

By Senator Boyd

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1 A bill to be entitled
2 An act relating to state preemption of seaport
3 regulations; creating s. 311.25, F.S.; preempting to
4 the state the regulation of commerce in state
5 seaports; providing exceptions; providing
6 construction; providing an effective date.

7
8 WHEREAS, maritime commerce between and among seaports, both
9 foreign and domestic, is the subject of extensive federal and
10 state regulation designed to protect the marine environment and
11 the health, safety, and welfare of the general public and those
12 involved in conducting that commerce, and

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

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

23 WHEREAS, because Florida is a peninsula, much of the state
24 is highly dependent upon the unimpeded flow of maritime commerce
25 through its seaports, which is made even more critical when the
26 state is threatened or impacted by natural disasters, such as
27 tropical storms and hurricanes, and

28 WHEREAS, because of its geographic location, Florida is a
29 hub for global maritime commerce and is uniquely positioned to

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30 capture an even larger share of this commerce as global trade
31 routes shift, and

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

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

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

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

58 WHEREAS, in light of these negative impacts, federal and

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59 state governments must be relied upon to adopt uniform
60 regulations governing seaport operations, NOW, THEREFORE,

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

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64 Section 1. Section 311.25, Florida Statutes, is created to
65 read:

66 311.25 Regulation of commerce in Florida seaports;
67 preemption.-

68 (1) Notwithstanding any other law to the contrary, a local
69 government may not restrict or regulate commerce in the seaports
70 of this state, as listed in s. 311.09, including, but not
71 limited to, regulating or restricting a vessel's type or size,
72 source or type of cargo, or number, origin, or nationality of
73 passengers. All such matters are expressly preempted to the
74 state.

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

79 (a) Regulate vessel movements within its jurisdiction
80 pursuant to s. 313.22(1).

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

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

86

87 However, an action provided in this subsection may not have the

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88 effect of regulating or restricting a vessel's type or size,
89 source or type of cargo, or number, origin, or nationality of
90 passengers, except as required to ensure safety due to the
91 physical limitations of channels, berths, anchorages, or other
92 port facilities.

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

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