

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Roach offered the following:

2
3 **Amendment (with title amendment)**

4 Remove lines 136-193 and insert:

5 (1) A local government or political subdivision thereof or
6 a special district may not restrict maritime commerce in any
7 seaport of this state with respect to any federally authorized
8 passenger cruise vessel, including, but not limited to, a
9 restriction based on any of the following:

10 (a) Vessel type, size, number, or capacity, except when
11 the port, by virtue of the physical limitations of its docking,
12 berthing, or navigational capabilities, is unable to accommodate
13 a passenger cruise vessel pursuant to applicable federal or

186909

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Amendment No.

14 state laws or regulations.

15 (b) Number, origin, nationality, embarkation, or
16 disembarkation of passengers or crew or their entry into this
17 state or any local jurisdiction.

18 (c) Source, type, loading, or unloading of cargo related
19 or incidental to its use as a passenger cruise vessel.

20 (d) Environmental or health records of a particular
21 passenger cruise vessel or cruise line.

22 (2) Any provision of a local law, a charter, an ordinance,
23 a resolution, a regulation, a policy, an initiative, or a
24 referendum which is in conflict with subsection (1) and which
25 existed before, on, or after the effective date of this act is
26 prohibited, void, and expressly preempted to the state.

27 (3) Except as provided in subsection (1), this section
28 does not otherwise limit the authority of a subject local
29 government or political subdivision thereof or a special
30 district to:

31 (a) Engage in any activity authorized under this chapter,
32 chapter 315, s. 313.22, or s. 313.23, including those
33 surrounding the continued operation and development of the port
34 and port facilities and the implementation of seaport security
35 measures pursuant to ss. 311.12-311.124.

36 (b) Issue and enforce tariffs properly filed with the
37 Federal Maritime Commission.

186909

Approved For Filing: 4/27/2021 8:27:58 AM

Amendment No.

38 (c) Enter into leases, terminal agreements, or other
39 contracts with tenants, customers, and other users of port
40 facilities.

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

44 Remove lines 3-129 and insert:
45 regulations; creating s. 311.25, F.S.; prohibiting
46 local governments and political subdivisions thereof
47 and special districts from restricting maritime
48 commerce in a seaport with respect to any federally
49 authorized passenger cruise vessel; providing that
50 certain actions relating to such restrictions are
51 prohibited, void, and expressly preempted to the
52 state; clarifying remaining authority of certain local
53 entities; providing for severability; providing a
54 directive to the Division of Law Revision; providing
55 an effective date.

56
57 WHEREAS, maritime commerce between and among seaports, both
58 foreign and domestic, is the subject of extensive federal and
59 state regulation designed to protect the marine environment and
60 the health, safety, and welfare of the general public and those
61 involved in conducting that commerce, and

186909

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Amendment No.

62 WHEREAS, the economic impact of a seaport extends far
63 beyond the boundaries of the local jurisdiction in which the
64 port is located, materially contributing to the economies of
65 multiple cities and counties within the region and to the
66 economy of this state as a whole, and

67 WHEREAS, Florida seaports currently generate nearly 900,000
68 direct and indirect jobs and contribute \$117.6 billion in
69 economic value to this state through cargo and cruise
70 activities, accounting for approximately 13 percent of this
71 state's gross domestic product and \$4.2 billion in state and
72 local taxes, and

73 WHEREAS, because this state is a peninsula, much of this
74 state is highly dependent upon the unimpeded flow of maritime
75 commerce through its seaports, which is made even more critical
76 when this state is threatened or impacted by natural disasters,
77 such as tropical storms and hurricanes, and

78 WHEREAS, because of its geographic location, this state is
79 a hub for global maritime commerce and is uniquely positioned to
80 capture an even larger share of this commerce as global trade
81 routes shift, and

82 WHEREAS, the international, national, statewide, and
83 regional importance of Florida seaports has long been recognized
84 in federal and state law with respect to the regulation,
85 planning, and public financing of seaport operations and
86 facilities, and

186909

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Amendment No.

87 WHEREAS, this state is widely known as the cruise capital
88 of the world, and the cruise industry is vital to this state's
89 economy, contributing more than \$9 billion in direct spending on
90 an annual basis and supporting 159,000 jobs with more than \$8
91 billion in total wages and salaries before the current pandemic,
92 and

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

98 WHEREAS, when considering local requirements that would
99 restrict cruise tourism, the more limited geographic and
100 political scope of a local government may make it less sensitive
101 to the negative impact of those requirements on neighboring
102 jurisdictions and on the region and the state, and

103 WHEREAS, many local and regional economies in this state
104 rely heavily on tourism, and the surrounding politics can be
105 particularly complex at a local level, significantly heightening
106 concerns over the ability of a local government to impose
107 requirements that would restrict cruise tourism, and

108 WHEREAS, in light of the matters of regional and statewide
109 concern directly and indirectly affected by such actions, a
110 local government with jurisdiction over a seaport should not be
111 permitted to impose its own requirements that would restrict

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112 | maritime commerce with respect to federally authorized passenger
113 | cruise vessels, NOW, THEREFORE,

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