

By Senator Gaetz

4-00269C-11

2011248

1 A bill to be entitled
2 An act relating to economic recovery from the
3 Deepwater Horizon disaster; amending s. 220.191, F.S.;
4 waiving the requirement that a facility located in
5 certain counties of this state be in a high-impact
6 sector in order to qualify for the capital investment
7 tax credit; creating s. 252.363, F.S.; tolling and
8 extending the expiration dates of certain building
9 permits or other authorizations following the
10 declaration of a state of emergency by the Governor;
11 providing exceptions; providing for the laws,
12 administrative rules, and ordinances in effect when
13 the permit was issued to apply to activities described
14 in a permit or other authorization; providing an
15 exception; amending s. 253.02, F.S.; requiring the
16 Board of Trustees of the Internal Improvement Trust
17 Fund to recommend to the Legislature whether existing
18 multistate compacts for mutual aid should be modified
19 or if a new multistate compact is necessary to address
20 the Deepwater Horizon event or similar future
21 incidents; amending s. 288.106, F.S.; providing a
22 special incentive under the tax refund program for a
23 limited time for a qualified target industry business
24 that relocates from another state to certain counties
25 in this state; temporarily exempting such business
26 from the wage requirements of the program; exempting
27 such businesses from the requirements for local
28 financial support; amending s. 288.108, F.S.;
29 temporarily exempting a business that relocates from

4-00269C-11

2011248

30 another state to certain counties in this state from
31 the requirement that the business be in a high-impact
32 sector in order to be eligible for a high-impact
33 sector performance grant; requiring that the Board of
34 Trustees of the Internal Improvement Trust Fund
35 appoint members to the Commission on Oil Spill
36 Response Coordination; providing for the designation
37 of the chair of the commission by the Governor;
38 requiring the commission to prepare a report for
39 review and approval by the board of trustees;
40 specifying the subject matter of the report;
41 temporarily exempting the sale of commercial vessels,
42 recreational vessels, and marine equipment sold by
43 registered dealers in certain counties from the sales
44 tax; authorizing the Department of Revenue to adopt
45 emergency rules; providing an appropriation to the
46 Department of Revenue to administer the sales tax
47 exemptions; providing an appropriation to the Office
48 of Tourism, Trade, and Economic Development to develop
49 and implement an economic development program for
50 Northwest Florida; specifying a preference for
51 counties providing expedited permitting for certain
52 purposes; providing for the appropriation to be placed
53 in reserve by the Executive Office of the Governor for
54 release as authorized by law or the Legislative Budget
55 Commission; providing for the deposit of federal funds
56 or entities involved in the Deepwater Horizon oil
57 spill into applicable state trust funds; specifying
58 permissible uses of such funds; designating the

4-00269C-11

2011248

59 Department of Environmental Protection as the lead
60 agency for expending funds for environmental
61 restoration; designating the Office of Tourism, Trade,
62 and Economic Development as the lead agency for funds
63 designated for economic incentives and diversification
64 efforts; authorizing the holder of a lease of
65 sovereignty submerged lands to apply to the Department
66 of Environmental Protection for the payment or the
67 reimbursement of lease fees for the period of the
68 state of emergency for the Deepwater Horizon oil
69 spill; specifying conditions for eligibility;
70 requiring an application to the Department of
71 Environmental Protection; requiring the Chief
72 Financial Officer to use the full extent of the law to
73 recover payments from the responsible party or other
74 independently administered claims process; providing a
75 short title for certain sections of the act; providing
76 an effective date.

77
78 Be It Enacted by the Legislature of the State of Florida:

79
80 Section 1. Paragraph (h) of subsection (1) of section
81 220.191, Florida Statutes, is amended to read:

82 220.191 Capital investment tax credit.—

83 (1) DEFINITIONS.—For purposes of this section:

84 (h) "Qualifying project" means a facility in this state
85 meeting one or more of the following criteria:

86 1. A new or expanding facility in this state which creates
87 at least 100 new jobs in this state and is in one of the high-

4-00269C-11

2011248

88 impact sectors identified by Enterprise Florida, Inc., and
89 certified by the office pursuant to s. 288.108(6), including,
90 but not limited to, aviation, aerospace, automotive, and silicon
91 technology industries. However, the requirement that a facility
92 be in a high-impact sector is waived for any otherwise eligible
93 business that relocates from another state to Bay County,
94 Escambia County, Franklin County, or Gulf County between April
95 4, 2011, and April 4, 2013.

96 2. A new or expanded facility in this state which is
97 engaged in a target industry designated pursuant to the
98 procedure specified in s. 288.106(2)(t) and which is induced by
99 this credit to create or retain at least 1,000 jobs in this
100 state, provided that at least 100 of those jobs are new, pay an
101 annual average wage of at least 130 percent of the average
102 private sector wage in the area as defined in s. 288.106(2), and
103 make a cumulative capital investment of at least \$100 million
104 ~~after July 1, 2005~~. Jobs may be considered retained only if
105 there is significant evidence that the loss of jobs is imminent.
106 Notwithstanding subsection (2), annual credits against the tax
107 imposed by this chapter may ~~shall~~ not exceed 50 percent of the
108 increased annual corporate income tax liability or the premium
109 tax liability generated by or arising out of a project
110 qualifying under this subparagraph. A facility that qualifies
111 under this subparagraph for an annual credit against the tax
112 imposed by this chapter may take the tax credit for a period not
113 to exceed 5 years. ~~;~~ ~~or~~

114 3. A new or expanded headquarters facility in this state
115 which locates in an enterprise zone and brownfield area and is
116 induced by this credit to create at least 1,500 jobs that ~~which~~

4-00269C-11

2011248

117 on average pay at least 200 percent of the statewide average
118 annual private sector wage, as published by the Agency for
119 Workforce Innovation or its successor, and which new or expanded
120 headquarters facility makes a cumulative capital investment in
121 this state of at least \$250 million.

122 Section 2. Section 252.363, Florida Statutes, is created to
123 read:

124 252.363 Tolling and extension of permits and other
125 authorizations.—

126 (1) (a) The declaration of a state of emergency by the
127 Governor tolls the period remaining to exercise the rights under
128 a permit or other authorization for the duration of the
129 emergency declaration. Further, the emergency declaration
130 extends the period remaining to exercise the rights under a
131 permit or other authorization for 6 months in addition to the
132 tolled period. This paragraph applies to the following:

133 1. The expiration of a development order issued by a local
134 government.

135 2. The expiration of a building permit.

136 3. The expiration of a permit issued by the Department of
137 Environmental Protection or a water management district pursuant
138 to part IV of chapter 373.

139 4. The buildout date of a development of regional impact,
140 including any extension of a buildout date that was previously
141 granted pursuant to s. 380.06(19) (c).

142 (b) Within 90 days after the termination of the emergency
143 declaration, the holder of the permit or other authorization
144 shall notify the issuing authority of the intent to exercise the
145 extension granted under paragraph (a). The notice must be in

4-00269C-11

2011248

146 writing and identify the specific permit or other authorization
147 qualifying for extension.

148 (c) If the permit or other authorization for a phased
149 construction project is extended, the commencement and
150 completion dates for any required mitigation are extended such
151 that the mitigation activities occur in the same timeframe
152 relative to the phase as originally permitted.

153 (d) This subsection does not apply to:

154 1. A permit or other authorization for a building,
155 improvement, or development located outside the geographic area
156 for which the declaration of a state of emergency applies.

157 2. A programmatic or regional general permit issued by the
158 Army Corps of Engineers.

159 3. The holder of a permit or other authorization who is
160 determined by the authorizing agency to be in significant
161 noncompliance with the conditions of the permit or other
162 authorization through the issuance of a warning letter or notice
163 of violation, the initiation of formal enforcement, or an
164 equivalent action.

165 4. A permit or other authorization that is subject to a
166 court order specifying an expiration date or buildout date that
167 would be in conflict with the extensions granted in this
168 section.

