

1 A bill to be entitled

2 An act relating to state preemption of seaport  
3 regulations; creating s. 311.25, F.S.; prohibiting  
4 municipal governments from regulating commerce in  
5 state seaports; providing exceptions; providing  
6 construction; providing that certain provisions of a  
7 municipal charter, ordinance, resolution, regulation,  
8 or policy are void; providing an effective date.  
9

10 WHEREAS, maritime commerce between and among seaports, both  
11 foreign and domestic, is the subject of extensive federal and  
12 state regulation designed to protect the marine environment and  
13 the health, safety, and welfare of the general public and those  
14 involved in conducting that commerce, and

15 WHEREAS, the economic impact of a seaport extends far  
16 beyond the boundaries of the local jurisdiction in which the  
17 port is located, materially contributing to the economies of  
18 multiple cities and counties within the region and to the  
19 economy of the state as a whole, and

20 WHEREAS, Florida seaports currently generate nearly 900,000  
21 direct and indirect jobs and contribute \$117.6 billion in  
22 economic value to the state through cargo and cruise activities,  
23 accounting for approximately 13 percent of Florida's gross  
24 domestic product and \$4.2 billion in state and local taxes, and

25 WHEREAS, because Florida is a peninsula, much of the state

26 | is highly dependent upon the unimpeded flow of maritime commerce  
27 | through its seaports, which is made even more critical when the  
28 | state is threatened or impacted by natural disasters, such as  
29 | tropical storms and hurricanes, and

30 |       WHEREAS, because of its geographic location, Florida is a  
31 | hub for global maritime commerce and is uniquely positioned to  
32 | capture an even larger share of this commerce as global trade  
33 | routes shift, and

34 |       WHEREAS, the international, national, statewide, and  
35 | regional importance of Florida seaports has long been recognized  
36 | in federal and state law with respect to the regulation,  
37 | planning, and public financing of seaport operations and  
38 | facilities, and

39 |       WHEREAS, allowing each municipal government in which a  
40 | Florida seaport is located to impose its own requirements on the  
41 | maritime commerce conducted in that port could result in abrupt  
42 | changes in the supply lines bringing goods into and out of this  
43 | state, thus disrupting Florida's economy and threatening the  
44 | public's health, safety, and welfare, and

45 |       WHEREAS, allowing each municipal government in which a  
46 | Florida seaport is located to impose its own requirements on the  
47 | maritime commerce conducted in that port could reasonably be  
48 | expected to suppress such commerce and potentially drive it out  
49 | of the port and out of the state in search of a more consistent  
50 | and predictable operating environment, thus disrupting Florida's

51 | economy and threatening the public's health, safety, and  
 52 | welfare, and

53 |       WHEREAS, allowing each municipal government in which a  
 54 | Florida seaport is located to impose its own requirements on the  
 55 | maritime commerce conducted in that port could result in abrupt  
 56 | changes in vessel traffic, frustrating the multi-year planning  
 57 | process for all Florida seaports and the assumptions and  
 58 | forecasts underlying federal and state financing of port  
 59 | improvement projects, and

60 |       WHEREAS, in light of these negative impacts, federal and  
 61 | state governments must be relied upon to adopt uniform  
 62 | regulations governing seaport operations, NOW, THEREFORE,

63 |  
 64 | Be It Enacted by the Legislature of the State of Florida:

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 66 |       Section 1. Section 311.25, Florida Statutes, is created to  
 67 | read:

68 |       311.25 Regulation of commerce in Florida seaports;  
 69 | preemption.-

70 |       (1) Except as authorized by general law, a municipal  
 71 | government may not restrict or regulate commerce in the seaports  
 72 | of this state, as listed in s. 311.09, including, but not  
 73 | limited to, regulating or restricting a vessel's type or size,  
 74 | source or type of cargo, or number, origin, or nationality of  
 75 | passengers.

76        (2) If not otherwise preempted by federal or state law,  
77 this section does not limit the authority of a port authority or  
78 port district, as defined in s. 315.02, owned or operated by a  
79 municipal government which is not a county as defined in s.  
80 125.011, to:

81        (a) Regulate vessel movements within its jurisdiction  
82 pursuant to s. 313.22(1).

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

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

88  
89 However, an action provided in this subsection may not have the  
90 effect of regulating or restricting a vessel's type or size,  
91 source or type of cargo, or number, origin, or nationality of  
92 passengers, except as required to ensure safety due to the  
93 physical limitations of channels, berths, anchorages, or other  
94 port facilities.

95        Section 2. Any provision of a municipal charter,  
96 ordinance, resolution, regulation, or policy that is preempted  
97 by this act and that existed before, on, or after the effective  
98 date of this act is void.

99        Section 3. This act shall take effect upon becoming a law.