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CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
4/1/2008	.	
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	.	

1 The Committee on Banking and Insurance (Bennett) recommended the
2 following **amendment**:

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

5 Delete everything after the enacting clause
6 and insert:

7 Senate Amendment (with title amendment)

8 Delete everything after the enacting clause
9 and insert:

10 Section 1. Subsections (41) and (42) are added to section
11 327.02, Florida Statutes, to read:

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

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



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

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

25 Section 2. Section 327.375, Florida Statutes, is created to
26 read:

27 327.375 Commercial parasailing.--

28 (1) This section may be cited as the "Amber May White Act."

29 (2) A person may not operate or give permission for the
30 operation of a vessel engaged in commercial parasailing unless
31 the owner has obtained an annual license from the commission at a
32 cost of \$50. All license fees collected shall be paid into the
33 Marine Resources Conservation Trust Fund to recover the
34 associated costs of regulating commercial parasailing. The
35 license must be available for inspection when the vessel is
36 engaged in commercial parasailing. Proof of insurance, as
37 required in subsection (3), must be provided to the commission
38 before a license may be issued.

39 (3) The owner of a vessel engaged in commercial parasailing
40 must obtain and carry a policy from an authorized insurer or an
41 eligible surplus lines insurer, insuring against an accident,
42 loss, injury, property damage, or other casualty caused by or
43 resulting from the commercial parasailing activity. The insurance
44 policy must provide coverage for a minimum of \$500,000 per person
45 and \$1 million per event. The deductible for the insurance policy
46 may not exceed \$5,000 per event. Proof of insurance must be kept
47 at any location where a person offers or agrees to conduct



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48 commercial parasailing activities and must be on any vessel
49 conducting parasailing activities. This proof of insurance must
50 be posted on the vessel in plain view and available for
51 inspection whenever commercial parasailing activities are
52 conducted. A person engaging in commercial parasailing activity
53 must provide to each parasail rider upon request a copy of the
54 certificate of insurance, including the insurance carrier's name
55 and address and the insurance policy number.

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

58 (a) Commercial parasail operators shall launch riders only
59 from and recover riders only to the vessel.

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

69 (c) A person may not operate a vessel for commercial
70 parasailing unless an observer 18 years of age or older is
71 present in the vessel at all times to monitor the progress of any
72 tethered parasail rider and parasail equipment. The observer
73 shall be attentive to the parasail rider or riders and equipment
74 and may not have any other duties while the rider or riders are
75 in the water or suspended above the water.

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



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

82 2. The vessel is in full compliance with all requirements
83 of the United States Coast Guard governing crewing and equipment
84 carriage for passenger-carrying vessels as specified in the Code
85 of Federal Regulations or as otherwise specified by the United
86 States Coast Guard in the vessel's certificate of inspection; and

87 3. The vessel is equipped with a functional VHF marine
88 transceiver.

89 (e) No more than two persons may be tethered to the towing
90 vessel and ascend above the water at any time.

91 (f) A person may not operate a vessel towing a commercial
92 parasailing rider on any waters of the state less than 2,500 feet
93 from the shore. The restriction applies to the entire commercial
94 parasailing apparatus, including the vessel, towline, and rider.

95 (g) A person may not operate a vessel towing a commercial
96 parasailing rider so that the vessel, towline, or rider comes
97 within 400 feet of:

98 1. An anchored vessel;

99 2. A person in the water; or

100 3. A structure, bridge, power line, wharf, pier, dock,
101 buoy, platform, piling, channel marker, or other similar object.

102 (h) Commercial parasailing is prohibited when there is a
103 sustained wind speed of 18 knots or higher in the area of
104 operation.

105 (i) Towlines used for commercial parasailing must be a
106 double braided, low-stretch type and may not exceed 700 feet in
107 length.



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108 (j) Commercial parasailing is prohibited from one-half hour
109 after sunset to one-half hour before sunrise.

110 (k) Each passenger and parasail participant shall be given
111 a safety briefing before leaving the dock or before the parasail
112 activity commences. This briefing should include a basic
113 description of the parasail activity and emergency procedures as
114 defined by the parasail equipment manufacturer.

115 (6) A person who violates this section commits a
116 misdemeanor of the second degree, punishable as provided in s.
117 775.082 or s. 775.083.

118 Section 3. Section 327.50, Florida Statutes, is amended to
119 read:

120 327.50 Vessel safety regulations; equipment and lighting
121 requirements.--

122 (1)(a) The owner and operator of every vessel on the waters
123 of this state shall carry, store, maintain, and use safety
124 equipment in accordance with current United States Coast Guard
125 safety equipment requirements as specified in the Code of Federal
126 Regulations, unless expressly exempted by the department.

127 ~~(b) No person shall operate a vessel less than 26 feet in~~
128 ~~length on the waters of this state unless every person under 6~~
129 ~~years of age on board the vessel is wearing a type I, type II, or~~
130 ~~type III Coast Guard approved personal flotation device while~~
131 ~~such vessel is underway. For the purpose of this section,~~
132 ~~"underway" shall mean at all times except when a vessel is~~
133 ~~anchored, moored, made fast to the shore, or aground.~~

134 (2) A ~~No~~ person may not ~~shall~~ operate a vessel on the
135 waters of this state unless said vessel is equipped with properly
136 serviceable lights and shapes required by the navigation rules.



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137 (3) The use of sirens or flashing, occulting, or revolving
138 lights on any vessel is prohibited, except as expressly provided
139 in the navigation rules or annexes thereto.

140 Section 4. This act shall take effect October 1, 2008.

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142

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

144 And the title is amended as follows:

145 Delete everything before the enacting clause

146 and insert:

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A bill to be entitled

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An act relating to commercial parasailing; amending s.

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327.02, F.S.; providing definitions; creating s. 327.375,

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F.S.; providing a short title; prohibiting a person from

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operating or giving permission for the operation of a

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vessel engaged in commercial parasailing unless he or she

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obtains a license from the Fish and Wildlife Conservation

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Commission; requiring that licensing fees be paid into the

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Marine Resources Conservation Trust Fund in the Fish and

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Wildlife Conservation Commission; requiring the license to

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be available for inspection; requiring the owner of a

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vessel engaged in commercial parasailing to obtain and

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carry an insurance policy; providing minimum coverage from

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the insurance policy; providing requirements for proof of

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insurance; providing insurance information to be provided

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to each parasail rider; requiring commercial parasail

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operators to launch and recover riders from the vessel's

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launch platform; providing certain requirements for a

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vessel used for commercial parasailing; requiring a person

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engaged in operating a vessel for commercial parasailing



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167 | to possess a license to engage in carrying passengers for
168 | hire; requiring a minimum age for a person to monitor the
169 | progress of an airborne parasail rider and equipment;
170 | prohibiting a person from operating a vessel engaged in
171 | commercial parasailing unless certain conditions are met;
172 | prohibiting a person from operating a vessel towing a
173 | commercial parasailing rider in certain waters or within a
174 | certain distance of specified objects; providing
175 | circumstances in which commercial parasailing is
176 | prohibited; providing requirements for tow lines;
177 | providing times of the day in which commercial parasailing
178 | is prohibited; requiring each passenger and parasail
179 | participant to be given a safety briefing; providing a
180 | criminal penalty; amending s. 327.50, F.S.; revising
181 | equipment requirements for vessel safety; providing an
182 | effective date.