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LEGISLATIVE ACTION

Senate	.	House
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The Committee on Environmental Preservation and Conservation (Jones) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Section 327.02, Florida Statutes, is amended to read:

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

(1) "Airboat" means a vessel that is primarily designed for use in shallow waters and powered by an internal combustion engine with an airplane-type propeller mounted above the stern



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13 and used to push air across a set of rudders.

14 (2) "Alien" means a person who is not a citizen of the  
15 United States.

16 (3) "Boating accident" means a collision, accident, or  
17 casualty involving a vessel in or upon, or entering into or  
18 exiting from, the water, including capsizing, collision with  
19 another vessel or object, sinking, personal injury, death,  
20 disappearance of any person from on board under circumstances  
21 that which indicate the possibility of death or injury, or  
22 property damage to any vessel or dock.

23 (4) "Canoe" means a light, narrow vessel with curved sides  
24 and with both ends pointed. A canoe-like vessel with a transom  
25 may not be excluded from the definition of a canoe if the width  
26 of its transom is less than 45 percent of the width of its beam  
27 or it has been designated as a canoe by the United States Coast  
28 Guard.

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

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

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

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

36 (6)-(5) "Commercial vessel" means:

37 (a) Any vessel primarily engaged in the taking or landing  
38 of saltwater fish or saltwater products or freshwater fish or  
39 freshwater products, or any vessel licensed pursuant to s.  
40 379.361 from which commercial quantities of saltwater products  
41 are harvested, from within and without the waters of this state



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42 for sale either to the consumer, retail dealer, or wholesale  
43 dealer.

44 (b) Any other vessel, except a recreational vessel as  
45 defined in this section.

46 ~~(7)(6)~~ "Commission" means the Fish and Wildlife  
47 Conservation Commission.

48 ~~(8)(7)~~ "Dealer" means any person authorized by the  
49 Department of Revenue to buy, sell, resell, or otherwise  
50 distribute vessels. Such person shall have a valid sales tax  
51 certificate of registration issued by the Department of Revenue  
52 and a valid commercial or occupational license required by any  
53 county, municipality, or political subdivision of the state in  
54 which the person operates.

55 ~~(9)(8)~~ "Division" means the Division of Law Enforcement of  
56 the Fish and Wildlife Conservation Commission.

57 ~~(10)(9)~~ "Documented vessel" means a vessel for which a  
58 valid certificate of documentation is outstanding pursuant to 46  
59 C.F.R. part 67.

60 ~~(11)(10)~~ "Floating structure" means a floating entity, with  
61 or without accommodations built thereon, which is not primarily  
62 used as a means of transportation on water but which serves  
63 purposes or provides services typically associated with a  
64 structure or other improvement to real property. The term  
65 "floating structure" includes, but is not limited to, each  
66 entity used as a residence, place of business or office with  
67 public access, hotel or motel, restaurant or lounge, clubhouse,  
68 meeting facility, storage or parking facility, mining platform,  
69 dredge, dragline, or similar facility or entity represented as  
70 such. Floating structures are expressly excluded from the



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71 definition of the term "vessel" provided in this section.  
72 Incidental movement upon water or resting partially or entirely  
73 on the bottom shall not, in and of itself, preclude an entity  
74 from classification as a floating structure.

75 (12)~~(11)~~ "Florida Intracoastal Waterway" means the Atlantic  
76 Intracoastal Waterway, the Georgia state line north of  
77 Fernandina to Miami; the Port Canaveral lock and canal to the  
78 Atlantic Intracoastal Waterway; the Atlantic Intracoastal  
79 Waterway, Miami to Key West; the Okeechobee Waterway, Stuart to  
80 Fort Myers; the St. Johns River, Jacksonville to Sanford; the  
81 Gulf Intracoastal Waterway, Anclote to Fort Myers; the Gulf  
82 Intracoastal Waterway, Carrabelle to Tampa Bay; Carrabelle to  
83 Anclote open bay section (using Gulf of Mexico); the Gulf  
84 Intracoastal Waterway, Carrabelle to the Alabama state line west  
85 of Pensacola; and the Apalachicola, Chattahoochee, and Flint  
86 Rivers in Florida.

