

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HM 221 Protection of Florida Coastline Against Oil and Gas Drilling
SPONSOR(S): Richter and others
TIED BILLS: None. **IDEN./SIM. BILLS:** SM 426

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Energy</u>	<u></u>	<u>Blalock</u>	<u>Collins</u>
2) <u>Environment & Natural Resources Council</u>	<u></u>	<u></u>	<u></u>
3) <u>Rules & Calendar Council</u>	<u></u>	<u></u>	<u></u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

On December 20, 2006, the Gulf of Mexico Energy Security Act of 2006 (HR 6111) was signed into law by President George W. Bush. This law prohibits drilling in the Gulf of Mexico within 125 miles of the Florida coastline in the Eastern Planning Area and 100 miles from the Florida coastline in the Lease Area 181 of the Central Planning Area. Further, it prohibits drilling in all areas east of the Military Mission Line, as shown in Figure 1 below. This prohibition is set to expire on June 30, 2022, but it may be changed by federal legislation at any time.

This memorial urges the United States Congress to “stand strong and united against any attempt to allow oil or gas drilling along Florida’s coastline.”

This memorial does not have a fiscal impact on state or local governments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

This bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

The Outer Continental Shelf (OCS) consists of the submerged lands, subsoil, and seabed, lying between the seaward extent of the states' jurisdiction and the seaward extent of federal jurisdiction. There are four separate regions of the OCS, including:

- The Gulf of Mexico OCS Region;
- The Atlantic OCS Region;
- The Pacific OCS Region; and
- The Alaskan OCS Region.

The Gulf of Mexico OCS Region is currently divided into three separate offshore drilling areas:

- The Western Planning Area;
- The Central Planning Area; and
- The Eastern Planning Area.

The Eastern Planning Area starts on the western coastline of Florida and extends west to a line that is approximately south of Pensacola, Florida into the Gulf.¹ Estimates suggest that 6.95 to 9.22 trillion cubic feet of natural gas and 1.57 to 2.78 billion barrels of oil and condensate are in the Eastern Planning Area.²

The federal government has retained its authority for the use of these regions, and, therefore, the Supremacy Clause of the United States Constitution prevents Florida from interfering with this prohibition.³ The Supremacy Clause provides that "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding." Thus, Florida's authority to regulate offshore drilling in the Gulf of Mexico OCS Region is limited by the authority designated to it by Congress. Under current law, this means that Florida's authority to regulate waters in the Gulf of Mexico extends to approximately nine nautical miles.⁴

The Gulf of Mexico Energy Security Act of 2006 (HR 6111) was passed by the United States Congress and signed into law by President George W. Bush on December 20, 2006. This law opens up some areas of the western Gulf of Mexico to offshore drilling. However, partly because of the potential impact on environmentally sensitive areas along Florida's coastline, it also temporarily halts leasing for oil or natural gas drilling in any Gulf of Mexico region east of the Military Mission Line (86 degrees and 41 minutes W. longitude). Furthermore, it prohibits drilling in any region of the Eastern Planning Area within 125 miles of the Florida coast or any region that is within the Central Planning Area, Lease Area 181, and also within 100 miles of the Florida coastline.⁵ The jurisdiction of the United States for the Gulf of Mexico extends from

¹ See Figure 1.

² U.S. Department of the Interior, Minerals Management Service, <http://www.gomr.mms.gov/homepg/offshore/egom/eastern.html>.

