

1 A bill to be entitled
 2 An act relating to commercial parasailing; amending s.
 3 327.02, F.S.; defining the terms "commercial parasailing"
 4 and "sustained wind speed"; creating s. 327.375, F.S.;
 5 requiring each vessel engaged in commercial parasailing to
 6 obtain an annual license from the Fish and Wildlife
 7 Conservation Commission; requiring a fee; requiring proof
 8 of insurance as condition of licensure; requiring license
 9 to be available for inspection; providing for fees to be
 10 paid into the Marine Resources Conservation Trust Fund for
 11 certain uses; requiring specified types and limits of
 12 insurance coverage; requiring availability of proof of
 13 insurance; requiring specified insurance information to be
 14 provided to each rider upon request; requiring person
 15 operating such a vessel to have certain licenses;
 16 requiring an observer to be on each vessel; providing
 17 requirements for operation of commercial parasailing
 18 vessel; providing an effective date.

19
 20 Be It Enacted by the Legislature of the State of Florida:

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 22 Section 1. Subsections (41) and (42) are added to section
 23 327.02, Florida Statutes, to read:

24 327.02 Definitions of terms used in this chapter and in
 25 chapter 328.--As used in this chapter and in chapter 328, unless
 26 the context clearly requires a different meaning, the term:

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

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

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

37 Section 2. Section 327.375, Florida Statutes, is created
 38 to read:

39 327.375 Commercial parasailing.--

40 (1) (a) No person shall operate or give permission for the
 41 operation of a vessel engaged in commercial parasailing unless
 42 the owner has obtained an annual license from the commission at
 43 a cost of \$50. Proof of insurance, as required in subsection
 44 (2), must be provided to the commission before a license may be
 45 issued.

46 (b) The license must be available for inspection when the
 47 vessel is engaged in commercial parasailing.

48 (c) All license fees collected under this subsection shall
 49 be paid into the Marine Resources Conservation Trust Fund to
 50 recover the associated costs of regulating commercial
 51 parasailing.

52 (2) The owner of a vessel engaged in commercial
 53 parasailing must obtain and carry a policy from an insurance
 54 carrier licensed in this state, insuring against an accident,

55 loss, injury, property damage, or other casualty caused by or
56 resulting from the commercial parasailing activity. The
57 insurance policy must provide coverage for a minimum of \$750,000
58 per person and \$1.5 million per event. The deductible for the
59 insurance policy may not exceed \$5,000 per event. Proof of
60 insurance must be kept at any location where any person offers
61 or agrees to conduct commercial parasailing activities and must
62 be carried on any vessel conducting parasailing activities.
63 Proof of insurance must be available for inspection whenever
64 commercial parasailing activities are conducted. A person
65 conducting a commercial parasailing activity must provide to
66 each rider the insurance carrier's name and address and the
67 insurance policy number upon request.

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

70 (a) A person may not operate any vessel for commercial
71 parasailing unless it is designed and equipped for towing a
72 person while parasailing and is equipped with a launch platform
73 and powered winch to release and retrieve the towline.

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

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82 inspection while commercial parasailing activities are
83 conducted.

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

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

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

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

99 3. The vessel is in full compliance with all requirements
100 of the United States Coast Guard governing crewing and equipment
101 carriage for passenger-carrying vessels as specified in the Code
102 of Federal Regulations or as otherwise specified by the United
103 States Coast Guard in the vessel's certificate of inspection;
104 and

105 4. The vessel is equipped with a functional VHF marine
106 transceiver.

107 (e) A person may not operate a vessel towing a commercial
108 parasailing rider in the Atlantic Ocean or the Gulf of Mexico in
109 waters less than 2,000 feet from the shore. The restriction

110 applies to the entire commercial parasailing apparatus,
 111 including the vessel, towline, and rider.

112 (f) A person may not operate a vessel towing a commercial
 113 parasailing rider so that the vessel, towline, or rider comes
 114 within 600 feet of:

- 115 1. An anchored vessel;
- 116 2. A person in the water;
- 117 3. The shore or seawall; or
- 118 4. A structure, bridge, power line, wharf, pier, dock,
 119 buoy, platform, piling, channel marker, or other similar object.

120 (g) Commercial parasailing is prohibited:

- 121 1. On any body of water less than 2,000 feet in width in
 122 its narrowest dimension from shore to shore in the area where
 123 the parasailing activity is taking place;
- 124 2. From sunset to sunrise and at all times during
 125 restricted visibility as defined in the navigation rules; and
- 126 3. When there is a sustained wind speed of 20 knots or
 127 higher in the area of operation.

128 (h) Towlines used for commercial parasailing may not
 129 exceed 600 feet in length.

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

132 (j) No more than two persons may be tethered to the towing
 133 vessel and ascend above the water at any time.

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