

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

Prepared By: Environmental Preservation Committee

BILL: SB 2076

SPONSOR: Senator Sebesta

SUBJECT: Commercial Parasailing

DATE: March 23, 2005

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Branning</u>	<u>Kiger</u>	<u>EP</u>	Favorable
2.	_____	_____	<u>BI</u>	_____
3.	_____	_____	<u>GA</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill provides for the regulation of commercial parasailing activities. It provides for an annual license from the Fish and Wildlife Conservation Commission for vessels engaged in commercial parasailing. Requires the owner of a vessel engaged in commercial parasailing activities to carry liability insurance and specifies the minimum amounts for such insurance. The requirements for persons conducting commercial parasailing activities are specified. A criminal penalty for violations of the commercial parasailing provisions is provided.

This bill creates s. 327.375, F.S.

II. Present Situation:

The Merriam-Webster Dictionary defines “parasailing” as the recreational sport of soaring in a parachute while being towed usually by a motorboat. Section 327.37(1)(b), F.S., provides that a person may not operate a vessel on any water of this state towing a person attached to a parasail or similar device unless there is a person in the vessel, in addition to the operator, in a position to observe the progress of the person being towed. A wide-angle rear view mirror is not acceptable for this purpose.

Subsection (2) of s. 327.37, F.S., states that a person may not engage in water skiing, parasailing, aquaplaning, or any similar activity at any time between the hours from one-half hour after sunset to one-half hour before sunrise. Further, a person may not engage in these activities unless that person is wearing a noninflatable type I, type II, type III, or type V personal flotation device approved by the U.S. Coast Guard.

Subsection (4) of s. 327.37, F.S., provides that the tow rope or other device which controls the direction of the water skis, parasail, aquaplane, inner tube, sled, or other such device, cannot be manipulated so as to strike or collide with any vessel, bridge, wharf, pier, dock, buoy, platform, piling, channel marker, or other object, except slalom buoys, ski jumps, or like objects used normally in competitive or recreational skiing.

Further, subsection (5) of s. 327.37, F.S., provides that a person may not operate any vessel towing a parasail or engage in parasailing within 100 feet of the marked channel of the Florida Intracoastal Waterway.

Pursuant to s. 327.73, F.S., violations of s. 327.37, F.S., are noncriminal infractions and the civil penalty for such infractions is a \$50 fine

III. Effect of Proposed Changes:

This bill creates s. 327.375, F.S., relating to commercial parasailing. “Commercial parasailing” means providing or offering to provide, for consideration, any activity involving the towing of a person by a motorboat when:

- One or more persons are tethered to the towing vessel;
- The person or persons ascend above the water; and
- The person or persons remain suspended above the water while the vessel is underway.

A vessel engaged in commercial parasailing must obtain a \$50 annual license from the Fish and Wildlife Conservation Commission. All license fees collected are to be paid into the Marine Resources Conservation Trust Fund to recover the associated costs of regulating commercial parasailing. The license must be available for inspection when the vessel is engaged in commercial parasailing.

The owner of a vessel engaged in commercial parasailing must carry insurance against an accident, loss, injury, property damage, or other casualty caused by or resulting from the commercial parasailing activity. The insurance policy must provide minimum coverage of \$500,000 per person and \$1 million per event. The deductible for the policy may not exceed \$5,000 per event. Proof of insurance must be carried on the vessel. A person conducting a commercial parasailing activity must give each rider the insurance carrier’s name and address and the insurance policy number.

Any person engaged in commercial parasailing must meet certain requirements.

- A person may not use any 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.
- A person operating a vessel used for commercial parasailing on the waters of the state must have a current and valid license issued by the U.S. Coast Guard authorizing that person to engage in carrying passengers for hire.
- A person may not operate a vessel for commercial parasailing unless an observer 18 years or older is present in the vessel at all times to monitor the progress of any airborne

parasail rider and parachute. The observer must be attentive to the parasail rider or riders and shall have no other duties while the rider or riders are in the water or suspended above the water.

- A person may not operate any vessel used in parasailing unless all riders wear a U.S. Coast Guard approved type I, type II, or type III personal flotation device; all riders are connected to the towline and secured in a seat harness attached to an ascending type of parachute; the vessel is in full compliance with all U.S. Coast Guard crewing and equipment carriage requirements; and the vessel is equipped with a functional VHF marine transceiver.

Commercial parasailing is prohibited in the Atlantic Ocean and the Gulf of Mexico in waters less than 2,000 feet from the shore. This restriction applies to the entire commercial parasailing apparatus, including the vessel, towline, and rider.

A person may not operate a vessel towing a commercial parasailing rider so that the vessel, towline, or rider comes within 600 feet of:

- An anchored vessel;
- A person in the water;
- The shore or seawall; or
- A structure, bridge, power line, wharf, pier, dock, buoy, platform, piling, channel marker, or other similar object.

Commercial parasailing is prohibited: on bodies of water less than 2,000 feet in width from shore to shore; from one-half hour after sunset to one-half hour before sunrise and at all times during restricted visibility; and when there are sustained winds of 20 knots or higher or seas 5 feet or higher in the area of operation.

Commercial parasail operators must launch riders only from and recover riders only to the vessel's launch platform and no more than two persons may be tethered to the towing vessel and ascend above the water at any time.

A violation of any of the commercial parasailing provisions is a second degree misdemeanor punishable as provided in s. 775.082, F.S., or s. 775.083, F.S.

The bill would take effect October 1, 2005.

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:

The bill provides that each vessel engaged in commercial parasailing must obtain an annual \$50 license from the Fish and Wildlife Conservation Commission. All license fees collected must be paid into the Marine Resources Conservation Trust Fund.

B. Private Sector Impact:

The Fish and Wildlife Conservation Commission estimates that there are over 70 commercial parasailing operators in the state. The bill requires that each vessel be licensed at a cost of \$50 per year. It is not known if some of the operators have more than one vessel that would be required to be licensed.

Also, commercial parasailing operators would be required to obtain minimum insurance coverage of \$500,000 per person and \$1 million per event. The costs of such coverage cannot be estimated at this time because it may vary based on the insured's claims experience

C. Government Sector Impact:

The Fish and Wildlife Conservation Commission would incur costs for licensing of commercial parasailing vessels. The license fees are to be deposited into the Marine Resources Conservation Trust Fund to cover the costs of licensure of such vessels.

There is no way to determine how much revenue the license fees will generate. A conservative estimate would be \$3,500 (one vessel per operator, 70 operators.)

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Summary of Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