87 (13)~~(12)~~ "Homemade vessel" means any vessel built after  
88 October 31, 1972, for which a federal hull identification number  
89 is not required to be assigned by the manufacturer pursuant to  
90 federal law, or any vessel constructed or assembled prior to  
91 November 1, 1972, by other than a licensed manufacturer for his  
92 or her own use or the use of a specific person. A vessel  
93 assembled from a manufacturer's kit or constructed from an  
94 unfinished manufactured hull shall be considered to be a  
95 homemade vessel if such a vessel is not required to have a hull  
96 identification number assigned by the United States Coast Guard.  
97 A rebuilt or reconstructed vessel shall in no event be construed  
98 to be a homemade vessel.

99 (14)~~(13)~~ "Houseboat" means any vessel that ~~which~~ is used



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100 primarily as a residence for a minimum of 21 days during any 30-  
101 day period, in a county of this state, and this residential use  
102 of the vessel is to the preclusion of the use of the vessel as a  
103 means of transportation.

104 ~~(15)-(14)~~ "Length" means the measurement from end to end  
105 over the deck parallel to the centerline excluding sheer.

106 ~~(16)-(15)~~ "Lien" means a security interest that ~~which~~ is  
107 reserved or created by a written agreement recorded with the  
108 Department of Highway Safety and Motor Vehicles pursuant to s.  
109 328.15 which secures payment or performance of an obligation and  
110 is generally valid against third parties.

111 ~~(17)-(16)~~ "Lienholder" means a person holding a security  
112 interest in a vessel, which interest is recorded with the  
113 Department of Highway Safety and Motor Vehicles pursuant to s.  
114 328.15.

115 ~~(18)-(17)~~ "Live-aboard vessel" means:

116 (a) Any vessel used solely as a residence and not for  
117 navigation;

118 (b) Any vessel represented as a place of business or a  
119 professional or other commercial enterprise; or

120 (c) Any vessel for which a declaration of domicile has been  
121 filed pursuant to s. 222.17.

122  
123 A commercial fishing boat is expressly excluded from the  
124 term "live-aboard vessel."

125 ~~(19)-(18)~~ "Livery vessel" means any vessel leased, rented,  
126 or chartered to another for consideration.

127 ~~(20)-(19)~~ "Manufactured vessel" means any vessel built after  
128 October 31, 1972, for which a federal hull identification number



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129 is required pursuant to federal law, or any vessel constructed  
130 or assembled prior to November 1, 1972, by a duly licensed  
131 manufacturer.

132 (21)~~(20)~~ "Marina" means a licensed commercial facility that  
133 ~~which~~ provides secured public moorings or dry storage for  
134 vessels on a leased basis. A commercial establishment authorized  
135 by a licensed vessel manufacturer as a dealership shall be  
136 considered a marina for nonjudicial sale purposes.

137 (22)~~(21)~~ "Marine sanitation device" means any equipment  
138 other than a toilet, for installation on board a vessel, which  
139 is designed to receive, retain, treat, or discharge sewage, and  
140 any process to treat such sewage. Marine sanitation device Types  
141 I, II, and III shall be defined as provided in 33 C.F.R. part  
142 159.

143 (23)~~(22)~~ "Marker" means any channel mark or other aid to  
144 navigation, information or regulatory mark, isolated danger  
145 mark, safe water mark, special mark, inland waters obstruction  
146 mark, or mooring buoy in, on, or over the waters of the state or  
147 the shores thereof, and includes, but is not limited to, a sign,  
148 beacon, buoy, or light.

149 (24)~~(23)~~ "Motorboat" means any vessel equipped with  
150 machinery for propulsion, irrespective of whether the propulsion  
151 machinery is in actual operation.

152 (25)~~(24)~~ "Muffler" means an automotive-style sound-  
153 suppression device or system designed to effectively abate the  
154 sound of exhaust gases emitted from an internal combustion  
155 engine and prevent excessive sound when installed on such an  
156 engine.

