

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 267 (2021)

Amendment No. 1

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WITHDRAWN _____ (Y/N)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: Commerce Committee
2 Representative Roach offered the following:

3
4 **Amendment (with title amendment)**

5 Remove lines 113-159 and insert:

6 (b) Any local ballot initiative or referendum that is in
7 conflict with paragraph (a) and that was adopted before, on, or
8 after the effective date of this act, and any local law, charter
9 amendment, ordinance, resolution, regulation, or policy adopted
10 in such an initiative or referendum, is prohibited, void, and
11 expressly preempted to the state.

12 (2) (a) A local government or a political subdivision or
13 special district thereof may not restrict maritime commerce in
14 any seaport of this state located in or adjoining an area
15 designated as an area of critical state concern before, on, or
16 after the effective date of this act with respect to any

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17 federally authorized passenger cruise vessel, including, but not
18 limited to, a restriction based on any of the following:

19 1. Vessel type, size, number, or capacity, except when the
20 port, by virtue of the physical limitations of its docking,
21 berthing, or navigational capabilities, is unable to accommodate
22 a passenger cruise vessel pursuant to applicable federal or
23 state laws or regulations.

24 2. Number, origin, nationality, embarkation, or
25 disembarkation of passengers or crew or their entry into this
26 state or any local jurisdiction.

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

29 4. Environmental or health records of a particular
30 passenger cruise vessel or cruise line.

31 (b) Any provision of a local law, a charter, an ordinance,
32 a resolution, a regulation, a policy, an initiative, or a
33 referendum which is in conflict with paragraph (a) and which
34 existed before, on, or after the effective date of this act is
35 prohibited, void, and expressly preempted to the state.

36 (c) This subsection does not apply to a special district
37 established for port management by special act of the
38 Legislature.

39 (d) Except as provided in paragraph (a), this subsection
40 does not otherwise limit the authority of a subject local

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41 government or a political subdivision or special district
42 thereof to:

43 1. Engage in any activity authorized under this chapter,
44 chapter 315, s. 313.22, or s. 313.23, including those
45 surrounding the continued operation and development of the port
46 and port facilities and the implementation of seaport security
47 measures pursuant to ss. 311.12-311.124.

48 2. Issue and enforce tariffs properly filed with the
49 Federal Maritime Commission.

50 3. Enter into leases, terminal agreements, or other
51 contracts with tenants, customers, and other users of port
52 facilities.

53 Section 2. If any provision of this act or its application
54 to any person or circumstance is held invalid, the invalidity
55 does not affect other provisions or applications of this act
56 which can be given effect without the invalid provision or
57 application, and to this end the provisions of this act are
58 severable.

59
60 -----

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

62 Remove lines 9-95 and insert:
63 prohibiting local governments and their political
64 subdivisions and special districts from restricting
65 maritime commerce in a seaport located in or adjoining

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66 an area of critical state concern with respect to any
67 federally authorized passenger cruise vessel;
68 providing that certain actions relating to such
69 restrictions are prohibited, void, and expressly
70 preempted to the state; providing applicability;
71 clarifying remaining authority of certain local
72 entities; providing for severability; providing a
73 directive to the Division of Law Revision; providing
74 an effective date.

75
76 WHEREAS, maritime commerce between and among seaports, both
77 foreign and domestic, is the subject of extensive federal and
78 state regulation designed to protect the marine environment and
79 the health, safety, and welfare of the general public and those
80 involved in conducting that commerce, and

81 WHEREAS, the economic impact of a seaport extends far
82 beyond the boundaries of the local jurisdiction in which the
83 port is located, materially contributing to the economies of
84 multiple cities and counties within the region and to the
85 economy of this state as a whole, and

86 WHEREAS, Florida seaports currently generate nearly 900,000
87 direct and indirect jobs and contribute \$117.6 billion in
88 economic value to this state through cargo and cruise
89 activities, accounting for approximately 13 percent of this

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90 state's gross domestic product and \$4.2 billion in state and
91 local taxes, and

