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CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
3/6/2008	.	
	.	
	.	

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

3
 4 **Senate Amendment (with title amendment)**

5 Delete everything after the enacting clause
 6 and insert:

7
 8 Section 1. Subsections (41) and (42) are added to section
 9 327.02, Florida Statutes, to read:

10 327.02 Definitions of terms used in this chapter and in
 11 chapter 328.--As used in this chapter and in chapter 328, unless
 12 the context clearly requires a different meaning, the term:

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

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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

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

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

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

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

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

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72 is present in the vessel at all times to monitor the progress of
73 any airborne parasail rider and parasail equipment. The observer
74 shall be attentive to the parasail rider or riders and
75 equipment, and may not have any other duties while the rider or
76 riders are in the water or suspended above the water.

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

79 1. All riders wear an appropriate floatation device
80 approved by the United States Coast Guard, other than an
81 inflatable device, which is in serviceable condition and of the
82 proper size;

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

87 3. The vessel is in full compliance with all requirements
88 of the United States Coast Guard governing crewing and equipment
89 carriage for passenger-carrying vessels as specified in the Code
90 of Federal Regulations or as otherwise specified by the United
91 States Coast Guard in the vessel's certificate of inspection;
92 and

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

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



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



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

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

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

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

146 (6) A person who violates this section commits a
147 misdemeanor of the second degree, punishable as provided in s.
148 775.082 or s. 775.083.

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

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

152 And the title is amended as follows:

153 Delete everything before the enacting clause
154 and insert:

155 A bill to be entitled

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156 An act relating to commercial parasailing; amending s.
157 327.02, F.S.; providing definitions; creating s. 327.375,
158 F.S.; providing a short title; prohibiting a person from
159 operating or giving permission for the operation of a
160 vessel engaged in commercial parasailing unless he or she
161 obtains a license from the Fish and Wildlife Conservation
162 Commission; requiring that licensing fees be paid into the
163 Marine Resources Conservation Trust Fund in the Fish and
164 Wildlife Conservation Commission; requiring the license to
165 be available for inspection; requiring proof of insurance;
166 requiring the owner of a vessel engaged in commercial
167 parasailing to obtain and carry an insurance policy;
168 providing minimum coverage from the insurance policy;
169 providing requirements for proof of insurance; requiring a
170 person who conducts commercial parasailing activity to
171 provide a copy of the certificate of insurance to each
172 rider upon request; providing certain requirements for a
173 vessel used for commercial parasailing; requiring a person
174 engaged in operating a vessel for commercial parasailing
175 to possess a license to engage in carrying passengers for
176 hire; requiring a minimum age for a person to monitor the
177 progress of an airborne parasail rider and equipment;
178 prohibiting a person from operating a vessel engaged in
179 commercial parasailing unless certain conditions are met;
180 prohibiting a person from operating a vessel towing a
181 commercial parasailing rider in certain waters or within a
182 certain distance of specified objects; providing
183 circumstances in which commercial parasailing is

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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.