169 (2) A permit or other authorization that is extended shall
170 be governed by the laws, administrative rules, and ordinances in
171 effect when the permit was issued, unless an interested party
172 demonstrates at any time to the issuing authority that operating
173 under those laws, administrative rules, or ordinances will
174 create an immediate threat to the public health or safety.

4-00269C-11

2011248

175 (3) This section does not restrict a county or municipality
176 from requiring property to be maintained and secured in a safe
177 and sanitary condition in compliance with applicable laws,
178 administrative rules, or ordinances.

179 Section 3. Subsection (6) is added to section 253.02,
180 Florida Statutes, to read:

181 253.02 Board of trustees; powers and duties.—

182 (6) The board of trustees shall report to the Legislature
183 its recommendations as to whether any existing multistate
184 compact for mutual aid should be modified or whether the state
185 should enter into a new multistate compact to address the
186 impacts of the Deepwater Horizon event or potentially similar
187 future incidents. The report shall be submitted to the
188 Legislature by February 1, 2012, and updated annually thereafter
189 for 5 years.

190 Section 4. Present subsection (8) of section 288.106,
191 Florida Statutes, is renumbered as subsection (9), and a new
192 subsection (8) is added to that section, to read:

193 288.106 Tax refund program for qualified target industry
194 businesses.—

195 (8) SPECIAL INCENTIVES.—Between April 4, 2011, and April 4,
196 2013, a qualified target industry business that relocates from
197 another state to Bay County, Escambia County, Franklin County,
198 Gulf County, Okaloosa County, Santa Rosa County, or Walton
199 County shall be allowed a tax refund payment equal to \$6,000
200 multiplied by the number of jobs specified in the tax refund
201 agreement under subparagraph (5) (a)1. over the term of the
202 agreement. Such business is exempt from the wage requirements of
203 this section between April 4, 2011, and April 4, 2013. Such

4-00269C-11

2011248

204 business is also exempt from the requirements for local
205 financial support and is eligible for the full amount of the tax
206 refund authorized in this section.

207 Section 5. Paragraph (a) of subsection (3) of section
208 288.108, Florida Statutes, is amended to read:

209 288.108 High-impact business.—

210 (3) HIGH-IMPACT SECTOR PERFORMANCE GRANTS; ELIGIBLE
211 AMOUNTS.—

212 (a)1. Upon commencement of operations, a qualified high-
213 impact business is eligible to receive a high-impact business
214 performance grant in the amount as determined by the office
215 under subsection (5), consistent with eligible amounts as
216 provided in paragraph (b), and specified in the qualified high-
217 impact business agreement. The precise conditions that are
218 considered commencement of operations must be specified in the
219 qualified high-impact business agreement.

220 2. Between April 4, 2011, and April 4, 2013, a business
221 that relocates from another state to Bay County, Escambia
222 County, Franklin County, Gulf County, Okaloosa County, Santa
223 Rosa County, or Walton County is exempt from the requirement
224 that the business be in a high-impact sector in order to be
225 eligible for a high-impact sector performance grant. However,
226 all other requirements of this section continue to apply.

227 Section 6. Commission on Oil Spill Response Coordination.—

228 (1) The Board of Trustees of the Internal Improvement Trust
229 Fund shall appoint a commission consisting of a representative
230 of the office of each board member and a representative of each
231 state agency that directly and materially responded to the
232 Deepwater Horizon disaster. The Governor shall select the chair

4-00269C-11

2011248

233 of the panel from among the appointees.

234 (2) The commission shall prepare a report for review and
235 approval by the board of trustees which:

236 (a) Identifies potential changes to federal law which will
237 improve the oversight and monitoring of offshore drilling
238 activities and increase response capabilities to offshore oil
239 spills.

240 (b) Identifies potential changes to federal law which will
241 improve protections for public health and safety, occupational
242 health and safety, and the environment and natural resources.

243 (c) Evaluates the merits of the establishment of a federal
244 Gulf-wide disaster relief fund.

