

December 13, 2021

Dear Commissioners and Mayor,

I am writing to draw your attention to Florida Statute 313.22, which gives the Port of Key West clear statutory authority to regulate vessel movements within the port.

**313.22 Vessel movements; penalties.—**

(1) Notwithstanding the provisions of this chapter or chapter 314, each port may regulate vessel movements within its jurisdiction, whether involving public or private facilities or areas, by:

(a) Scheduling vessels for use of berths, anchorages, or other facilities at the port.

(b) Ordering and enforcing a vessel, at its own expense and risk, to vacate or change position at a berth, anchorage, or facility, whether public or private, in order to facilitate navigation, commerce, protection of other vessels or property, or dredging of channels or berths.

(c) Designating port facilities for the loading or discharging of vessels.

(d) Assigning berths at wharves for arriving vessels.

(2) Each port may establish fees and compensation for the services described in subsection (1) that are provided by the port.

(3) Any vessel that unnecessarily delays in moving under an order to vacate or change position may be penalized in an amount not exceeding \$1,000 for each hour or fraction thereof, plus 150 percent of the demurrage costs incurred by a waiting vessel, until the order is complied with. The penalty shall be imposed and collected by the port issuing the movement order.

I am additionally included a memo a legal memo prepared for the City of Key West at the request of the Harbor Pilots Association which confirms this statutory authority.

Below the memo, please find attached photographs of recent cruise ship arrivals and the massive turbidity events they created.

Best,

Evan Haskell

On Behalf of The Key West Committee for Safer Cleaner Ships.

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February 5, 1996

VIA FACSIMILE & U.S. MAIL

Mr. Charles S. Hamlin  
Assistant Director  
City of Key West  
Department of Transportation  
Post Office Box 1078  
Key West, Florida 33040



Re: Section 313.22, Florida Statutes  
Legal Opinion

Dear Mr. Hamlin:

John LaCapra, President of the Florida Ports Council, asked that I respond to your letter of January 17, 1996, requesting a legal opinion interpreting Section 313.22, Florida Statutes. Specifically, your question was:

Whether or not the City (Port of Key West) has the authority to regulate vessel movements and assign berth for ships within the Port of Key West on public and or private facilities.

Your question is answered in the affirmative. Section 313.22, F.S., states in pertinent part as follows:

**313.22 Vessel Movements; penalties. -**

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(a) Scheduling vessels for use of berths, anchorages, or other facilities at the port.

(b) Ordering and enforcing a vessel, at its own expense and risk, to vacate or change position at a berth, anchorage, or facility, whether public or private, in order to facilitate navigation, commerce, protection of other vessels or property, or dredging of channels or berths.

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Mr. Charles S. Hamlin  
February 5, 1996  
Page 2

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There is no reported case law construing Section 313.22, F.S., but the express language is clear that the City (Port of Key West) has the authority to regulate vessel movements and assign berths for ships within the Port of Key West, on public or private facilities.

If you have any additional questions, please do not hesitate to contact me.

Very truly yours,



James C. Massie

JCM:jy

cc: John R. LaCapra, President  
Florida Ports Council

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DEP. MASSIE, JL