157 (26)~~(25)~~ "Navigation rules" means the International



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158 Navigational Rules Act of 1977, 33 U.S.C. appendix following s.  
159 1602, as amended, including the annexes thereto, for vessels on  
160 waters outside of established navigational lines of demarcation  
161 as specified in 33 C.F.R. part 80 or the Inland Navigational  
162 Rules Act of 1980, 33 U.S.C. ss. 2001 et seq., as amended,  
163 including the annexes thereto, for vessels on all waters not  
164 outside of such lines of demarcation.

165 ~~(27)~~~~(26)~~ "Nonresident" means a citizen of the United States  
166 who has not established residence in this state and has not  
167 continuously resided in this state for 1 year and in one county  
168 for the 6 months immediately preceding the initiation of a  
169 vessel titling or registration action.

170 ~~(28)~~~~(27)~~ "Operate" means to be in charge of or in command  
171 of or in actual physical control of a vessel upon the waters of  
172 this state, or to exercise control over or to have  
173 responsibility for a vessel's navigation or safety while the  
174 vessel is underway upon the waters of this state, or to control  
175 or steer a vessel being towed by another vessel upon the waters  
176 of the state.

177 ~~(29)~~~~(28)~~ "Owner" means a person, other than a lienholder,  
178 having the property in or title to a vessel. The term includes a  
179 person entitled to the use or possession of a vessel subject to  
180 an interest in another person, reserved or created by agreement  
181 and securing payment of performance of an obligation, but the  
182 term excludes a lessee under a lease not intended as security.

183 ~~(30)~~~~(29)~~ "Person" means an individual, partnership, firm,  
184 corporation, association, or other entity.

185 ~~(31)~~~~(30)~~ "Personal watercraft" means a vessel less than 16  
186 feet in length which uses an inboard motor powering a water jet



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187 pump, as its primary source of motive power and which is  
188 designed to be operated by a person sitting, standing, or  
189 kneeling on the vessel, rather than in the conventional manner  
190 of sitting or standing inside the vessel.

191 (32)~~(31)~~ "Portable toilet" means a device consisting of a  
192 lid, seat, containment vessel, and support structure which ~~that~~  
193 is specifically designed to receive, retain, and discharge human  
194 waste and which ~~that~~ is capable of being removed from a vessel  
195 by hand.

196 (33)~~(32)~~ "Prohibited activity" means such activity as will  
197 impede or disturb navigation or creates a safety hazard on  
198 waterways of this state.

199 (34)~~(33)~~ "Racing shell," "rowing scull," or "racing kayak"  
200 means a manually propelled vessel that ~~which~~ is recognized by  
201 national or international racing associations for use in  
202 competitive racing and in which all occupants, with the  
203 exception of a coxswain, if one is provided, row, scull, or  
204 paddle, and that ~~which~~ is not designed to carry and does not  
205 carry any equipment not solely for competitive racing.

206 (35)~~(34)~~ "Recreational vessel" means any vessel:

207 (a) Manufactured and used primarily for noncommercial  
208 purposes; or

209 (b) Leased, rented, or chartered to a person for the  
210 person's noncommercial use.

211 (36)~~(35)~~ "Registration" means a state operating license on  
212 a vessel which is issued with an identifying number, an annual  
213 certificate of registration, and a decal designating the year  
214 for which a registration fee is paid.

215 (37)~~(36)~~ "Resident" means a citizen of the United States





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216 who has established residence in this state and has continuously  
217 resided in this state for 1 year and in one county for the 6  
218 months immediately preceding the initiation of a vessel titling  
219 or registration action.

220 (38)~~(37)~~ "Sailboat" means any vessel whose sole source of  
221 propulsion is the wind.

222 (39) "Support system" means a device used to tether,  
223 connect, or otherwise suspend a person under the canopy.

224 (40) "Sustained wind speed" means a wind speed determined  
225 by averaging the observed wind speed rounded to the nearest  
226 whole knot over a 2-minute period.

