

MEMORANDUM

Agenda Item No. 11(A)(32)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: April 20, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution urging President Joseph R. Biden, Jr. and the United States Congress to engage with involved federal agencies for the lifting or review of the Conditional Sailing Order regarding passenger cruises in United States waters; urging the United States Congress to enact S. 1105, H.R. 2554, the Careful Resumption Under Improved Safety Enhancements Act, or similar legislation; urging the Director of the Centers for Disease Control and Prevention, United States Secretary of Transportation, and Acting Director of the Office of Management and Budget to reexamine whether the Conditional Sailing Order remains necessary and, if so, to provide updated reasoning regarding the need for such restrictions and immediate guidance on how passenger cruises can be resumed in United States Waters starting July 2021, or sooner

Resolution No. R-381-21

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.



Geri Bonzon-Keenan
County Attorney

GBK/smm



MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

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Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(32)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(32)
4-20-21

RESOLUTION NO. _____ R-381-21

RESOLUTION URGING PRESIDENT JOSEPH R. BIDEN, JR. AND THE UNITED STATES CONGRESS TO ENGAGE WITH INVOLVED FEDERAL AGENCIES FOR THE LIFTING OR REVIEW OF THE CONDITIONAL SAILING ORDER REGARDING PASSENGER CRUISES IN UNITED STATES WATERS; URGING THE UNITED STATES CONGRESS TO ENACT S. 1105, H.R. 2554, THE CAREFUL RESUMPTION UNDER IMPROVED SAFETY ENHANCEMENTS ACT, OR SIMILAR LEGISLATION; URGING THE DIRECTOR OF THE CENTERS FOR DISEASE CONTROL AND PREVENTION, UNITED STATES SECRETARY OF TRANSPORTATION, AND ACTING DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET TO REEXAMINE WHETHER THE CONDITIONAL SAILING ORDER REMAINS NECESSARY AND, IF SO, TO PROVIDE UPDATED REASONING REGARDING THE NEED FOR SUCH RESTRICTIONS AND IMMEDIATE GUIDANCE ON HOW PASSENGER CRUISES CAN BE RESUMED IN UNITED STATES WATERS STARTING JULY 2021, OR SOONER

WHEREAS, because of the global outbreak of the coronavirus disease 2019 (“COVID-19”), on March 8, 2020, the United States Centers for Disease Control and Prevention (“CDC”) issued guidance recommending that travelers defer all cruise ship travel worldwide and noted that “cruise ship passengers are at an increased risk of person-to-person spread of infectious diseases, including COVID-19”; and

WHEREAS, on March 14, 2020, the CDC announced its first industry-wide “No Sail Order” for an initial period of 30 days, which was subsequently extended by orders issued on April 9, 2020, July 16, 2020, and September 30, 2020, such that passenger embarkations on cruise ships were entirely prohibited under the “No Sail Order” until October 31, 2020; and

WHEREAS, on October 30, 2020, the CDC replaced the “No Sail Order” with its “Framework for Conditional Sailing Order” (the “Conditional Sailing Order”) which remains in effect through November 1, 2021; and

WHEREAS, the Conditional Sailing Order is a 40-page document that purports to establish a “phased approach to resuming cruise ship passenger operations in U.S. waters” consisting of four phases: (1) “the establishment of laboratory testing of crew onboard cruise ships in U.S. waters”; (2) “simulated voyages designed to test a cruise ship operators’ ability to mitigate COVID-19 on cruise ships”; (3) “a certification process”; and (4) “a return to passenger voyages in a manner that mitigates the risk of COVID-19 introduction, transmission, or spread among passengers and crew onboard ships and ashore to communities”; and

WHEREAS, the Conditional Sailing Order contemplated the issuance of further guidance from the CDC which would allow cruise lines to navigate through the four phases, which after more than five months, the CDC finally released on April 2, 2021; and

WHEREAS, as cruise lines, ports, and health authorities navigate the labyrinthine processes set forth in the Conditional Sailing Order and its associated guidance, it remains the case that not a single revenue cruise has departed from United States waters since March 13, 2020, causing billions of dollars in economic harm and many thousands of lost jobs; and

