

**By** the Committees on Community Affairs; and Transportation; and  
Senator Boyd

578-03314-21

2021426c2

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

578-03314-21

2021426c2

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

578-03314-21

2021426c2

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 multiyear 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

578-03314-21

2021426c2

88 heightens concerns that surrounding municipalities and certain  
89 special districts may impose local requirements affecting  
90 passenger cruise vessels or cruise lines, and

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

95

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

97

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

100 311.25 Regulation of commerce in Florida seaports.—

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

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

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

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

110 4. Environmental or health records of a particular vessel  
111 or vessel line.

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

578-03314-21

2021426c2

117 expressly preempted to the state.

118 (2) (a) A municipality or political subdivision thereof, or  
119 a special district other than one established for port  
120 management by special act of the Legislature, may not restrict  
121 maritime commerce in the seaports of this state with respect to  
122 any federally authorized passenger cruise vessel, including, but  
123 not limited to, a restriction based on any of the following:

124 1. Vessel type, size, number, or capacity, except when the  
125 port, by virtue of the physical limitations of its docking,  
126 berthing, or navigational capabilities, is unable to accommodate  
127 a passenger cruise vessel pursuant to applicable federal or  
128 state laws or regulations.

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

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

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

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

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

145 (d) Except as provided in paragraph (a), this subsection

578-03314-21

2021426c2

146 does not otherwise limit the authority of a subject  
147 municipality, political subdivision thereof, or special district  
148 to:

149 1. Engage in any activity authorized under this chapter,  
150 chapter 315, s. 313.22, or s. 313.23, including those  
151 surrounding the continued operation and development of the port  
152 and port facilities and the implementation of seaport security  
153 measures pursuant to ss. 311.12-311.124.

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

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

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

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