



314294

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2021	.	
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The Committee on Community Affairs (Boyd) recommended the following:

Senate Amendment (with title amendment)

Delete lines 113 - 137

and insert:

violation of paragraph (a) which was adopted before, on, or after the effective date of this act is prohibited, void, and expressly preempted to the state.

(2) (a) A municipality or political subdivision thereof, or a special district other than one established for port management by special act of the Legislature, may not restrict



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11 maritime commerce in the seaports of this state with respect to
12 any federally authorized passenger cruise vessel, including, but
13 not limited to, a restriction based on any of the following:

14 1. Vessel type, size, number, or capacity, except when the
15 port, by virtue of the physical limitations of its docking,
16 berthing, or navigational capabilities, is unable to accommodate
17 a passenger cruise vessel pursuant to applicable federal or
18 state laws or regulations.

19 2. Number, origin, nationality, embarkation, or
20 disembarkation of passengers or crew or their entry into this
21 state or any local jurisdiction.

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

24 4. Environmental or health records of a particular
25 passenger cruise vessel or cruise line.

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

31 (c) This subsection does not apply to a municipality the
32 government of which has been consolidated with that of a county
33 or to a municipal government that is a county as defined in s.
34 125.011(1).

35 (d) Except as provided in paragraph (a), this subsection
36 does not otherwise limit the authority of a subject
37 municipality, political subdivision thereof, or special district
38 to:

39 1. Engage in any activity authorized under this chapter,



40 chapter 315, s. 313.22, or s. 313.23, including those
41 surrounding the continued operation and development of the port
42 and port facilities and the implementation of seaport security
43 measures pursuant to ss. 311.12-311.124.

44 2. Issue and enforce tariffs properly filed with the
45 Federal Maritime Commission.

46 3. Enter into leases, terminal agreements, or other
47 contracts with tenants, customers, and other users of port
48 facilities.

49
50 ===== T I T L E A M E N D M E N T =====

51 And the title is amended as follows:

52 Delete lines 6 - 92

53 and insert:

54 providing that such a local ballot initiative,
55 referendum, or action adopted therein is prohibited,
56 void, and expressly preempted to the state;
57 prohibiting municipalities and certain special
58 districts from restricting maritime commerce in the
59 seaports of this state with respect to any federally
60 authorized passenger cruise vessel; providing that
61 certain actions relating to such restrictions are
62 prohibited, void, and expressly preempted to the
63 state; providing applicability; clarifying remaining
64 authority of certain local entities; providing a
65 directive to the Division of Law Revision; providing
66 an effective date.

67
68 WHEREAS, maritime commerce between and among seaports, both



69 foreign and domestic, is the subject of extensive federal and
70 state regulation designed to protect the marine environment and
71 the health, safety, and welfare of the general public and those
72 involved in conducting that commerce, and

73 WHEREAS, the economic impact of a seaport extends far
74 beyond the boundaries of the local jurisdiction in which the
75 port is located, materially contributing to the economies of
76 multiple cities and counties within the region and to the
77 economy of this state as a whole, and

78 WHEREAS, Florida seaports currently generate nearly 900,000
79 direct and indirect jobs and contribute \$117.6 billion in
80 economic value to this state through cargo and cruise
81 activities, accounting for approximately 13 percent of this
82 state's gross domestic product and \$4.2 billion in state and
83 local taxes, and

84 WHEREAS, because this state is a peninsula, much of this
85 state is highly dependent upon the unimpeded flow of maritime
86 commerce through its seaports, which is made even more critical
87 when this state is threatened or impacted by natural disasters,
88 such as tropical storms and hurricanes, and

89 WHEREAS, because of its geographic location, this state is
90 a hub for global maritime commerce and is uniquely positioned to
91 capture an even larger share of this commerce as global trade
92 routes shift, and

93 WHEREAS, the international, national, statewide, and
94 regional importance of Florida seaports has long been recognized
95 in federal and state law with respect to the regulation,
96 planning, and public financing of seaport operations and
97 facilities, and



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98 WHEREAS, this state is widely known as the cruise capital
99 of the world, and the cruise industry is vital to this state's
100 economy, contributing more than \$9 billion in direct spending on
101 an annual basis and supporting 159,000 jobs with more than \$8
102 billion in total wages and salaries before the current pandemic,
103 and

104 WHEREAS, 8.3 million passengers boarded cruises from one of
105 this state's five cruise ports in 2019, accounting for 60
106 percent of embarkations in the United States, generating 11
107 million passenger and crew onshore visits in both home port and
108 transit port calls in this state, and

109 WHEREAS, allowing a ballot initiative or referendum in each
110 local seaport jurisdiction to impose its own requirements on the
111 maritime commerce conducted in that port could result in abrupt
112 changes in the supply lines bringing goods into and out of this
113 state and could reasonably be expected to suppress such commerce
114 and potentially drive it out of the port and out of this state
115 in search of a more consistent and predictable operating
116 environment, thus disrupting this state's economy and
117 threatening the public's health, safety, and welfare, and

118 WHEREAS, allowing a ballot initiative or referendum in each
119 local seaport jurisdiction to impose its own requirements on the
120 maritime commerce conducted in that port could result in abrupt
121 changes in vessel traffic, frustrating the multiyear planning
122 process for all Florida seaports and the assumptions and
123 forecasts underlying federal and state financing of port
124 improvement projects, and

125 WHEREAS, there are similar concerns regarding the capacity
126 of a municipality and certain special districts to impose such



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127 requirements on the maritime commerce conducted in a port, as
128 the more limited geographic and political scope of a
129 municipality and certain special districts may make such entity
130 less sensitive to the negative impact of such requirements on
131 neighboring municipalities and on the county, region, and state,
132 and

133 WHEREAS, many local economies in this state depend heavily
134 on tourism, on which the surrounding politics can be
135 particularly complex at the municipal level, which significantly
136 heightens concerns that surrounding municipalities and certain
137 special districts may impose local requirements affecting
138 passenger cruise vessels or cruise lines, and

139 WHEREAS, in light of these potential negative impacts, the
140 permissible scope of local ballot initiatives or referendums and
141 of the powers of a municipality and certain special districts
142 must be appropriately limited, NOW, THEREFORE,