WHEREAS, this is the case even though throughout the COVID-19 pandemic, the cruise line industry has demonstrated its concern for the protection of its crew, passengers, and the general public from exposure to COVID-19; and

WHEREAS, indeed, on March 13, 2020, the cruise line industry through its leading industry group, the Cruise Lines International Association (“CLIA”), voluntarily agreed to cease passenger cruise operations even before it was ordered to do so by the CDC, receiving

commendations from the CDC, which then recognized “the enormity and importance of this action taken by CLIA and the commitment it demonstrates to protecting the health of both cruise ship passengers and the public at large”; and

WHEREAS, throughout the COVID-19 pandemic, CLIA has extended its voluntary cessation of passenger cruises in the United States several times while also developing protocols for sailing that would mitigate the risk of COVID-19 transmission; and

WHEREAS, on March 24, 2021, CLIA, which represents 95 percent of global ocean-going cruise capacity, announced that its members were prepared to commence a phased resumption of cruise operations from United States ports beginning in July, which would align with President Joseph R. Biden, Jr.’s March 11, 2021 announcement that the national COVID-19 strategy would allow the country to get “closer to normal” by July 4, 2021; and

WHEREAS, President Biden’s expectation that the country will be “closer to normal” by July 4, 2021, relies on the escalating deployment of the COVID-19 vaccine; and

WHEREAS, when the Conditional Sailing Order was issued on October 30, 2020, the COVID-19 vaccine did not exist; and

WHEREAS, indeed, the United States Food and Drug Administration (“FDA”) first granted an Emergency Use Authorization for the Pfizer-BioNTech COVID-19 vaccine on December 11, 2020, granted an Emergency Use Authorization for the Moderna vaccine one week later, and on February 27, 2021, the FDA issued an Emergency Use Authorization for the Janssen Biotech, Inc. vaccine; and

WHEREAS, the first vaccination of a member of the public with the COVID-19 vaccine occurred on December 14, 2020, and since then, as of April 15, 2021, approximately 78,498,290 persons in the United States (23.9 percent of the population) have been fully vaccinated against COVID-19; globally, as of the same date, 478,106,946 persons have been fully vaccinated against COVID-19; and

WHEREAS, it is time for the federal government’s policies towards passenger cruises to reflect both the advancements made in the fight against COVID-19 and an equitable treatment of passenger cruise lines in relation to other forms of travel; and

WHEREAS, when the Conditional Sailing Order was issued in October 2020—months before the widespread administration of the COVID-19 vaccine—the CDC reasoned that the Conditional Sailing Order was necessary because the COVID-19 pandemic “continues to spread rapidly around the world with no [FDA] approved vaccine”; and

WHEREAS, further, when the CDC issued the Conditional Sailing Order in October 2020, the CDC’s COVID-19 data tracker showed that observed and forecasted infections were trending upwards; in contrast, these models show that, since January 2021, infections have precipitously declined and predicted infections are stabilizing; and

WHEREAS, the CDC has advised the public that the “[v]accines currently approved for use in the United States are effective at preventing COVID-19” and that “[l]arge-scale clinical studies found that COVID-19 vaccination prevented most people from getting COVID-19”; and

WHEREAS, further, even when fully vaccinated individuals nonetheless contract COVID-19, data from clinical studies show that the COVID-19 vaccine will still help to prevent serious illness; and

WHEREAS, on April 2, 2021—the same day that the CDC issued its guidance under the Conditional Sailing Order—the CDC issued updated information for international travelers on other modes of transportation, which acknowledges that “[f]ully vaccinated travelers are less likely to get and spread COVID-19”; and

WHEREAS, for vaccinated travelers, that guidance entails being aware of airline and destination requirements, masking, maintaining social distance, washing hands, obtaining a negative COVID-19 test before returning to the United States, and testing and monitoring after travel; and