245 (d) Evaluates the need for a unified and uniform advocacy
246 process for damage claims.

247 (e) Evaluates the need for changes to interstate
248 coordination agreements in order to reduce the potential for
249 damage claims and lawsuits.

250 (f) Addresses any other related issues as determined by the
251 commission.

252 (3) The board of trustees shall deliver the report to the
253 Governor, the President of the Senate, the Speaker of the House
254 of Representatives, the Secretary of Environmental Protection,
255 and the director of the Office of Tourism, Trade, and Economic
256 Development by September 1, 2012.

257 (4) This section expires September 30, 2012.

258 Section 7. (1) The tax levied under chapter 212, Florida
259 Statutes, may not be collected on the sale of a recreational
260 vessel, commercial vessel, or marine equipment from a registered
261 dealer in Bay County, Escambia County, Franklin County, Gulf

4-00269C-11

2011248

262 County, Okaloosa County, Santa Rosa County, or Walton County
263 from 12:01 a.m., April 4, 2011, through midnight, June 30, 2011.

264 (2) As used in this section, the term:

265 (a) "Commercial vessel" has the same meaning as defined in
266 s. 327.02, Florida Statutes.

267 (b) "Recreational vessel" has the same meaning as defined
268 in s. 327.02, Florida Statutes.

269 (c) "Marine equipment" means radios designed to be used on
270 boats, global positioning systems, radar devices, and antennae;
271 boat engines and machine parts designed for boat engines; bilge
272 pumps; commercial fishing nets; life vests and marine safety
273 equipment; and anchors and anchoring accessories.

274 (3) The Department of Revenue may adopt emergency rules
275 pursuant to ss. 120.536(1) and 120.54, Florida Statutes, to
276 administer this section.

277 (4) For the 2011-2012 fiscal year, the sum of \$.... in
278 nonrecurring funds is appropriated from the General Revenue Fund
279 to the Department of Revenue for purposes of administering this
280 section.

281 Section 8. There is appropriated for the 2011-2012 fiscal
282 year the sum of \$10 million in recurring funds from the General
283 Revenue Fund to the Office of Tourism, Trade, and Economic
284 Development for the purpose of developing and implementing an
285 innovative economic development program for Northwest Florida
286 promoting research and development, commercialization of
287 research, economic diversification, and job creation. The Office
288 of Tourism, Trade, and Economic Development shall collaborate
289 with Northwest Florida educational entities, economic
290 development organizations, local governments, and relevant state

4-00269C-11

2011248

291 agencies to create a program framework and strategy, including
292 specific criteria governing the expenditure of funds. The
293 criteria for the expenditure of funds shall, at a minimum,
294 require a funding preference for those counties and
295 municipalities in Northwest Florida which provide for expedited
296 permitting in order to promote research and development,
297 commercialization of research, economic diversification, and job
298 creation within their respective jurisdictions. The funds
299 appropriated in this section shall be placed in reserve by the
300 Executive Office of the Governor, and may be released as
301 authorized by law or the Legislative Budget Commission.

302 Section 9. (1) Any federal funds received by the state for
303 the purposes of ameliorating or repairing environmental or
304 economic damage caused by the Deepwater Horizon oil spill or
305 payments from BP p.l.c., its subsidiaries, or other private
306 entities involved in the Deepwater Horizon oil spill shall be
307 deposited into the applicable state trust funds and expended
308 pursuant to state law or as approved by the Legislative Budget
309 Commission.

310 (2) Such moneys may be used for:

311 (a) Scientific research into the impact of the oil spill
312 fisheries and coastal wildlife and vegetation along the state's
313 shoreline and the development of strategies to implement
314 restoration measures suggested by such research;

315 (b) Environmental restoration of coastal areas damaged by
316 the oil spill;

317 (c) Economic incentives directed to those areas of the
318 state which were adversely affected by the oil spill; and

319 (d) Initiatives to expand and diversify the economies of

4-00269C-11

2011248

320 the affected areas.

