

1 A bill to be entitled

2 An act relating to state preemption of seaport
3 regulations; creating s. 311.25, F.S.; prohibiting a
4 local ballot initiative or referendum from restricting
5 maritime commerce in the seaports of this state;
6 providing that such a local ballot initiative,
7 referendum, or action adopted therein is prohibited,
8 void, and expressly preempted to the state;
9 prohibiting municipalities and certain special
10 districts from restricting maritime commerce in the
11 seaports of this state with respect to any federally
12 authorized passenger cruise vessel; providing that
13 certain actions relating to such restrictions are
14 prohibited, void, and expressly preempted to the
15 state; providing applicability; clarifying remaining
16 authority of certain local entities; providing a
17 directive to the Division of Law Revision; providing
18 an effective date.

19
20 WHEREAS, maritime commerce between and among seaports, both
21 foreign and domestic, is the subject of extensive federal and
22 state regulation designed to protect the marine environment and
23 the health, safety, and welfare of the general public and those
24 involved in conducting that commerce, and

25 WHEREAS, the economic impact of a seaport extends far

26 | beyond the boundaries of the local jurisdiction in which the
27 | port is located, materially contributing to the economies of
28 | multiple cities and counties within the region and to the
29 | economy of this state as a whole, and

30 | WHEREAS, Florida seaports currently generate nearly 900,000
31 | direct and indirect jobs and contribute \$117.6 billion in
32 | economic value to this state through cargo and cruise
33 | activities, accounting for approximately 13 percent of this
34 | state's gross domestic product and \$4.2 billion in state and
35 | local taxes, and

36 | WHEREAS, because this state is a peninsula, much of this
37 | state is highly dependent upon the unimpeded flow of maritime
38 | commerce through its seaports, which is made even more critical
39 | when this state is threatened or impacted by natural disasters,
40 | such as tropical storms and hurricanes, and

41 | WHEREAS, because of its geographic location, this state is
42 | a hub for global maritime commerce and is uniquely positioned to
43 | capture an even larger share of this commerce as global trade
44 | routes shift, and

45 | WHEREAS, the international, national, statewide, and
46 | regional importance of Florida seaports has long been recognized
47 | in federal and state law with respect to the regulation,
48 | planning, and public financing of seaport operations and
49 | facilities, and

50 | WHEREAS, this state is widely known as the cruise capital

51 of the world, and the cruise industry is vital to this state's
52 economy, contributing more than \$9 billion in direct spending on
53 an annual basis and supporting 159,000 jobs with more than \$8
54 billion in total wages and salaries before the current pandemic,
55 and

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

61 WHEREAS, allowing a ballot initiative or referendum in each
62 local seaport jurisdiction to impose its own requirements on the
63 maritime commerce conducted in that port could result in abrupt
64 changes in the supply lines bringing goods into and out of this
65 state and could reasonably be expected to suppress such commerce
66 and potentially drive it out of the port and out of this state
67 in search of a more consistent and predictable operating
68 environment, thus disrupting this state's economy and
69 threatening the public's health, safety, and welfare, and

70 WHEREAS, allowing a ballot initiative or referendum in each
71 local seaport jurisdiction to impose its own requirements on the
72 maritime commerce conducted in that port could result in abrupt
73 changes in vessel traffic, frustrating the multi-year planning
74 process for all Florida seaports and the assumptions and
75 forecasts underlying federal and state financing of port

76 | improvement projects, and

77 | WHEREAS, there are similar concerns regarding the capacity
78 | of a municipality and certain special districts to impose such
79 | requirements on the maritime commerce conducted in a port, as
80 | the more limited geographic and political scope of a
81 | municipality and certain special districts may make such entity
82 | less sensitive to the negative impact of such requirements on
83 | neighboring municipalities and on the county, region, and state,
84 | and

85 | WHEREAS, many local economies in this state depend heavily
86 | on tourism, on which the surrounding politics can be
87 | particularly complex at the municipal level, which significantly
88 | heightens those concerns with respect to the ability of
89 | municipalities and certain special districts to impose local
90 | requirements affecting passenger cruise vessels or cruise lines,
91 | and

92 | WHEREAS, in light of these potential negative impacts, the
93 | permissible scope of local ballot initiatives or referenda and
94 | of the powers of a municipality and certain special districts
95 | must be appropriately limited, NOW, THEREFORE,

96 |

97 | Be It Enacted by the Legislature of the State of Florida:

98 |

99 | Section 1. Section 311.25, Florida Statutes, is created to
100 | read:

101 311.25 Regulation of commerce in Florida seaports.-
 102 (1) (a) A local ballot initiative or referendum may not
 103 restrict maritime commerce in the seaports of this state,
 104 including, but not limited to, restricting such commerce based
 105 on any of the following:
 106 1. Vessel type, size, number, or capacity.
 107 2. Number, origin, nationality, embarkation, or
 108 disembarkation of passengers or crew or their entry into this
 109 state or any local jurisdiction.
 110 3. Source, type, loading, or unloading of cargo.
 111 4. Environmental or health records of a particular vessel
 112 or vessel line.
 113 (b) Any local ballot initiative or referendum, or any
 114 local law, charter amendment, ordinance, resolution, regulation,
 115 or policy adopted in a local ballot initiative or referendum, in
 116 violation of paragraph (a) which was adopted before, on, or
 117 after the effective date of this act is prohibited, void, and
 118 expressly preempted to the state.
 119 (2) (a) A municipality or political subdivision thereof, or
 120 a special district other than one established for port
 121 management by special act of the Legislature, may not restrict
 122 maritime commerce in the seaports of this state with respect to
 123 any federally authorized passenger cruise vessel, including, but
 124 not limited to, a restriction based on any of the following:
 125 1. Vessel type, size, number, or capacity, except when the

126 port, by virtue of the physical limitations of its docking,
127 berthing, or navigational capabilities, is unable to accommodate
128 a passenger cruise vessel pursuant to applicable federal or
129 state laws or regulations.

130 2. Number, origin, nationality, embarkation, or
131 disembarkation of passengers or crew or their entry into this
132 state or any local jurisdiction.

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

135 4. Environmental or health records of a particular
136 passenger cruise vessel or cruise line.

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

142 (c) This subsection does not apply to a municipality the
143 government of which has been consolidated with that of a county
144 or to a municipal government that is a county as defined in s.
145 125.011(1).

146 (d) Except as provided in paragraph (a), this subsection
147 does not otherwise limit the authority of a subject
148 municipality, political subdivision thereof, or special district
149 to:

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

151 chapter 315, s. 313.22, or s. 313.23, including those
152 surrounding the continued operation and development of the port
153 and port facilities and the implementation of seaport security
154 measures pursuant to ss. 311.12-311.124.

155 2. Issue and enforce tariffs properly filed with the
156 Federal Maritime Commission.

157 3. Enter into leases, terminal agreements, or other
158 contracts with tenants, customers, and other users of port
159 facilities.

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

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