WHEREAS, while the CDC recommends that unvaccinated persons delay international travel, the CDC guidance does not bar international travel for such persons, and encompasses the same requirements applying to vaccinated travelers, plus a pre-travel negative COVID-19 test and self-quarantine for seven days after travel; and

WHEREAS, this guidance for vaccinated and unvaccinated travelers on airplanes both acknowledges the post-vaccine world, informs travelers of the reasonable measures that they should undertake, and allows travelers to make their own reasoned decisions; and

WHEREAS, such practices should also apply to the passenger cruise industry; and

WHEREAS, although the Conditional Sailing Order cited the CDC’s belief that “[i]f unrestricted cruise ship passenger operations were permitted to resume, infected and exposed persons disembarking cruise ships would place federal partners . . . , healthcare workers, port personnel, and communities at substantial unnecessary risk,” recent experience demonstrates otherwise; and

WHEREAS, in particular, CLIA reports that nearly 400,000 passengers have sailed in post-COVID-19 cruises in more than 10 markets with fewer than 50 reported cases of COVID-19 transmission, which is a dramatically lower rate of transmission than other transportation modes; and

WHEREAS, the low rate of infections on cruises that have taken place elsewhere in the world is likely attributable to the robust measures that have been undertaken by CLIA members and which are ready to be implemented on passenger cruises originating in the United States; and

WHEREAS, for example, Royal Caribbean Group and Norwegian Cruise Line Holdings, Ltd. formed a panel of experts (the “Healthy Sail Panel”)—consisting of 11 globally recognized experts with deep knowledge in the areas of science, medical practice, medical research, public health, infectious diseases, biosecurity, and maritime operations—to develop a comprehensive set of recommendations to guide the cruise industry’s path in response to COVID-19; and

WHEREAS, the Healthy Sail Panel was guided by five objectives: (1) preservation of human life; (2) preventing the further introduction, transmission, and spread of COVID-19 into and throughout the United States; (3) preserving the public health and other critical resources of federal, state, and local governments; (4) preserving hospital, healthcare, and emergency response resources within the United States; and (5) maintaining the safety of shipping and harbor conditions, including the safety of personnel; and

WHEREAS, on September 21, 2020, the Healthy Sail Panel released a list of 74 recommendations based on the best then-available scientific and public health information; and

WHEREAS, among the 74 recommendations developed by the Healthy Sail Panel are recommendations for testing, health screening, denial of boarding, guests with increased risk of severe illness, education, onboard symptom tracking and monitoring, use of personal protective

equipment, capacity restrictions, distancing guidelines, processes for embarkation and disembarkation, sanitation, hand hygiene, ventilation, medical personnel, onboard clinics, contact tracing, isolation and quarantine, disembarkation contingency scenarios, destination and itinerary planning, excursions, crew prevention, training and culture, validation of protocol implementation, and a phased approach towards the resumption of cruising; and

WHEREAS, separately, MSC Cruises, S.A. (“MSC”), developed and conducted cruises in Europe under a protocol that it developed in close cooperation with the health authorities of several European governments, with the input of medical experts, and meets the guidance of the European Maritime Safety Agency; and

WHEREAS, MSC’s protocol has six elements: (1) the implementation of universal pre-embarkation health screenings consisting of temperature checks, health questionnaires, and COVID-19 swab tests, with heightened testing requirements for passengers traveling from high-risk countries; (2) elevated sanitation and cleaning measures, including the use of hospital-grade disinfectant products and the sanitation of the air using UV-C light technology; (3) the achievement of social distancing through sailings at up to 70 percent capacity, the reduction of on-board venue capacity, and the use of masks where social distancing is not possible (e.g., elevators); (4) enhanced medical facilities equipped to treat suspected on-board COVID-19 cases and isolation staterooms for any such passengers; (5) ongoing health monitoring for crew and passengers throughout the cruise, including the control of passenger movements while on shore excursions; and (6) a contingency plan in the event of suspected COVID-19 cases that provides for the isolation and possible disembarkation of suspected COVID-19 cases and their contacts; and