92 WHEREAS, because this state is a peninsula, much of this
93 state is highly dependent upon the unimpeded flow of maritime
94 commerce through its seaports, which is made even more critical
95 when this state is threatened or impacted by natural disasters,
96 such as tropical storms and hurricanes, and

97 WHEREAS, because of its geographic location, this state is
98 a hub for global maritime commerce and is uniquely positioned to
99 capture an even larger share of this commerce as global trade
100 routes shift, and

101 WHEREAS, the international, national, statewide, and
102 regional importance of Florida seaports has long been recognized
103 in federal and state law with respect to the regulation,
104 planning, and public financing of seaport operations and
105 facilities, and

106 WHEREAS, this state is widely known as the cruise capital
107 of the world, and the cruise industry is vital to this state's
108 economy, contributing more than \$9 billion in direct spending on
109 an annual basis and supporting 159,000 jobs with more than \$8
110 billion in total wages and salaries before the current pandemic,
111 and

112 WHEREAS, 8.3 million passengers boarded cruises from one of
113 this state's five cruise ports in 2019, accounting for 60
114 percent of embarkations in the United States, generating 11

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115 million passenger and crew onshore visits in both home port and
116 transit port calls in this state, and

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

126 WHEREAS, allowing a ballot initiative or referendum in each
127 local seaport jurisdiction to impose its own requirements on the
128 maritime commerce conducted in that port could result in abrupt
129 changes in vessel traffic, frustrating the multiyear planning
130 process for all Florida seaports and the assumptions and
131 forecasts underlying federal and state financing of port
132 improvement projects, and

133 WHEREAS, this state must establish land and water
134 management policies to guide local decisions relating to growth
135 and development, protecting and optimizing the use of this
136 state's natural resources and environment while also preserving
137 private property rights and advancing the health, safety, and
138 welfare of the residents of this state, and

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139 WHEREAS, the need for specific guidance and oversight in
140 the balancing of all of these interests, including the state's
141 interest in fostering tourism, is even more acute in areas of
142 critical state concern designated under part I of chapter 380,
143 which help protect significant environmental, natural, or other
144 resources of regional or statewide importance from uncoordinated
145 development, and

146 WHEREAS, areas of critical state concern generate tourism
147 from both the residents of this state and visitors to this
148 state, allowing them to directly experience and learn about
149 these unique areas and generating additional tourism in the
150 broader region and the state, and

151 WHEREAS, passenger cruise vessels allow for increased
152 tourism in areas of critical state concern while avoiding many
153 of the environmental impacts that would otherwise be generated
154 by land-based tourism with respect to transportation, utility,
155 wastewater, and other infrastructure, and

156 WHEREAS, the necessary constraints on development in areas
157 of critical state concern may increase the cost of land-based
158 tourism to such a degree that many people and families may find
159 themselves financially unable to visit these areas, and the
160 local workforce may find it more difficult to secure affordable
161 housing, and

162 WHEREAS, when considering local requirements that would
163 restrict cruise tourism in an area of critical state concern,

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164 the more limited geographic and political scope of a local
165 government may make it less sensitive to the negative impact of
166 those requirements on neighboring jurisdictions and on the
167 region and the state, and

168 WHEREAS, many local and regional economies in this state
169 rely heavily on tourism, and the surrounding politics can be
170 particularly complex at a local level, significantly heightening
171 concerns over the ability of a local government to impose
172 requirements that would restrict cruise tourism, and

173 WHEREAS, in light of the matters of regional and statewide
174 concern directly and indirectly affected by such actions, a
175 local government with jurisdiction over a seaport located in or
176 adjoining an area of critical state concern should not be
177 permitted to impose its own requirements that would restrict
178 maritime commerce with respect to federally authorized passenger
179 cruise vessels, and

180 WHEREAS, due to the potential negative impacts, the
181 permissible scope of local ballot initiatives or referendums and
182 of the powers of certain local governments in areas of critical
183 state concern must be appropriately limited, NOW, THEREFORE,