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OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 11(A)(9)

TO:	Honorable Vice Chairwoman Audrey M. Edmonson and Members, Board of County Commissioners	**DATE:**	December 18, 2012
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution supporting passage of Senate Bill 64 or similar legislation during the Florida Legislature's 2013 session that would impose reasonable regulations on the parasailing industry in the interest of safety Resolution No. R-1082-12

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.

R. A. Cuevas, Jr.
County Attorney

RAC/smm

MEMORANDUM
(Revised)

TO: Honorable Vice Chairwoman Audrey M. Edmonson and Members, Board of County Commissioners

DATE: December 18, 2012

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 11(A)(9)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Ordinance creating a new board requires detailed County Mayor's report for public hearing**

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(9)
12-18-12

RESOLUTION NO. R-1082-12

RESOLUTION SUPPORTING PASSAGE OF SENATE BILL 64 OR SIMILAR LEGISLATION DURING THE FLORIDA LEGISLATURE'S 2013 SESSION THAT WOULD IMPOSE REASONABLE REGULATIONS ON THE PARASAILING INDUSTRY IN THE INTEREST OF SAFETY

WHEREAS, parasailing is a potentially dangerous recreational activity and parasailing accidents have the potential for severe consequences; and

WHEREAS, in September 2010, Alejandra White was killed parasailing in Clearwater when a towline snapped after the captain of the vessel assured her that he could beat approaching storm clouds; and

WHEREAS, White made a water landing, but then the parasail re-inflated and dragged them toward the beach where she collided with a volleyball net post and was killed; and

WHEREAS, on August 15, 2012, Kathleen Miskell, who was on vacation in South Florida from Connecticut, dropped from a parasailing harness and was killed when she plummeted nearly 200 feet into the ocean near Pompano Beach; and

WHEREAS, the deaths of White and Miskell are two of four deaths in Florida in the past three years related to parasailing; and

WHEREAS, the Florida Fish and Wildlife Conservation Commission estimates that there are 70 to 120 active commercial parasailing operators in Florida, with most parasail businesses operating along the Atlantic Ocean and Gulf of Mexico coastlines; and

WHEREAS, based on Florida Fish and Wildlife Conservation Commission reports, the majority of accidents are related to towline separations as a result of poor weather or equipment failures; and

WHEREAS, presently, no Florida law comprehensively regulates commercial parasailing activities; and

WHEREAS, the only statutes that references parasailing is Section 327.37, Florida Statutes, and it provides only minimal guidelines for parasailing that include:

- Requiring the person operating the vessel that is towing a person involved in parasailing to observe the progress of the person being towed by using a designated observer;
- Prohibiting parasailing between one-half hour after sunset and one-half hour before sunrise;
- Requiring a person parasailing to wear a personal flotation device;
- Prohibiting the operation of any vessel in such a way as to cause the parasailer to collide against or be likely to collide against any vessel, bridge, dock or similar objects; and
- Prohibiting the operation of any vessel towing a parasail or engaged in parasailing within 100 feet of the marked channel of the Florida Intracoastal Waterway; and

WHEREAS, bills have been filed in recent years that would comprehensively regulate parasailing in Florida, but none have passed; and

WHEREAS, Senate Bill 652 by Senator Dennis Jones (R – Seminole) and House Bill 1487 by Representative Jim Frishe (R - Belleair Bluffs) were filed for consideration during the 2012 session, but these bills died in committee; and

WHEREAS, a bill has been filed for consideration during the 2013 session, Senate Bill 64 by Senator Maria Lorts Sachs (D – Delray Beach) that would regulate parasailing; and

WHEREAS, Senate Bill 64 would provide comprehensive guidelines for commercial parasailing, including the following:

- The owner of a vessel engaged in commercial parasailing would be required to carry insurance against an accident resulting from the commercial parasailing activity with a minimum coverage of $1 million per person and $2 million per event;
- Commercial parasail operators would only be able to launch riders from and recover riders to the vessel, and not from land or a dock;
- A person would be not permitted to operate a vessel for commercial parasailing unless an observer 18 years or older, who is not a customer and has no other duties, is present in the vessel at all times to monitor the airborne parasail rider and parachute;
- No more than three persons would be permitted to be tethered to the towing vessel and ascend above the water at any time;
- Commercial parasail activity would be prohibited less than 1,800 feet from the shore, including the vessel, towline, and rider;
- A person would be prohibited from operating a vessel towing a commercial parasailing rider so that the vessel, towline, or riders comes within 400 feet of an anchored vessel, person in the water or a bridge, power line, pier, dock or other structure;
- Commercial parasailing would be prohibited within 100 feet of the marked channel of the Florida Intracoastal Waterway;
- Commercial parasailing would be prohibited when current sustained winds or forecasted sustained winds of 20 mph or higher are present, when visibility is reduced to less than a half mile, and within 7 miles of a known lightning storm;
- Commercial parasailing towlines would have to be rated for a tensile strength that exceeds 4,800 pounds, and such towlines could not exceed 500 feet in length; and
- Each parasail rider would have to be given a safety briefing before parasailing; and

WHEREAS, as Miami Herald columnist Fred Grimm recently pointed out, the United State Department of State includes on its website the following warning related to parasailing in Mexico:

> Rented sports and aquatic equipment may not meet U.S. safety standards or be covered by any accident insurance. . . . Parasailing has killed U.S. citizen tourists who were dragged through palm trees or slammed into buildings; and

WHEREAS, there is an expectation that, in contrast to commercial parasailing in Mexico, commercial parasailing in Florida has appropriate safety regulations and requires insurance, yet the parasailing industry is largely unregulated in Florida; and

WHEREAS, particularly given the importance of the tourism industry to Miami-Dade County and the State of Florida, this Board urges the Florida Legislature to enact reasonable regulations on commercial parasailing by passing SB 64 or similar legislation,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Supports the passage during the Florida Legislature's 2013 session of SB 64 or similar legislation that would impose reasonable regulations on the commercial parasailing industry so as to more fully protect those residents and tourists participating in parasailing activities.

Section 2. Urges the Florida Legislature to enact such legislation during the upcoming 2013 session.

Section 3. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, the Chair and Members of the Miami-Dade State Legislative Delegation and Senator Maria Lorts Sachs.

Section 4. Directs the County's state lobbyists to advocate for legislation that would regulate the commercial parasailing industry as set forth in Sections 1 and 2 above, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2013 State Legislative Package when it is presented to the Board.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan. It was offered by Commissioner **Sally A. Heyman**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

Audrey M. Edmonson, Vice Chairwoman			**aye**
Bruno A. Barreiro	**aye**	Lynda Bell	**aye**
Esteban L. Bovo, Jr.	**aye**	Jose "Pepe" Diaz	**aye**
Sally A. Heyman	**aye**	Barbara J. Jordan	**aye**
Jean Monestime	**aye**	Dennis C. Moss	**aye**
Rebeca Sosa	**aye**	Sen. Javier D. Souto	**absent**
Xavier L. Suarez	**aye**	Juan C. Zapata	**aye**

The Chairperson thereupon declared the resolution duly passed and adopted this 18th day of December, 2012. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: ***Christopher Agrippa***
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Jess M. McCarty