The following Florida Keys National Marine Sanctuary Advisory Council resolution passed April 27, 2021 with 13 voting members present all in favor with one voting member acknowledging support is specific to the issue of preemption of local authority.

A RESOLUTION BY THE FLORIDA KEYS NATIONAL MARINE SANCTUARY ADVISORY COUNCIL TO OPPOSE SB426/HB267 IN ORDER TO PRESERVE LOCAL GOVERNMENTAL AUTHORITY TO PROTECT MARINE RESOURCES FROM LARGE VESSEL TRAFFIC WITHIN STATE AREAS OF CRITICAL CONCERN.

WHEREAS, the Florida Keys National Marine Sanctuary relies on a latticework of complementary state, federal, and local laws to support its collaborative mission to protect the marine resources of the Florida Keys; and

WHEREAS, the State of Florida's designation of the Florida Keys and Key West as State Areas of Critical Concern provides important statutory environmental protection authority to local government agencies who have jurisdiction over areas within and adjacent to the Sanctuary; and

WHEREAS, turbidity is an important determinant of ecosystem health in the Sanctuary; and

WHEREAS, the FKNMS has previously reported that there is evidence of a turbidity problem related to movements of large vessels in the Sanctuary, and that large-vessel-generated turbidity is an added stressor to natural systems above and beyond the background and storm event turbidity impacts; and

WHEREAS, Florida International University’s Water Quality Monitoring Lab reported significant improvements in water quality indicators, including turbidity, during 2020, a period marked by the absence of large-vessel traffic in the Sanctuary; and

WHEREAS, the City of Key West adopted amendments to its City Charter which will limit the average and maximum size of large vessels transiting the Sanctuary and reduce the frequency of large-vessel traffic within the Sanctuary; and

WHEREAS, the Florida Keys National Marine Sanctuary Advisory Council finds that SB 426/HB 267, as amended, would void the City of Key West Charter Amendments and result in an increase in large-vessel-generated turbidity within the Sanctuary and threaten ecosystem health within the Sanctuary; and

WHEREAS, SB 426/HB 267, as amended, preempts local law authority to address large-vessel traffic through the Sanctuary and interferes with local governmental authority to support the mission of Florida Keys National Marine Sanctuary and protect marine resources within the Florida Keys and Key West Areas of Critical Concern;

NOW, THEREFORE BE IT RESOLVED BY the Florida Keys National Marine Sanctuary Advisory Council, that:

The Florida Keys National Marine Sanctuary Advisory Council urges the Florida House of Representatives to reject SB426/HB267 and, if passed, urges Governor DeSantis to Veto this legislation in order to preserve local governmental authority to protect marine resources from large vessel traffic within State Areas of Critical Concern.

Attachment: Florida International University Report: Preliminary Assessment of Surface Water Clarity Changes in Key West during the COVID19 Anthrospause.