227 (41)~~(38)~~ "Unclaimed vessel" means any undocumented vessel,  
228 including its machinery, rigging, and accessories, which is in  
229 the physical possession of any marina, garage, or repair shop  
230 for repairs, improvements, or other work with the knowledge of  
231 the vessel owner and for which the costs of such services have  
232 been unpaid for a period in excess of 90 days from the date  
233 written notice of the completed work is given by the marina,  
234 garage, or repair shop to the vessel owner.

235 (42)~~(39)~~ "Vessel" is synonymous with boat as referenced in  
236 s. 1(b), Art. VII of the State Constitution and includes every  
237 description of watercraft, barge, and airboat, other than a  
238 seaplane on the water, used or capable of being used as a means  
239 of transportation on water.

240 (43)~~(40)~~ "Waters of this state" means any navigable waters  
241 of the United States within the territorial limits of this  
242 state, and the marginal sea adjacent to this state and the high  
243 seas when navigated as a part of a journey or ride to or from  
244 the shore of this state, and all the inland lakes, rivers, and



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245 canals under the jurisdiction of this state.

246 Section 2. Section 327.375, Florida Statutes, is created to  
247 read:

248 327.375 Commercial parasailing.-

249 (1) This section may be cited as the "Alejandra White Act."

250 (2) The owner of a vessel engaged in commercial parasailing  
251 may not offer or provide for consideration any parasailing  
252 activity unless the owner first obtains and carries in full  
253 force and effect an insurance policy, from an insurance carrier  
254 licensed in this state, or approved by the Florida Department of  
255 Insurance, insuring against any accident, loss, injury, property  
256 damage, death, or other casualty caused by or resulting from any  
257 commercial parasailing activity. The insurance policy must  
258 provide coverage of at least \$1 million per person, \$ 2 million  
259 per event. Proof of insurance must be available for inspection  
260 at the location where commercial parasailing is offered or  
261 provided for consideration and each customer who requests it  
262 shall be provided with the insurance carrier's name and address  
263 and the insurance policy number.

264 (3) A person engaged in commercial parasailing must meet  
265 the following requirements:

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

268 (b) A person may not operate a vessel engaged in commercial  
269 parasailing on the waters of this state unless the person has a  
270 current and valid license issued by the United States Coast  
271 Guard authorizing that person to engage in carrying passengers  
272 for hire. The license must be appropriate for the number of  
273 passengers carried and the displacement of the vessel. The



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274 license must be carried on the vessel and be available for  
275 inspection while commercial parasailing activities are  
276 conducted.

277 (c) A person may not operate a vessel for commercial  
278 parasailing unless an observer 18 years of age or older is  
279 present in the vessel at all times to monitor the progress of  
280 any tethered parasail rider and parasail equipment. The observer  
281 may not be a customer, must be attentive to the parasail rider  
282 or riders and equipment, and may not have any other duties while  
283 the rider or riders are in the water or suspended above the  
284 water.

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

287 1. All riders wear an appropriate floatation device  
288 approved by the United States Coast Guard, other than an  
289 inflatable device, which is in serviceable condition and of the  
290 proper size;

291 2. The vessel is in full compliance with all requirements  
292 of the United States Coast Guard governing crewing and equipment  
293 carriage for passenger-carrying vessels as specified in the Code  
294 of Federal Regulations or as otherwise specified by the United  
295 States Coast Guard in the vessel's certificate of inspection;  
296 and

297 3. The vessel is equipped with a functional VHF marine  
298 transceiver and a separate electronic device capable of access  
299 to National Weather Service forecasts and current weather  
300 conditions.

301 (e) No more than three persons may be tethered to the  
302 towing vessel and ascend above the water at any time.



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303       (f) A person may not operate a vessel towing a commercial  
304 parasailing rider on any coastal waters of the state less than  
305 1,800 feet from the shore. This restriction applies to the  
306 entire commercial parasailing apparatus, including the vessel,  
307 towline, and rider.

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

- 311       1. An anchored vessel;  
312       2. A person in the water; or  
313       3. A structure, bridge, power line, wharf, pier, dock,  
314 platform, piling, marker, or other similar fixed objects.

315       (h) A person may not operate any vessel towing a parasail  
316 or engage in parasailing within 100 feet of the marked channel  
317 of the Florida Intracoastal Waterway.

