

By the Committees on Banking and Insurance; Environmental Preservation and Conservation; and Senator Margolis

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1 A bill to be entitled

2 An act relating to commercial parasailing; amending s.
3 327.02, F.S.; providing definitions; creating s. 327.375,
4 F.S.; providing a short title; requiring the owner of a
5 vessel engaged in commercial parasailing to obtain and
6 carry an insurance policy; providing minimum coverage from
7 the insurance policy; providing requirements for proof of
8 insurance; providing insurance information to be provided
9 to each parasail rider; requiring commercial parasail
10 operators to launch and recover riders from the vessel's
11 launch platform; providing certain requirements for a
12 vessel used for commercial parasailing; requiring a person
13 engaged in operating a vessel for commercial parasailing
14 to possess a license to engage in carrying passengers for
15 hire; requiring a minimum age for a person to monitor the
16 progress of an airborne parasail rider and equipment;
17 prohibiting a person from operating a vessel engaged in
18 commercial parasailing unless certain conditions are met;
19 prohibiting a person from operating a vessel towing a
20 commercial parasailing rider in certain waters or within a
21 certain distance of specified objects; providing
22 circumstances in which commercial parasailing is
23 prohibited; providing requirements for tow lines;
24 providing times of the day in which commercial parasailing
25 is prohibited; requiring each passenger and parasail
26 participant to be given a safety briefing; providing a
27 criminal penalty; amending s. 327.50, F.S.; revising
28 equipment requirements for vessel safety; providing an
29 effective date.

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31 Be It Enacted by the Legislature of the State of Florida:

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33 Section 1. Subsections (41) and (42) are added to section
34 327.02, Florida Statutes, to read:

35 327.02 Definitions of terms used in this chapter and in
36 chapter 328.--As used in this chapter and in chapter 328, unless
37 the context clearly requires a different meaning, the term:

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

41 (a) One or more persons are tethered to the towing vessel;

42 (b) The person or persons ascend above the water; and

43 (c) The person or persons remain suspended above the water
44 while the vessel is underway.

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

48 Section 2. Section 327.375, Florida Statutes, is created to
49 read:

50 327.375 Commercial parasailing.--

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

52 (2) The owner of a vessel engaged in commercial parasailing
53 must obtain and carry a policy from an authorized insurer or an
54 eligible surplus lines insurer, insuring against an accident,
55 loss, injury, property damage, or other casualty caused by or
56 resulting from the commercial parasailing activity. The insurance
57 policy must provide coverage for a minimum of \$500,000 per person
58 and \$1 million per event. The deductible for the insurance policy

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59 may not exceed \$5,000 per event. Proof of insurance must be kept
60 at any location where a person offers or agrees to conduct
61 commercial parasailing activities and must be on any vessel
62 conducting parasailing activities. This proof of insurance must
63 be posted on the vessel in plain view and available for
64 inspection whenever commercial parasailing activities are
65 conducted. A person engaging in commercial parasailing activity
66 must provide to each parasail rider upon request a copy of the
67 certificate of insurance, including the insurance carrier's name
68 and address and the insurance policy number.

69 (3) A person engaged in commercial parasailing must meet
70 the following requirements:

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

73 (b) A person may not operate a vessel engaged in commercial
74 parasailing on the waters of this state unless the person in
75 charge of or in command of the vessel has a current and valid
76 license issued by the United States Coast Guard authorizing that
77 person to engage in carrying passengers for hire. The license
78 must be appropriate for the number of passengers carried and the
79 displacement of the vessel. The license must be carried on the
80 vessel and be available for inspection while commercial
81 parasailing activities are conducted.

82 (c) A person may not operate a vessel for commercial
83 parasailing unless an observer 18 years of age or older is
84 present in the vessel at all times to monitor the progress of any
85 tethered parasail rider and parasail equipment. The observer
86 shall be attentive to the parasail rider or riders and equipment
87 and may not have any other duties while the rider or riders are

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88 in the water or suspended above the water.

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

91 1. All riders wear an appropriate floatation device
92 approved by the United States Coast Guard, other than an
93 inflatable device, which is in serviceable condition and of the
94 proper size;

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

100 3. The vessel is equipped with a functional VHF marine
101 transceiver.

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

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

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

111 1. An anchored vessel;

112 2. A person in the water; or

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

115 (h) Commercial parasailing is prohibited when there is a
116 sustained wind speed of 18 knots or higher in the area of

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117 operation.

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

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

123 (k) Each passenger and parasail participant shall be given
124 a safety briefing before leaving the dock or before the parasail
125 activity commences. This briefing should include a basic
126 description of the parasail activity and emergency procedures as
127 defined by the parasail equipment manufacturer.

128 (4) A person who violates this section commits a
129 misdemeanor of the second degree, punishable as provided in s.
130 775.082 or s. 775.083.

131 Section 3. Section 327.50, Florida Statutes, is amended to
132 read:

133 327.50 Vessel safety regulations; equipment and lighting
134 requirements.--

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

140 ~~(b) No person shall operate a vessel less than 26 feet in~~
141 ~~length on the waters of this state unless every person under 6~~
142 ~~years of age on board the vessel is wearing a type I, type II, or~~
143 ~~type III Coast Guard approved personal flotation device while~~
144 ~~such vessel is underway. For the purpose of this section,~~
145 ~~"underway" shall mean at all times except when a vessel is~~

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146 ~~anchored, moored, made fast to the shore, or aground.~~

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

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

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