WHEREAS, in addition, CLIA developed a similar plan, which includes (1) 100 percent testing of passengers and crew for COVID-19 prior to embarkation; (2) mandatory mask-wearing by passengers and crew during excursions and where social distancing cannot be maintained; (3) social distancing measures while in terminals, onboard, on private islands, and during excursions; (4) improved onboard ventilation, including the use of enhanced filters and other technologies where feasible; (5) ship-specific medical response protocols, including dedicated cabins for isolation, and advance arrangements with private providers for shoreside quarantine, medical facilities, and transportation; and (6) protocols for shore excursions that require strict passenger compliance and the denial of reboarding for non-complying passengers; and

WHEREAS, given the advancements made over the past year in relation to COVID-19 and the available measures for the prevention of spread and the treatment of persons infected with COVID-19, the underpinnings of the Conditional Sailing Order should be reexamined in order to stop the unfair singling out of the cruise industry; and

WHEREAS, to that end, on April 13, 2021, Senator Dan Sullivan (R-AK) introduced S. 1105, known as the Careful Resumption Under Improved Safety Enhancements Act (the “CRUISE Act”), for consideration during the 117th United States Congress, which bill is co-sponsored by Senators Marco Rubio (R-FL) and Rick Scott (R-FL), and on April 15, 2021, Representative Maria Elvira Salazar (R-FL) introduced H.R. 2554, a companion bill with 14 co-sponsors; and

WHEREAS, the CRUISE Act will (1) require the CDC to issue recommendations for how to mitigate the risks of COVID-19 to passengers and crew onboard cruise ships; (2) establish an interagency working group that will develop recommendations to facilitate the resumption of passenger cruise ship operations in the United States by July 4, 2021; (3) require the CDC to revoke the Conditional Sailing Order by July 4, 2021; and (4) ensure that the United States Department

of Health and Human Services and CDC retain all appropriate authority to make and enforce regulations necessary to prevent the introduction, transmission, or spread of communicable diseases on any individual cruise ship; and

WHEREAS, as the CDC acknowledged in its Conditional Sailing Order, of the 13,000 comments that the CDC received in advance of its issuance of the Conditional Sailing Order, “[a] majority of respondents (approximately 75%) expressed support for the resumption of passenger cruising in the [United States],” with the implementation of public health measures; and

WHEREAS, beyond serving as a desirable vacation option, the cruise industry directly and indirectly supports many sectors of the economy, such that a study conducted by the Greater Miami Convention & Visitors Bureau revealed that in 2019 there were approximately 1.7 million overnight cruise visitors in Miami, who spent a combined \$1.1 billion in the community on hotel, food and beverage, transportation, entertainment, and shopping; and

WHEREAS, according to a study of the economic impacts of the cruise industry at PortMiami in 2017 (the “2017 PortMiami Economic Impact Study”), the cruise industry at PortMiami alone generated 30,088 jobs, directly or indirectly, and according to a 2015 analysis by the Beacon Council, Inc., of the top 15 employers in Miami-Dade County, three are cruise lines—Carnival Cruise Line with 3,500 employees, Royal Caribbean International/Celebrity Cruises with 2,989 employees, and Norwegian Cruise Line with 1,049 employees; and

WHEREAS, given recent transactions at PortMiami, these jobs figures are bound to grow: in 2019, this Board approved agreements with an affiliate of MSC and Virgin Cruise Intermediate Limited that would expand the commitment of those lines to PortMiami, enhancing the economic impact on our community and creating new jobs; and

WHEREAS, optimism in the cruise business at PortMiami was recently reaffirmed when, on February 17, 2021, the Board approved a new agreement with MSC calling for a greater investment in its facility at PortMiami and the development of a cruise terminal for three (rather than two) cruise vessels; and

WHEREAS, according to the 2017 PortMiami Economic Impact Study, the cruise industry had an estimated positive economic impact of approximately \$5.8 billion for Miami-Dade County, and generated about \$190 million in state and local tax revenues; and

WHEREAS, the cruise industry is not only critical to the economy of Miami-Dade County, but insofar as it contributes to the success of PortMiami, it is also important to the economic well-being of Florida, as PortMiami (inclusive of cruise and cargo) supported approximately \$43 billion in total economic activity in 2017, comprising 4.4 percent of Florida's gross domestic product; and

