

By Senator Sebesta

16-140A-05

1 A bill to be entitled
2 An act relating to commercial parasailing;
3 creating s. 327.375, F.S.; defining the term
4 "commercial parasailing"; requiring each vessel
5 to obtain an annual license; requiring each
6 owner to carry liability insurance; providing
7 for minimum amounts of insurance and maximum
8 deductibles; providing requirements for persons
9 conducting commercial parasailing operations;
10 providing a criminal penalty; providing an
11 effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Section 327.375, Florida Statutes, is
16 created to read:

17 327.375 Commercial parasailing.--

18 (1) As used in this section, the term "commercial
19 parasailing" means providing or offering to provide, for
20 consideration, any activity involving the towing of a person
21 by a motorboat when:

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

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

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

27 (2) A vessel engaged in commercial parasailing must
28 obtain an annual license from the commission for the cost of
29 \$50. All license fees collected must be paid into the Marine
30 Resources Conservation Trust Fund to recover the associated
31 costs of regulating commercial parasailing. The license must

1 be available for inspection when the vessel is engaged in
2 commercial parasailing.

3 (3) The owner of a vessel engaged in commercial
4 parasailing shall obtain and carry a policy from an insurance
5 carrier licensed in this state, insuring against an accident,
6 loss, injury, property damage, or other casualty caused by or
7 resulting from the commercial parasailing activity. The
8 insurance policy must provide coverage for a minimum of
9 \$500,000 per person and \$1 million per event. The deductible
10 for the insurance policy may not exceed \$5,000 per event.
11 Proof of insurance must be carried on the vessel and be
12 available for inspection when commercial parasailing
13 activities are conducted. A person conducting a commercial
14 parasailing activity must give each rider the insurance
15 carrier's name and address and the insurance policy number.

16 (4) A person engaged in commercial parasailing shall
17 meet the following requirements:

18 (a) A person may not use any vessel for commercial
19 parasailing unless it is designed and equipped for towing a
20 person while parasailing and is equipped with a launch
21 platform and powered winch to release and retrieve the
22 towline.

23 (b) A person operating a vessel engaged in commercial
24 parasailing on the waters of this state must have a current
25 and valid license issued by the United States Coast Guard
26 authorizing that person to engage in carrying passengers for
27 hire. The license must be carried on the vessel and be
28 available for inspection while commercial parasailing
29 activities are conducted.

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

1 present in the vessel at all times to monitor the progress of
2 any airborne parasail rider and parachute. The observer must
3 be attentive to the parasail rider or riders and shall have no
4 other duties while the rider or riders are in the water or
5 suspended above the water.

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

8 1. All riders wear a United States Coast Guard
9 approved type I, type II, or type III personal flotation
10 device that is in serviceable condition and of the proper
11 size;

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

14 3. The vessel is in full compliance with all United
15 States Coast Guard crewing and equipment carriage requirements
16 for passenger carrying vessels as specified in the Code of
17 Federal Regulations or as otherwise specified by the United
18 States Coast Guard in the vessel's certificate of inspection;
19 and

20 4. The vessel is equipped with a functional VHF marine
21 transceiver.

22 (e) Commercial parasailing is prohibited in the
23 Atlantic Ocean and the Gulf of Mexico in waters less than
24 2,000 feet from the shore. The restriction applies to the
25 entire commercial parasailing apparatus, including the vessel,
26 towline, and rider.

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

30 1. An anchored vessel;

31 2. A person in the water;

- 1 3. The shore or seawall; or
2 4. A structure, bridge, power line, wharf, pier, dock,
3 buoy, platform, piling, channel marker, or other similar
4 object.
5 (g) Commercial parasailing is prohibited:
6 1. On bodies of water less than 2,000 feet in width
7 from shore to shore;
8 2. From one-half hour after sunset to one-half hour
9 before sunrise and at all times during restricted visibility;
10 and
11 3. When there are sustained winds of 20 knots or
12 higher or seas 5 feet or higher in the area of operation.
13 (j) Towlines used for commercial parasailing must not
14 exceed 800 feet in length.
15 (k) Commercial parasail operators must launch riders
16 only from and recover riders only to the vessel's launch
17 platform.
18 (l) No more than two persons may be tethered to the
19 towing vessel and ascend above the water at any time.
20 (4) A person who violates this section commits a
21 misdeemeanor of the second degree, punishable as provided in s.
22 775.082 or s. 775.083.

23 Section 2. This act shall take effect October 1, 2005.

24
25 *****

26 SENATE SUMMARY

27 Requires vessels engaged in commercial parasailing to
28 obtain an annual license. Requires each owner to carry
29 liability insurance. Prescribes minimum amounts of
30 insurance and deductibles. Provides requirements for
31 persons conducting commercial parasailing operations.
 Provides a criminal penalty.