



384856

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/11/2021	.	
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The Committee on Transportation (Boyd) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 66 - 96

and insert:

311.25 Regulation of commerce in Florida seaports.-

(1) (a) A local ballot initiative or referendum may not restrict maritime commerce in the seaports of this state, including, but not limited to, restricting such commerce based on any of the following:

1. Vessel type, size, number, or capacity.



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11           2. Number, origin, nationality, embarkation, or  
12 disembarkation of passengers or crew or their entry into this  
13 state or any local jurisdiction.

14           3. Source, type, loading, or unloading of cargo.

15           4. Environmental or health records of a particular vessel  
16 or vessel line.

17           (b) Any local ballot initiative or referendum, or any local  
18 law, charter amendment, ordinance, resolution, regulation, or  
19 policy adopted in a local ballot initiative or referendum, in  
20 violation of this subsection which was adopted before, on, or  
21 after the effective date of this act is prohibited and void.

22           (2) (a) Except for a municipality that is also a county as  
23 defined in s. 125.011(1), a municipality or political  
24 subdivision thereof or a special district within the boundaries  
25 of a single municipality may not restrict maritime commerce in  
26 the seaports of this state with respect to any federally  
27 authorized passenger cruise vessel based on any of the  
28 following:

29           1. Vessel type, size, number, or capacity, except when the  
30 port is physically unable to accommodate a passenger cruise  
31 vessel pursuant to applicable federal or state laws or  
32 regulations.

33           2. Number, origin, nationality, embarkation, or  
34 disembarkation of passengers or crew or their entry into this  
35 state or any local jurisdiction.

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

38           4. Environmental or health records of a particular  
39 passenger cruise vessel or cruise line.



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40       (b) Any provision of a law, a charter, an ordinance, a  
41 resolution, a regulation, a policy, an initiative, or a  
42 referendum which is in conflict with this subsection and which  
43 existed before, on, or after the effective date of this act is  
44 prohibited and void.

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

48  
49 ===== T I T L E   A M E N D M E N T =====

50 And the title is amended as follows:

51       Delete lines 3 - 60

52 and insert:

53       regulations; creating s. 311.25, F.S.; prohibiting a  
54       local ballot initiative or referendum from restricting  
55       maritime commerce in the seaports of this state;  
56       providing that certain local initiatives or  
57       referendums relating to such restrictions are  
58       prohibited and void; prohibiting certain  
59       municipalities and municipal special districts from  
60       adopting specified restrictions or regulations on  
61       maritime commerce in the seaports of this state with  
62       respect to any federally authorized passenger cruise  
63       vessel; providing that certain local actions relating  
64       to such restrictions or regulations are prohibited and  
65       void; providing a directive to the Division of Law  
66       Revision; providing 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 voter 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 therefore could reasonably be expected to suppress  
114 such commerce and potentially drive it out of the port and out  
115 of this state in search of a more consistent and predictable  
116 operating environment, thus disrupting this state's economy and  
117 threatening the public's health, safety, and welfare, and

118           WHEREAS, allowing a voter 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 or municipal special district 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 or municipal special district 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 a municipal level, significantly  
136 heightening the concern of municipalities and municipal special  
137 districts that place local requirements on passenger cruise  
138 vessels or cruise lines, and

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