

By the Committee on Community Affairs; and Senator Gaetz

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1 A bill to be entitled
2 An act relating to economic recovery from the
3 Deepwater Horizon disaster; amending s. 14.2015, F.S.;
4 defining the term "Disproportionally Affected County";
5 creating a process for the Office of Tourism, Trade,
6 and Economic Development to waive any or all program
7 requirements under certain circumstances when in the
8 best interest of the public; creating s. 252.363,
9 F.S.; tolling and extending the expiration dates of
10 certain building permits or other authorizations
11 following the declaration of a state of emergency by
12 the Governor; providing exceptions; providing for the
13 laws, administrative rules, and ordinances in effect
14 when the permit was issued to apply to activities
15 described in a permit or other authorization;
16 providing an exception; amending s. 253.02, F.S.;
17 requiring the Board of Trustees of the Internal
18 Improvement Trust Fund to recommend to the Legislature
19 whether existing multistate compacts for mutual aid
20 should be modified or if a new multistate compact is
21 necessary to address the Deepwater Horizon event or
22 similar future incidents; requiring that the Board of
23 Trustees of the Internal Improvement Trust Fund
24 appoint members to the Commission on Oil Spill
25 Response Coordination; providing for the designation
26 of the chair of the commission by the Governor;
27 requiring the commission to prepare a report for
28 review and approval by the board of trustees;
29 specifying the subject matter of the report; providing

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30 for future expiration; temporarily exempting the sale
31 of commercial vessels, recreational vessels, and
32 marine equipment sold by registered dealers in certain
33 counties from the sales tax; authorizing the
34 Department of Revenue to adopt emergency rules;
35 providing an appropriation to the Department of
36 Revenue to administer the sales tax exemptions;
37 defining the term "Disproportionally Affected County";
38 providing an appropriation to the Office of Tourism,
39 Trade, and Economic Development to contract with
40 Florida's Great Northwest, Inc., in order to develop
41 and implement an economic development program for a
42 Disproportionally Affected County; specifying a
43 preference for a Disproportionally Affected County or
44 municipalities within a Disproportionally Affected
45 County which provide for expedited or combined
46 permitting for certain purposes; providing for the
47 appropriation to be placed in reserve by the Executive
48 Office of the Governor for release as authorized by
49 law or the Legislative Budget Commission; defining the
50 term "Disproportionally Affected County"; providing
51 for the deposit of funds received by entities involved
52 in the Deepwater Horizon oil spill into applicable
53 state trust funds; specifying permissible uses of such
54 funds; designating the Department of Environmental
55 Protection as the lead agency for expending funds for
56 environmental restoration; designating the Office of
57 Tourism, Trade, and Economic Development as the lead
58 agency for funds designated for economic incentives

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59 and diversification efforts; authorizing the holder of
60 a lease of sovereignty submerged lands to apply to the
61 Department of Environmental Protection for the payment
62 or the reimbursement of lease fees for the period of
63 the state of emergency for the Deepwater Horizon oil
64 spill; specifying conditions for eligibility;
65 requiring an application to the Department of
66 Environmental Protection; requiring the Chief
67 Financial Officer to use the full extent of the law to
68 recover payments from the responsible party or other
69 independently administered claims process; providing a
70 short title for certain sections of the act; providing
71 an effective date.

72
73 Be It Enacted by the Legislature of the State of Florida:

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75 Section 1. Subsection (11) is added to section 14.2015,
76 Florida Statutes, to read:

77 14.2015 Office of Tourism, Trade, and Economic Development;
78 creation; powers and duties.—

79 (11) (a) For purposes of this section, the term
80 “Disproportionally Affected County” means Bay County, Escambia
81 County, Franklin County, Gulf County, Okaloosa County, Santa
82 Rosa County, or Walton County.

83 (b) For a project submitted by a business seeking to
84 relocate from another state to a Disproportionally Affected
85 County between July 1, 2011, and June 30, 2014, the Office of
86 Tourism, Trade, and Economic Development may, up to the
87 cumulative amount of \$5 million, waive any or all requirements

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88 of any program or programs specifically assigned to the Office
89 of Tourism, Trade, and Economic Development by law, by the
90 appropriations process, or by the Governor if the Office of
91 Tourism, Trade, and Economic Development determines such waiver
92 is in the best interest of the public. Prior to granting such
93 waiver, the director of the Office of Tourism, Trade, and
94 Economic Development shall file with the Governor a written
95 statement of the conditions and circumstances constituting the
96 reason for the waiver.

97 (c) For a project submitted by a business seeking to
98 relocate from another state to a Disproportionally Affected
99 County between July 1, 2011, and June 30, 2014, the Office of
100 Tourism, Trade, and Economic Development may, for cumulative
101 amounts in excess of \$5 million but less than \$10 million, waive
102 any or all requirements of any program or programs specifically
103 assigned to the Office of Tourism, Trade, and Economic
104 Development by law, by the appropriations process, or by the
105 Governor if the Office of Tourism, Trade, and Economic
106 Development determines such waiver is in the best interest of
107 the public. Prior to granting such waiver, the Office of
108 Tourism, Trade, and Economic Development shall file with the
109 Governor, the President of the Senate, and the Speaker of the
110 House of Representatives a written statement of the conditions
111 and circumstances constituting the reason for the waiver, and
112 requesting written concurrence within 5 business days to the
113 Governor from the President of the Senate and the Speaker of the
114 House of Representatives. Without such concurrence, the waiver
115 shall not occur.