WHEREAS, in addition to the positive impacts of the cruise industry on Miami-Dade County and Florida, economic impact analyses commissioned by CLIA indicate that the cruise industry supports nearly 450,000 jobs in the United States and, prior to the pandemic, contributed \$55.5 billion to the economy; and

WHEREAS, the CLIA-commissioned study indicates that more than 300,000 jobs have been lost in the United States as a result of the suspension of passenger cruises, with the majority of impacts felt by small- to medium-sized businesses, including travel agents, taxi drivers, port employees, baggage handlers, longshoremen, and airline, hotel, and restaurant workers; and

WHEREAS, a September 2020 report from the Federal Maritime Commission estimated that during the first six months of the COVID-19 pandemic, Florida suffered losses of \$3.2 billion in economic activity, including 49,500 jobs paying \$2.3 billion in wages, with ripple effects felt throughout the state; and

WHEREAS, recent reports indicate that if passenger cruises are not promptly resumed in the United States, cruise lines will shift their business from the United States to other countries, depriving the United States of the much needed economic benefits generated by the passenger cruise industry and causing Americans to travel abroad to take cruises that would otherwise originate in the United States; and

WHEREAS, given the importance of the passenger cruise business, not only to public recreation but also to the economy of Florida, Miami-Dade County, and other communities throughout the United States of America, this Board desires to urge the United States Congress to enact the CRUISE Act and Executive Branch agencies, including specifically, the CDC and other involved federal agencies (e.g., the United States Department of Transportation (“USDOT”) and the Office of Management and Budget (“OMB”)), to reexamine the underpinnings of the current Conditional Sailing Order to facilitate the resumption of passenger cruises in the United States,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Adopts and incorporates the foregoing recitals.

Section 2. Urges President Joseph R. Biden, Jr. and the United States Congress to engage with all involved federal agencies, including the CDC, USDOT, and OMB to expedite the lifting or review of the Conditional Sailing Order.

Section 3. Urges the United States Congress to enact S. 1105, H.R. 2554, the Careful Resumption Under Improved Safety Enhancements Act, or similar legislation.

Section 4. Urges the Director of the Centers for Disease Control and Prevention, United States Secretary of Transportation, and the Acting Director of the Office of Management and Budget to reexamine whether the Conditional Sailing Order remains necessary given advancements made in the prevention of, screening for, and treatment of COVID-19 and, if restrictions on passenger cruises remain necessary, to (1) provide updated reasoning regarding the need for such restrictions in light of the advancements made since the issuance of the Conditional Sailing Order and (2) provide immediate guidance on what steps must be accomplished to permit passenger cruises in United States waters starting in July 2021, or sooner.

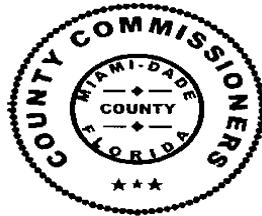
Section 5. Directs the Clerk of the Board to transmit a certified copy of this resolution to the President of the United States, Senator Dan Sullivan, Representative Maria Elvira Salazar, the remaining members of the Florida Congressional Delegation, Director of the Centers for Disease Control and Prevention, United States Secretary of Transportation, and Acting Director of the Office of Management and Budget.

Section 6. Directs the County's federal lobbyists to advocate for the legislation described in section 3 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2021 Federal Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa. It was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Eileen Higgins** and upon being put to a vote, the vote was as follows:

Jose "Pepe" Diaz, Chairman	aye		
Oliver G. Gilbert, III, Vice-Chairman	aye		
Sen. René García	aye	Keon Hardemon	aye
Sally A. Heyman	aye	Danielle Cohen Higgins	aye
Eileen Higgins	aye	Joe A. Martinez	aye
Kionne L. McGhee	aye	Jean Monestime	aye
Raquel A. Regalado	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 20th day of April, 2021. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.



MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

Melissa Adames

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

MAG

Miguel A. Gonzalez