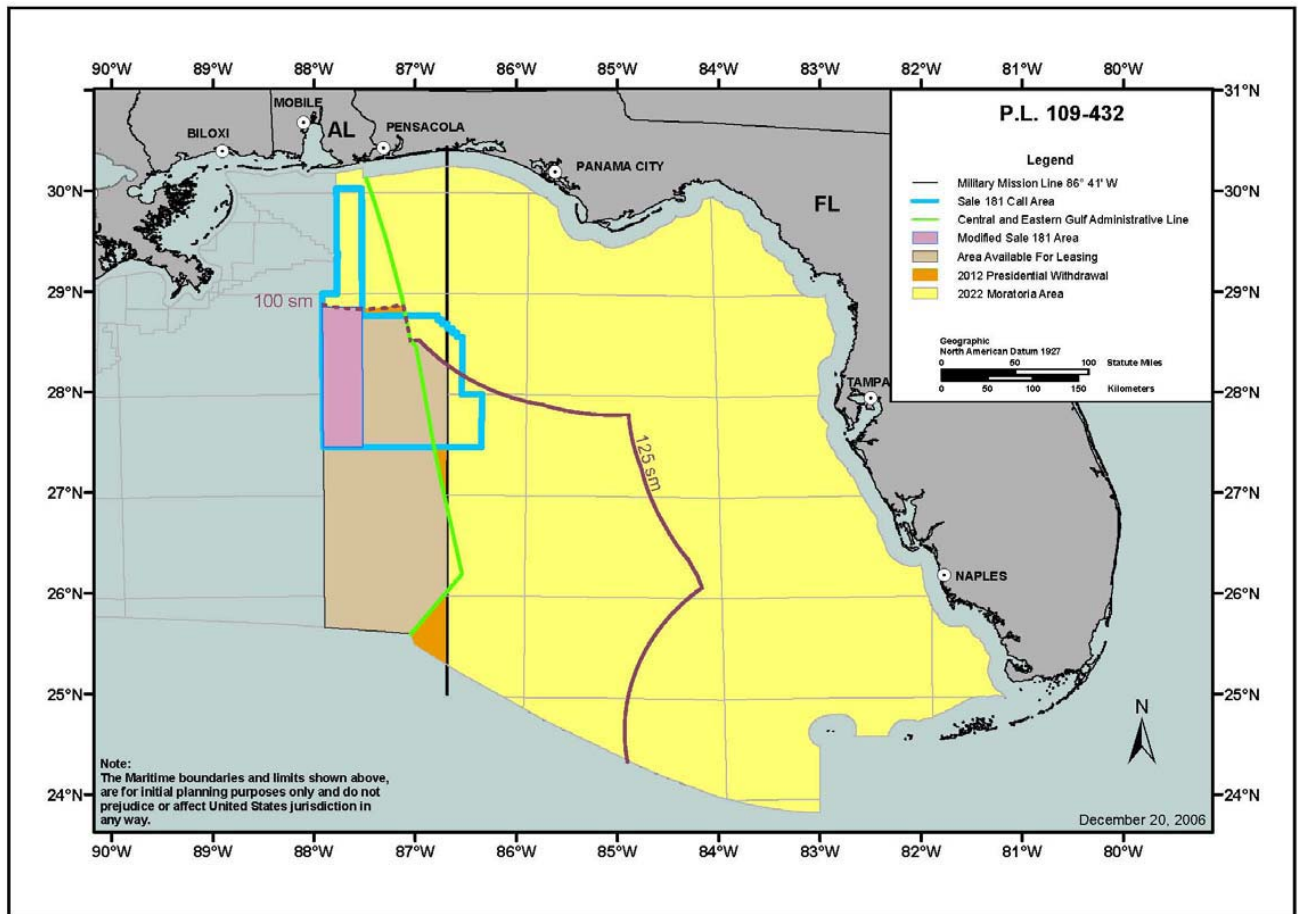
³ United States Constitution, Article VI, Section 2.

⁴ See *US v. Louisiana, et al.* 363 U.S. 1, 129 (1960).

⁵ U.S. HR 6111. Also See Figure 1.

200 miles up to a possible length of 350 miles offshore.⁶ This prohibition is set to expire on June 30, 2022. Lease Area 181 is the closest active leasing region to Florida's coastline that is under the jurisdiction of the United States. Leases do currently exist in the Eastern Planning Area, but active drilling may only take place in those areas that are both 125 miles from seaward of Florida's coastline and west of the Military Mission Line.⁷

Figure 1.



Effect of Proposed Memorial

This memorial urges the United States Congress to “stand strong and united against any attempt to allow oil or gas drilling along Florida’s coastline.” This bill further requires that copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate,⁸ to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

C. SECTION DIRECTORY:

None.

⁶ U.S. Department of the Interior, Minerals Management Service, <http://www.gomr.mms.gov/homepg/whoismms/whatsocs.html>.

⁷ See Figure 1.

⁸ The President of the United States Senate is the Vice President of the United States.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES