

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	_____	(Y/N)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

1 Committee/Subcommittee hearing bill: Local Administration &
2 Veterans Affairs Subcommittee

3 Representative Roach offered the following:

4
5 **Amendment (with title amendment)**

6 Remove lines 19-98 and insert:

7 economy of this state as a whole, and

8 WHEREAS, Florida seaports currently generate nearly 900,000
9 direct and indirect jobs and contribute \$117.6 billion in
10 economic value to this state through cargo and cruise
11 activities, accounting for approximately 13 percent of this
12 state's gross domestic product and \$4.2 billion in state and
13 local taxes, and

14 WHEREAS, because this state is a peninsula, much of this
15 state is highly dependent upon the unimpeded flow of maritime
16 commerce through its seaports, which is made even more critical

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17 | when this state is threatened or impacted by natural disasters,
18 | such as tropical storms and hurricanes, and

19 | WHEREAS, because of its geographic location, this state is
20 | a hub for global maritime commerce and is uniquely positioned to
21 | capture an even larger share of this commerce as global trade
22 | routes shift, and

23 | WHEREAS, the international, national, statewide, and
24 | regional importance of Florida seaports has long been recognized
25 | in federal and state law with respect to the regulation,
26 | planning, and public financing of seaport operations and
27 | facilities, and

28 | WHEREAS, this state is widely known as the cruise capital
29 | of the world, and the cruise industry is vital to this state's
30 | economy, contributing more than \$9 billion in direct spending on
31 | an annual basis and supporting 159,000 jobs with more than \$8
32 | billion in total wages and salaries before the current pandemic,
33 | and

34 | WHEREAS, 8.3 million passengers boarded cruises from one of
35 | this state's five cruise ports in 2019, accounting for 60
36 | percent of embarkations in the United States, generating 11
37 | million passenger and crew onshore visits in both home port and
38 | transit port calls in this state, and

39 | WHEREAS, allowing a ballot initiative or referendum in each
40 | local seaport jurisdiction to impose its own requirements on the
41 | maritime commerce conducted in that port could result in abrupt

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42 changes in the supply lines bringing goods into and out of this
43 state and could reasonably be expected to suppress such commerce
44 and potentially drive it out of the port and out of this state
45 in search of a more consistent and predictable operating
46 environment, thus disrupting this state's economy and
47 threatening the public's health, safety, and welfare, and

48 WHEREAS, allowing a ballot initiative or referendum in each
49 local seaport jurisdiction to impose its own requirements on the
50 maritime commerce conducted in that port could result in abrupt
51 changes in vessel traffic, frustrating the multiyear planning
52 process for all Florida seaports and the assumptions and
53 forecasts underlying federal and state financing of port
54 improvement projects, and

55 WHEREAS, there are similar concerns regarding the capacity
56 of a municipality and certain special districts to impose such
57 requirements on the maritime commerce conducted in a port, as
58 the more limited geographic and political scope of a
59 municipality and certain special districts may make such entity
60 less sensitive to the negative impact of such requirements on
61 neighboring municipalities and on the county, region, and state,
62 and

63 WHEREAS, many local economies in this state depend heavily
64 on tourism, on which the surrounding politics can be
65 particularly complex at the municipal level, which significantly
66 heightens those concerns with respect to the ability of

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67 municipalities and certain special districts to impose local
68 requirements affecting passenger cruise vessels or cruise lines,
69 and

70 WHEREAS, in light of these potential negative impacts, the
71 permissible scope of local ballot initiatives or referendums and
72 of the powers of a municipality and certain special districts
73 must be appropriately limited, NOW, THEREFORE,

74

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

76

77 Section 1. Section 311.25, Florida Statutes, is created to
78 read:

79 311.25 Regulation of commerce in Florida seaports.-

80 (1) (a) A local ballot initiative or referendum may not
81 restrict maritime commerce in the seaports of this state,
82 including, but not limited to, restricting such commerce based
83 on any of the following:

84 1. Vessel type, size, number, or capacity.

85 2. Number, origin, nationality, embarkation, or
86 disembarkation of passengers or crew or their entry into this
87 state or any local jurisdiction.

88 3. Source, type, loading, or unloading of cargo.

89 4. Environmental or health records of a particular vessel
90 or vessel line.

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91 (b) Any local ballot initiative or referendum, or any local
92 law, charter amendment, ordinance, resolution, regulation, or
93 policy adopted in a local ballot initiative or referendum, in
94 violation of paragraph (a) which was adopted before, on, or
95 after the effective date of this act is prohibited, void, and
96 expressly preempted to the state.

97 (2) (a) A municipality or political subdivision thereof, or
98 a special district other than one established for port
99 management by special act of the Legislature, may not restrict
100 maritime commerce in the seaports of this state with respect to
101 any federally authorized passenger cruise vessel, including, but
102 not limited to, a restriction based on any of the following:

103 1. Vessel type, size, number, or capacity, except when the
104 port, by virtue of the physical limitations of its docking,
105 berthing, or navigational capabilities, is unable to accommodate
106 a passenger cruise vessel pursuant to applicable federal or
107 state laws or regulations.

108 2. Number, origin, nationality, embarkation, or
109 disembarkation of passengers or crew or their entry into this
110 state or any local jurisdiction.

111 3. Source, type, loading, or unloading of cargo related or
112 incidental to its use as a passenger cruise vessel.

113 4. Environmental or health records of a particular
114 passenger cruise vessel or cruise line.

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115 (b) Any provision of a law, a charter, an ordinance, a
116 resolution, a regulation, a policy, an initiative, or a
117 referendum which is in conflict with paragraph (a) and which
118 existed before, on, or after the effective date of this act is
119 prohibited, void, and expressly preempted to the state.

120 (c) This subsection does not apply to a municipality the
121 government of which has been consolidated with that of a county
122 or to a municipal government that is a county as defined in s.
123 125.011(1).

124 (d) Except as provided in paragraph (a), this subsection
125 does not otherwise limit the authority of a subject
126 municipality, political subdivision thereof, or special district
127 to:

128 1. Engage in any activity authorized under this chapter,
129 chapter 315, s. 313.22, or s. 313.23, including those
130 surrounding the continued operation and development of the port
131 and port facilities and the implementation of seaport security
132 measures pursuant to ss. 311.12-311.124.

133 2. Issue and enforce tariffs properly filed with the
134 Federal Maritime Commission.

135 3. Enter into leases, terminal agreements, or other
136 contracts with tenants, customers, and other users of port
137 facilities.

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138 Section 2. The Division of Law Revision is directed to
139 replace the phrase "the effective date of this act" wherever it
140 occurs in this act with the date this act becomes a law.

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142

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144 **T I T L E A M E N D M E N T**

145 Remove lines 4-8 and insert:

146 a local ballot initiative or referendum from restricting
147 maritime commerce in the seaports of this state; providing that
148 such a local ballot initiative, referendum, or action adopted
149 therein is prohibited, void, and expressly preempted to the
150 state; prohibiting municipalities and certain special districts
151 from restricting maritime commerce in the seaports of this state
152 with respect to any federally authorized passenger cruise
153 vessel; providing that certain actions relating to such
154 restrictions are prohibited, void, and expressly preempted to
155 the state; providing applicability; clarifying remaining
156 authority of certain local entities; providing a directive to
157 the Division of Law Revision; providing an effective date.