

By the Committee on Transportation; and Senator Boyd

596-02654-21

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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.; prohibiting a
4 local ballot initiative or referendum from restricting
5 maritime commerce in the seaports of this state;
6 providing that certain local initiatives or
7 referendums relating to such restrictions are
8 prohibited and void; prohibiting certain
9 municipalities and municipal special districts from
10 adopting specified restrictions or regulations on
11 maritime commerce in the seaports of this state with
12 respect to any federally authorized passenger cruise
13 vessel; providing that certain local actions relating
14 to such restrictions or regulations are prohibited and
15 void; providing a directive to the Division of Law
16 Revision; providing an effective date.

17
18 WHEREAS, maritime commerce between and among seaports, both
19 foreign and domestic, is the subject of extensive federal and
20 state regulation designed to protect the marine environment and
21 the health, safety, and welfare of the general public and those
22 involved in conducting that commerce, and

23 WHEREAS, the economic impact of a seaport extends far
24 beyond the boundaries of the local jurisdiction in which the
25 port is located, materially contributing to the economies of
26 multiple cities and counties within the region and to the
27 economy of this state as a whole, and

28 WHEREAS, Florida seaports currently generate nearly 900,000
29 direct and indirect jobs and contribute \$117.6 billion in

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30 economic value to this state through cargo and cruise
31 activities, accounting for approximately 13 percent of this
32 state's gross domestic product and \$4.2 billion in state and
33 local taxes, and

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

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

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

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

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

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

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

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

83 WHEREAS, many local economies in this state depend heavily
84 on tourism, on which the surrounding politics can be
85 particularly complex at a municipal level, significantly
86 heightening the concern of municipalities and municipal special
87 districts that place local requirements on passenger cruise

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88 vessels or cruise lines, and

89 WHEREAS, in light of these potential negative impacts, the
90 permissible scope of local voter initiatives or referendums and
91 of the powers of a municipality or municipal special district
92 must be appropriately limited, NOW, THEREFORE,

93

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

95

96 Section 1. Section 311.25, Florida Statutes, is created to
97 read:

98 311.25 Regulation of commerce in Florida seaports.—

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

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

104 2. Number, origin, nationality, embarkation, or
105 disembarkation of passengers or crew or their entry into this
106 state or any local jurisdiction.

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

108 4. Environmental or health records of a particular vessel
109 or vessel line.

110 (b) Any local ballot initiative or referendum, or any local
111 law, charter amendment, ordinance, resolution, regulation, or
112 policy adopted in a local ballot initiative or referendum, in
113 violation of this subsection which was adopted before, on, or
114 after the effective date of this act is prohibited and void.

115 (2) (a) Except for a municipality that is also a county as
116 defined in s. 125.011(1), a municipality or political

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117 subdivision thereof or a special district within the boundaries
118 of a single municipality may not restrict maritime commerce in
119 the seaports of this state with respect to any federally
120 authorized passenger cruise vessel based on any of the
121 following:

122 1. Vessel type, size, number, or capacity, except when the
123 port is physically unable to accommodate a passenger cruise
124 vessel pursuant to applicable federal or state laws or
125 regulations.

126 2. Number, origin, nationality, embarkation, or
127 disembarkation of passengers or crew or their entry into this
128 state or any local jurisdiction.

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

131 4. Environmental or health records of a particular
132 passenger cruise vessel or cruise line.

133 (b) Any provision of a law, a charter, an ordinance, a
134 resolution, a regulation, a policy, an initiative, or a
135 referendum which is in conflict with this subsection and which
136 existed before, on, or after the effective date of this act is
137 prohibited and void.

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

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