318       (i) Commercial parasailing is prohibited when the current  
319 conditions or those forecasted by the National Weather Service  
320 include a sustained wind speed of over 20 mph in the area of  
321 operation, rain or heavy fog that results in reduced visibility  
322 of less than 0.5 miles, or a known lightning storm within 7  
323 miles of the parasailing area.

324       (j) The vessel captain shall use all available means to  
325 determine prevailing and forecasted weather conditions and  
326 record this information in a weather log each time passengers  
327 are to be taken out on the water. The weather log must be  
328 available for inspection at all times at the place of business.

329       (k) Towlines used for commercial parasailing must be rated  
330 for a tensile strength that exceeds 4,800 pounds, must be  
331 braided, and a low-stretch type and may not exceed 500 feet in



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332 length.

333 (1) Each passenger and parasail rider must be given a  
334 safety briefing before embarking or before the parasail activity  
335 commences. This briefing must include a description of the  
336 equipment, the parasail activity, inherent risks, and  
337 instruction on how to safely evacuate from the passenger support  
338 during a water landing.

339 (m) A person operating a vessel for commercial parasailing  
340 may not engage in parasailing, or any similar activity at any  
341 time between the hours of one-half hour after sunset to one-half  
342 hour before sunrise.

343 (4) A person or operator who violates this section commits  
344 a misdemeanor of the second degree, punishable as provided in s.  
345 775.082 or s. 775.083.

346 Section 3. Paragraph (d) of subsection (5) of section  
347 320.08, Florida Statutes, is amended to read:

348 320.08 License taxes.—Except as otherwise provided herein,  
349 there are hereby levied and imposed annual license taxes for the  
350 operation of motor vehicles, mopeds, motorized bicycles as  
351 defined in s. 316.003(2), tri-vehicles as defined in s. 316.003,  
352 and mobile homes, as defined in s. 320.01, which shall be paid  
353 to and collected by the department or its agent upon the  
354 registration or renewal of registration of the following:

355 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;  
356 SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

357 (d) A wrecker, as defined in s. 320.01(40), which is used  
358 to tow a vessel as defined in s. 327.02(43) ~~s. 327.02(39)~~, a  
359 disabled, abandoned, stolen-recovered, or impounded motor  
360 vehicle as defined in s. 320.01(38), or a replacement motor



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361 vehicle as defined in s. 320.01(39): \$41 flat, of which \$11  
362 shall be deposited into the General Revenue Fund.

363 Section 4. Subsection (1) of section 327.391, Florida  
364 Statutes, is amended to read:

365 327.391 Airboats regulated.—

366 (1) The exhaust of every internal combustion engine used on  
367 any airboat operated on the waters of this state shall be  
368 provided with an automotive-style factory muffler, underwater  
369 exhaust, or other manufactured device capable of adequately  
370 muffling the sound of the exhaust of the engine as described in  
371 s. 327.02(25) ~~s. 327.02(24)~~. The use of cutouts or flex pipe as  
372 the sole source of muffling is prohibited, except as provided in  
373 subsection (4). Any person who violates this subsection commits  
374 a noncriminal infraction punishable as provided in s. 327.73(1).

375 Section 5. Subsection (4) of section 328.17, Florida  
376 Statutes, is amended to read:

377 328.17 Nonjudicial sale of vessels.—

378 (4) A marina, as defined in s. 327.02(21) ~~s. 327.02(20)~~,  
379 shall have:

380 (a) A possessory lien upon any vessel for storage fees,  
381 dockage fees, repairs, improvements, or other work-related  
382 storage charges, and for expenses necessary for preservation of  
383 the vessel or expenses reasonably incurred in the sale or other  
384 disposition of the vessel. The possessory lien shall attach as  
385 of the date the vessel is brought to the marina or as of the  
386 date the vessel first occupies rental space at the marina  
387 facility.

