

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>      </u>	

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1 Committee/Subcommittee hearing bill: Tourism, Infrastructure &  
 2 Energy Subcommittee

3 Representative Roth offered the following:

4

5 **Amendment**

6 Remove lines 37-93 and insert:

7 WHEREAS, allowing each municipal government in which a  
 8 Florida seaport is located to impose its own requirements on the  
 9 maritime commerce conducted in that port could result in abrupt  
 10 changes in the supply lines bringing goods into and out of this  
 11 state, thus disrupting Florida's economy and threatening the  
 12 public's health, safety, and welfare, and

13 WHEREAS, allowing each municipal government in which a  
 14 Florida seaport is located to impose its own requirements on the  
 15 maritime commerce conducted in that port could reasonably be  
 16 expected to suppress such commerce and potentially drive it out

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17 of the port and out of the state in search of a more consistent  
18 and predictable operating environment, thus disrupting Florida's  
19 economy and threatening the public's health, safety, and  
20 welfare, and

21 WHEREAS, allowing each municipal government in which a  
22 Florida seaport is located to impose its own requirements on the  
23 maritime commerce conducted in that port could result in abrupt  
24 changes in vessel traffic, frustrating the multi-year planning  
25 process for all Florida seaports and the assumptions and  
26 forecasts underlying federal and state financing of port  
27 improvement projects, and

28 WHEREAS, in light of these negative impacts, federal and  
29 state governments must be relied upon to adopt uniform  
30 regulations governing seaport operations, NOW, THEREFORE,

31

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

33

34 Section 1. Section 311.25, Florida Statutes, is created to  
35 read:

36 311.25 Regulation of commerce in Florida seaports;  
37 preemption.-

38 (1) Notwithstanding any other law to the contrary, a  
39 municipal government may not restrict or regulate commerce in  
40 the seaports of this state, as listed in s. 311.09, including,  
41 but not limited to, regulating or restricting a vessel's type or

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42 size, source or type of cargo, or number, origin, or nationality  
43 of passengers. All such matters are expressly preempted to the  
44 state.

45 (2) If not otherwise preempted by federal or state law,  
46 this section does not limit the authority of a port authority or  
47 port district, as defined in s. 315.02, or a port operation as  
48 provided in s. 125.012, to:

49 (a) Regulate vessel movements within its jurisdiction  
50 pursuant to s. 313.22(1).

51 (b) Establish fees and compensation for its services  
52 pursuant to s. 313.22(2).

53 (c) Adopt guidelines for minimum bottom clearance, for the  
54 movement of vessels, and for radio communications of vessel  
55 traffic pursuant to s. 313.23.

56  
57 However, an action provided in this subsection may not have the  
58 effect of regulating or restricting a vessel's type or size,  
59 source or type of cargo, or number, origin, or nationality of  
60 passengers, except as required to ensure safety due to the  
61 physical limitations of channels, berths, anchorages, or other  
62 port facilities.

63 Section 2. Any provision of a municipal charter,  
64