122 activity commences. This briefing should include a basic
123 description of the parasail activity and emergency procedures as
124 defined by the parasail equipment manufacturer.

125 (k) A person may not operate a parasail vessel unless he
126 or she possesses a current, valid American Red Cross or American
127 Heart Association cardiopulmonary resuscitation course card or



379064

its equivalent and a current, valid American Red Cross or National Safety Council standard first aid course card or its equivalent.

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

(a) An agreement that attempts to exculpate or release any provider from liability or financial responsibility for a claim arising out of a commercial parasailing activity is not enforceable.

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

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

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

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled



379064

An act relating to commercial parasailing; amending s. 327.02, F.S.; providing definitions; creating s. 327.375, F.S.; providing a short title; prohibiting a person from operating or giving permission for the operation of a vessel engaged in commercial parasailing unless he or she obtains a license from the Fish and Wildlife Conservation Commission; requiring that licensing fees be paid into the Marine Resources Conservation Trust Fund in the Fish and Wildlife Conservation Commission; requiring the license to be available for inspection; requiring proof of insurance; 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; requiring a person who conducts commercial parasailing activity to provide a copy of the certificate of insurance to each rider upon request; providing certain requirements for a vessel used for commercial parasailing; requiring a person engaged in operating a vessel for commercial parasailing to possess a license to engage in carrying passengers for hire; requiring a minimum age for a person to monitor the progress of an airborne parasail rider and equipment; prohibiting a person from operating a vessel engaged in commercial parasailing unless certain conditions are met; prohibiting a person from operating a vessel towing a commercial parasailing rider in certain waters or within a certain distance of specified objects; providing circumstances in which commercial parasailing is



379064

184 prohibited; providing requirements for tow lines;
185 requiring commercial parasail operators to launch and
186 recover riders from the vessel's launch platform;
187 requiring a safety briefing for passengers and
188 participants; requiring that a person possess a current
189 cardiopulmonary resuscitation course card and a standard
190 first aid course card in order to operate a parasail
191 vessel; providing that an agreement that attempts to
192 exculpate or release a provider from liability is not
193 enforceable; prohibiting a provider from conditioning
194 participation in commercial parasailing upon the execution
195 of an exculpatory agreement; providing a criminal penalty;
196 providing an effective date.