321 (3) (a) The Department of Environmental Protection is the
322 lead agency for expending the funds designated for environmental
323 restoration efforts.

324 (b) The Office of Tourism, Trade, and Economic Development
325 is the lead agency for expending the funds designated for
326 economic incentives and diversification efforts.

327 Section 10. (1) The holder of a lease of sovereignty
328 submerged lands may apply to the Department of Environmental
329 Protection for reimbursement of lease fees paid for the lease of
330 sovereignty submerged lands or for the payment of those lease
331 fees by the responsible party or any other independently
332 administered claims process if the leaseholder:

333 (a) Is in substantial compliance with the lease conditions,
334 excluding lease payments due during the state of emergency
335 declared by the Governor related to the Deepwater Horizon oil
336 spill;

337 (b) Has received payment for an economic loss due to the
338 Deepwater Horizon oil spill from the responsible party or other
339 independently administered claims process which did not include
340 reimbursement for lease fees paid or funds to pay the lease
341 fees.

342 (2) An application for reimbursement to the Department of
343 Environmental Protection must include documentation of:

344 (a) An economic loss due to the Deepwater Horizon oil spill
345 which has impaired the leaseholder's ability to pay lease fees.
346 Such documentation may include a copy of a claim filed with the
347 responsible party or any other independently administered claims
348 process;

4-00269C-11

2011248

349 (b) The filing of a claim for loss or injury with the
350 responsible party, as defined in s. 376.031, Florida Statutes,
351 or any other independently administered claims process;

352 (c) The receipt of compensation, if any, from the
353 responsible party or any other independently administered claims
354 process which did not reimburse the leaseholder for lease fees
355 paid to the credit of the Internal Improvement Trust Fund or
356 include funds to pay the lease fees; and

357 (d) The amount of the claim. The amount of the claim is
358 limited to the pro rata amount of lease fees for the period of
359 the state of emergency declared by the Governor for the county
360 in which the lease was located.

361 (3) Applications shall be submitted to the Department of
362 Environmental Protection on forms provided by the department.
363 Payments received from the responsible party or any other
364 independently administered claims process shall be applied to
365 the approved applications received by the Department of
366 Environmental Protection during the corresponding fiscal year.
367 Applications shall be processed by the Department of
368 Environmental Protection until such time as all claims have been
369 processed by the responsible party or any other independently
370 administered claims process.

371 (4) The Department of Environmental Protection shall post
372 on its website a copy of the application and instructions for
373 completing the application.

374 (5) The Department of Environmental Protection shall submit
375 the approved amount of claims for each fiscal year to the Chief
376 Financial Officer to request payment of the approved amount from
377 the responsible party or any other independently administered

4-00269C-11

2011248

378 claims process. The Chief Financial Officer shall use the full
379 extent of the law to recover payments sufficient to cover the
380 amount needed to credit or reimburse lease fees for applications
381 approved each fiscal year.

382 (6) Upon receipt of payment from the responsible party or
383 any other independently administered claims process, the Chief
384 Financial Officer shall deposit the payment into the Internal
385 Improvement Trust Fund. Upon the deposit of the funds, the
386 Department of Environmental Protection shall:

387 (a) Reimburse the applicant for any lease fees paid for the
388 applicable time period in an amount not to exceed the payment
389 from the responsible party or any other independently
390 administered claims process for that applicant; or

391 (b) Credit to the applicant's lease fees due for the
392 applicable time period an amount not to exceed the payment from
393 the responsible party or any other independently administered
394 claims process for that applicant.

395 (7) If the amount deposited into the Internal Improvement
396 Trust Fund in any fiscal year is insufficient to fully reimburse
397 or credit all approved applications, the department shall issue
398 reimbursements or credits on a pro rata basis.

399 (8) The Department of Environmental Protection shall report
400 to the Legislature on the implementation of this section by
401 February 15 each year until 2014.

402 Section 11. Sections 4, 5, 7, 8, and 9 of this act may be
403 cited as the "Oil Spill Recovery Act."

404 Section 12. This act shall take effect upon becoming a law.