

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 728

SPONSOR: Natural Resources Committee and Senator Sullivan

SUBJECT: Water Sports

DATE: March 17, 1999 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Green</u>	<u>Voigt</u>	<u>NR</u>	<u>Favorable/CS</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

The bill requires a vessel towing a parasail to carry a person, in addition to the operator, to observe the person being towed. Prohibits parasailing at night and specifies what flotation devices may be used by a person engaged in parasailing or a similar activity. Provides a person may not operate a vessel towing a parasail, water skis, or a similar device in such a way as to cause the device to collide or strike against or be likely to collide or strike against another object. Prohibits the towing of a parasail or engaging in parasailing within 100 feet of the marked channel of the Florida Intracoastal Waterway. Provides that certain violations relating to parasailing constitute a noncriminal infraction. Provides an effective date.

The bill amends ss. 327.37, 327.73, Florida Statutes. This bill reenacts s. 327.72, Florida Statutes, and s. 327.731, Florida Statutes, 1998 Supplement.

II. Present Situation:

Currently, parasailing is unregulated at the state level. Most counties do not have ordinances regulating the sport of parasailing. However, vessels towing water skiers, an operation somewhat similar to towing parasailors, are required under s. 327.37, F.S., to have an observer in the vessel or be equipped with a wide-angle rear view mirror. Water skiers are also required to wear a prescribed personal flotation device and are prohibited from skiing at night.

Towing a parasailor is more complicated than towing a water skier. A parasailor not only moves from side to side behind the towing vessel, but also moves up and down. Wind direction and velocity can substantially affect the performance and safety of parasails. Also, more room is required for parasailing than water skiing because the towlines are longer.

A number of accidents involving parasailors have occurred in Florida. According to the Department of Environmental Protection, one individual became entangled in a towline, slammed into several shore-side objects, and later died as a result of these injuries. The department has also

received reports of parasailors striking powerlines and other stationary objects. In addition, vessels frequently tow parasailors in the Florida Intracoastal Waterway which can create safety problems in a crowded waterway.

III. Effect of Proposed Changes:

Section 1. The bill amends s. 327.37, F.S., to require a vessel towing a person attached to a parasail to have an additional person, besides the operator, to observe the person being towed. A wide-angle rear view mirror does not meet this requirement. Prohibits parasailing during evening hours. Requires a person engaged in parasailing or a similar activity to wear a personal flotation device. Adds the noninflatable type V personal flotation device to the list of devices that may be used for parasailing or similar activities. Adds a statutory reference to s. 327.48, F.S.

This bill also prohibits the operation or manipulation of a vessel towing a parasail or similar device in such a way as to cause the parasail or similar device to collide or strike against or be likely to collide or strike against objects such as a vessel, bridge, wharf, pier, etc. Provides a person may not operate a vessel towing a parasail or engage in parasailing within 100 feet of the marked channel of the Florida Intracoastal Waterway.

Section 2. The bill amends s. 327.73, F.S., to specify that certain violations relating to parasailing are noncriminal infractions.

Section 3. The bill reenacts s. 327.72, F.S.

Section 4. The bill reenacts s. 327.731, F.S., 1998 Supplement.

Section 5. The bill takes effect July 1, 1999.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Requiring a vessel to carry another person, besides the operator, to observe a parasailor may increase the cost of parasailing. However, responsible operators are already carrying an observer in addition to the operator because of safety concerns.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.