388 (b) A possessory lien upon any vessel in a wrecked, junked,  
389 or substantially dismantled condition, which has been left



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390 abandoned at a marina, for expenses reasonably incurred in the  
391 removal and disposal of the vessel. The possessory lien shall  
392 attach as of the date the vessel arrives at the marina or as of  
393 the date the vessel first occupies rental space at the marina  
394 facility. If the funds recovered from the sale of the vessel, or  
395 from the scrap or salvage value of the vessel, are insufficient  
396 to cover the expenses reasonably incurred by the marina in  
397 removing and disposing of the vessel, all costs in excess of  
398 recovery shall be recoverable against the owner of the vessel.  
399 For a vessel damaged as a result of a named storm, the  
400 provisions of this paragraph shall be suspended for 60 days  
401 following the date the vessel is damaged in the named storm. The  
402 operation of the provisions specified in this paragraph run  
403 concurrently with, and do not extend, the 60-day notice periods  
404 provided in subsections (5) and (7).

405 Section 6. Subsection (2) of section 342.07, Florida  
406 Statutes, is amended to read:

407 342.07 Recreational and commercial working waterfronts;  
408 legislative findings; definitions.—

409 (2) As used in this section, the term "recreational and  
410 commercial working waterfront" means a parcel or parcels of real  
411 property which ~~that~~ provide access for water-dependent  
412 commercial activities, including hotels and motels as defined in  
413 s. 509.242(1), or provide access for the public to the navigable  
414 waters of the state. Recreational and commercial working  
415 waterfronts require direct access to or a location on, over, or  
416 adjacent to a navigable body of water. The term includes water-  
417 dependent facilities that are open to the public and offer  
418 public access by vessels to the waters of the state or that are



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419 support facilities for recreational, commercial, research, or  
420 governmental vessels. These facilities include public lodging  
421 establishments, docks, wharfs, lifts, wet and dry marinas, boat  
422 ramps, boat hauling and repair facilities, commercial fishing  
423 facilities, boat construction facilities, and other support  
424 structures over the water. As used in this section, the term  
425 "vessel" has the same meaning as in s. 327.02(43) ~~s. 327.02(39)~~.  
426 Seaports are excluded from the definition.

427 Section 7. Paragraph (b) of subsection (1) of section  
428 713.78, Florida Statutes, is amended to read:

429 713.78 Liens for recovering, towing, or storing vehicles  
430 and vessels.—

431 (1) For the purposes of this section, the term:

432 (b) "Vessel" means every description of watercraft, barge,  
433 and airboat used or capable of being used as a means of  
434 transportation on water, other than a seaplane or a "documented  
435 vessel" as defined in s. 327.02(10) ~~s. 327.02(9)~~.

436 Section 8. Paragraph (b) of subsection (1) of section  
437 715.07, Florida Statutes, is amended to read:

438 715.07 Vehicles or vessels parked on private property;  
439 towing.—

440 (1) As used in this section, the term:

441 (b) "Vessel" means every description of watercraft, barge,  
442 and airboat used or capable of being used as a means of  
443 transportation on water, other than a seaplane or a "documented  
444 vessel" as defined in s. 327.02(10) ~~s. 327.02(9)~~.

445 Section 9. This act shall take effect July 1, 2011.

446  
447





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

449 And the title is amended as follows:

450 Delete everything before the enacting clause  
451 and insert:

452 A bill to be entitled

453 An act relating to commercial parasailing ; amending  
454 s.327.02, F.S.; providing a short title; requiring the owner of  
455 a vessel engaged in commercial parasailing to obtain and carry  
456 an insurance policy; providing minimum coverage for the  
457 insurance policy; providing requirements for proof of insurance;  
458 specifying the insurance information that must be provided to  
459 each rider; providing for the launch and recovery of riders from  
460 a towing vessel; requiring a person engaged in operating a  
461 vessel for commercial parasailing to have certain licenses;  
462 requiring certain equipment; prohibiting commercial parasailing  
463 in certain areas; under certain weather conditions, and during  
464 certain hours; requiring a safety briefing for passengers and  
465 parasail riders; providing penalties; amending ss. 320.08,  
466 327.391,328.17,342.07,713.78, and 715.07, F.S.; conforming  
467 cross-references to changes made by the act; providing an  
468 effective date.