

TRAVEL AND HOSPITALITY

Legal entanglements continue between cruise lines, CDC and Florida

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Seven Seas Splendor will be Regent's first ship to return to the ocean. Image credit: Regent Seven Seas

By LUXURY DAILY NEWS SERVICE

A U.S. federal appeals court has blocked an order from a lower court that would have allowed cruise ships to sail from the state of Florida without mandating rules from the Centers for Disease Control and Prevention intended to prevent future COVID-19 outbreaks during voyages.

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The situation has pitted cruise lines including Norwegian Cruise Line Holdings, owner of [Regent Seven Seas Cruises](#) and the CDC against Florida Governor Ron DeSantis. The state has argued that the CDC's Conditional Sail Order, which established a four-phase process for companies to resume sailing, is too burdensome and hinders one of Florida's most valuable industries.

Setting sail?

Under the CDC's guidelines, cruise lines that can ensure 95 percent of passengers and 98 percent of crew members are vaccinated can skip simulated voyages and move faster towards restarting commercial sailings.

In April, however, Florida Attorney General Ashley Moody filed a lawsuit against the CDC and U.S. Department of Health and Human Services, arguing that the federal government was overstepping its authority and needlessly preventing cruise liners from sailing.

Gov. DeSantis, a Republican, also signed legislation in May that bans businesses and government agencies in Florida from asking people for proof of COVID-19 vaccination effective July 1. The law, heralded by the governor as a way to protect individual freedoms, has put Florida at odds with major players in the cruise industry.



According to the Cruise Lines International Association, about 60 percent of all U.S. embarkations originate in Florida. Image credit: Port of Miami

Norwegian Cruise Lines is currently scheduled to resume sailing from Miami on Aug. 15 ([see story](#)), but president and CEO Frank Del Rio has publicly stated that the company will sail from ports outside of Florida if vaccine verification is not permitted ([see story](#)).

As part of Norwegian's [SailSAFE health and safety program](#), Regent Seven Seas currently requires all guests and crew to provide proof of vaccination dated at least two weeks prior to embarkation to set sail.

On June 18, U.S. District Judge Steven Merryday sided with Florida that the CDC exceeded its authority. His ruling, which was appealed by the federal government, was set to downgrade the CDC's rules to recommendations instead of requirements effective on July 18 paving the way for cruise liners to return to sailing with fewer obstacles.

In a 2-1 ruling on July 17, the U.S. Court of Appeals for the 11th Circuit issued a stay that keeps the CDC's requirements as mandatory while the appeals process plays out effectively blocking Judge Merryday's earlier ruling.



Regent has several ports of call in Florida. Image credit: Regent Seven Seas

The ruling followed Norwegian Cruise Line Holdings' lawsuit against Florida's vaccine legislation, filed on July 13.

"Unfortunately, despite our best efforts we have been unable to reach a reasonable and mutually agreeable solution with the State of Florida that would allow us to require documentation confirming guests' vaccination status prior to boarding," Norwegian Cruise Line Holdings said in a [statement](#).

"Despite the ongoing global pandemic and the accelerating spread of the Delta variant, Florida continues to prohibit us from requiring vaccine documentation which we believe would enable us to resume sailing in the safest way possible," the statement continued. "Our policy of 100% vaccination of guests and crew is consistent and in place without issue in every port we sail from around the world except for Florida."

A preliminary injunction hearing for the case between Florida and Norwegian Cruises is scheduled for Aug. 6.

Gov. DeSantis plans to appeal the decision from the 11th Circuit.