

CHAMBER ACTION

1 The Water & Natural Resources Committee recommends the
2 following:

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4 **Council/Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to commercial parasailing; creating s.
8 327.375, F.S.; defining the term "commercial parasailing";
9 requiring each vessel engaged in commercial parasailing to
10 be licensed annually; providing a license fee; providing
11 for disposition of license fees collected; requiring each
12 owner to carry liability insurance; providing for minimum
13 amounts of insurance and maximum deductibles; providing
14 requirements for persons conducting commercial parasailing
15 operations; providing criminal penalties; providing an
16 effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

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20 Section 1. Section 327.375, Florida Statutes, is created
21 to read:

22 327.375 Commercial parasailing.--

23 (1) As used in this section, the term "commercial
 24 parasailing" means providing or offering to provide, for
 25 consideration, any activity involving the towing of a person by
 26 a motorboat when:

27 (a) One or more persons are tethered to the towing vessel;
 28 (b) The person or persons ascend above the water; and
 29 (c) The person or persons remain suspended above the water
 30 while the vessel is underway.

31 (2) A vessel engaged in commercial parasailing shall be
 32 licensed annually by the commission at a cost of \$50. All
 33 license fees collected shall be paid into the Marine Resources
 34 Conservation Trust Fund to recover the associated costs of
 35 regulating commercial parasailing. The license shall be
 36 available for inspection when the vessel is engaged in
 37 commercial parasailing.

38 (3) The owner of a vessel engaged in commercial
 39 parasailing shall obtain and carry a policy from an insurance
 40 carrier licensed in this state, insuring against an accident,
 41 loss, injury, property damage, or other casualty caused by or
 42 resulting from the commercial parasailing activity. The
 43 insurance policy shall provide coverage for a minimum of
 44 \$500,000 per person and \$1 million per event. The deductible for
 45 the insurance policy may not exceed \$5,000 per event. Proof of
 46 insurance shall be carried on the vessel and be available for
 47 inspection when commercial parasailing activities are conducted.
 48 A person conducting a commercial parasailing activity shall give
 49 each rider the insurance carrier's name and address and the
 50 insurance policy number.

51 (4) A person engaged in commercial parasailing shall meet
 52 the following requirements:

53 (a) A person shall not use any vessel for commercial
 54 parasailing unless it is designed and equipped for towing a
 55 person while parasailing and is equipped with a launch platform
 56 and powered winch to release and retrieve the towline.

57 (b) A person operating a vessel engaged in commercial
 58 parasailing on the waters of this state shall have a current and
 59 valid license issued by the United States Coast Guard
 60 authorizing that person to engage in carrying passengers for
 61 hire. The license shall be carried on the vessel and be
 62 available for inspection while commercial parasailing activities
 63 are conducted.

64 (c) A person may not operate a vessel for commercial
 65 parasailing unless an observer 18 years of age or older is
 66 present in the vessel at all times to monitor the progress of
 67 any airborne parasail rider and parachute. The observer shall be
 68 attentive to the parasail rider or riders and shall have no
 69 other duties while the rider or riders are in the water or
 70 suspended above the water.

71 (d) A person shall not operate any vessel engaged in
 72 commercial parasailing unless:

73 1. All riders wear a United States Coast Guard approved
 74 type I, type II, or type III personal flotation device that is
 75 in serviceable condition and of the proper size;

76 2. All riders are connected to the towline and secured in
 77 a seat harness attached to an ascending type of parachute;

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

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

85 (e) Commercial parasailing is prohibited in the Atlantic
 86 Ocean and the Gulf of Mexico in waters less than 2,000 feet from
 87 the shore. The restriction applies to the entire commercial
 88 parasailing apparatus, including the vessel, towline, and rider.

89 (f) A person shall not operate a vessel towing a
 90 commercial parasailing rider so that the vessel, towline, or
 91 rider comes within 600 feet of:

- 92 1. An anchored vessel;
- 93 2. A person in the water;
- 94 3. The shore or seawall; or
- 95 4. A structure, bridge, power line, wharf, pier, dock,
 96 buoy, platform, piling, channel marker, or other similar object.

97 (g) Commercial parasailing is prohibited:

- 98 1. On bodies of water less than 2,000 feet in width from
 99 shore to shore;
- 100 2. From one-half hour after sunset to one-half hour before
 101 sunrise and at all times during restricted visibility; and
- 102 3. When there are sustained winds of 20 knots or higher,
 103 or seas 5 feet or higher in the area of operation.

104 (h) Towlines used for commercial parasailing shall not
 105 exceed 800 feet in length.

HB 479

2005
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106 (i) Commercial parasail operators shall launch riders only
107 from and recover riders only to the vessel's launch platform.

108 (j) No more than two persons shall be tethered to the
109 towing vessel and ascend above the water at any time.

110 (5) A person who violates this section commits a
111 misdemeanor of the second degree, punishable as provided in s.
112 775.082 or s. 775.083.

113 Section 2. This act shall take effect October 1, 2005.