116 (d) A project submitted by a business seeking to relocate

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117 from another state to a Disproportionally Affected County
118 between July 1, 2011, and June 30, 2014, which receives a total
119 of \$10 million or more from any program or programs assigned to
120 the Office of Tourism, Trade, and Economic Development by law,
121 by the appropriations process, or by the Governor is not
122 eligible for a waiver under this subsection.

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

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

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

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

136 2. The expiration of a building permit.

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

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

143 (b) Within 90 days after the termination of the emergency
144 declaration, the holder of the permit or other authorization
145 shall notify the issuing authority of the intent to exercise the

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146 tolling and extension granted under paragraph (a). The notice
147 must be in writing and identify the specific permit or other
148 authorization qualifying for extension.

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

154 (d) This subsection does not apply to:

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

158 2. A permit or other authorization under any programmatic
159 or regional general permit issued by the Army Corps of
160 Engineers.

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

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

171 (2) A permit or other authorization that is extended shall
172 be governed by the laws, administrative rules, and ordinances in
173 effect when the permit was issued, unless any party or the
174 issuing authority demonstrates that operating under those laws,

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175 administrative rules, or ordinances will create an immediate
176 threat to the public health or safety.

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

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

183 253.02 Board of trustees; powers and duties.—

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

192 Section 4. Commission on Oil Spill Response Coordination.—

193 (1) The Board of Trustees of the Internal Improvement Trust
194 Fund shall appoint a commission consisting of a representative
195 of the office of each board member, a representative of each
196 state agency that directly and materially responded to the
197 Deepwater Horizon disaster, and the chair of the board of county
198 commissioners of each of the following counties: Bay County,
199 Escambia County, Franklin County, Gulf County, Okaloosa County,
200 Santa Rosa County, and Walton County. The Governor shall select
201 the chair of the commission from among the appointees.

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

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204 (a) Identifies potential changes to state and federal law
205 and regulations which will improve the oversight and monitoring
206 of offshore drilling activities and increase response
207 capabilities to offshore oil spills.

208 (b) Identifies potential changes to state and federal law
209 and regulations which will improve protections for public health
210 and safety, occupational health and safety, and the environment
211 and natural resources.

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

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

216 (e) Evaluates the need for changes to interstate
217 coordination agreements in order to reduce the potential for
218 damage claims and lawsuits.

219 (f) Addresses any other related issues as determined by the
220 commission.

221 (3) The board of trustees shall deliver the report to the
222 Governor, the President of the Senate, the Speaker of the House
223 of Representatives, the Secretary of Environmental Protection,
224 and the director of the Office of Tourism, Trade, and Economic
225 Development by September 1, 2012.

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

227 Section 5. (1) The tax levied under chapter 212, Florida
228 Statutes, may not be collected on the sale of a recreational
229 vessel, commercial vessel, or marine equipment from a registered
230 dealer in Bay County, Escambia County, Franklin County, Gulf
231 County, Okaloosa County, Santa Rosa County, or Walton County
232 from 12:01 a.m., July 1, 2011, through midnight, September 30,

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233 2011.

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

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

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

239 (c) "Marine equipment" means the following items designed
240 to be used on boats: radios, global positioning systems, radar
241 and sonar devices, antennae, personal flotation devices, bilge
242 pumps, marine safety equipment, and anchors and anchoring
243 accessories. The term "marine equipment" also includes boat
244 engines and machine parts designed for boat engines and
245 commercial fishing nets.

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

249 Section 6. (1) For purposes of this section, the term
250 "Disproportionally Affected County" means Bay County, Escambia
251 County, Franklin County, Gulf County, Okaloosa County, Santa
252 Rosa County, or Walton County.

253 (2) There is appropriated for the 2011-2012 fiscal year the
254 sum of \$10 million in recurring funds from the General Revenue
255 Fund to the Office of Tourism, Trade, and Economic Development.
256 The Office of Tourism, Trade, and Economic Development shall use
257 these funds to execute a \$10 million contract with Florida's
258 Great Northwest, Inc., for the purpose of developing and
259 implementing an innovative economic development program for
260 promoting research and development, commercialization of
261 research, economic diversification, and job creation in a

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262 Disproportionally Affected County.

263 (3) The contract between the Office of Tourism, Trade, and
264 Economic Development and Florida's Great Northwest, Inc., shall,
265 at a minimum, require Florida's Great Northwest Inc., to report
266 quarterly to the Office of Tourism, Trade, and Economic
267 Development and to collaborate with educational entities,
268 economic development organizations, local governments, and
269 relevant state agencies to create a program framework and
270 strategy, including specific criteria governing the expenditure
271 of funds. The criteria for the expenditure of funds shall, at a
272 minimum, require a funding preference for any Disproportionally
273 Affected County and any municipality within a Disproportionally
274 Affected County which provides for expedited permitting in order
275 to promote research and development, commercialization of
276 research, economic diversification, and job creation within
277 their respective jurisdictions. The criteria for the expenditure
278 of funds shall, at a minimum, also require a funding preference
279 for any Disproportionally Affected County and any municipality
280 within a Disproportionally Affected County which combines its
281 permitting processes and expedites permitting in order to
282 promote research and development, commercialization of research,
283 economic diversification, and job creation within their
284 respective jurisdictions.

285 (4) None of the funds appropriated in this section may be
286 used for administrative costs of Florida's Great Northwest, Inc.

287 (5) The funds appropriated in this section shall be placed
288 in reserve by the Executive Office of the Governor, and may be
289 released as authorized by law or the Legislative Budget
290 Commission.

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291 Section 7. (1) For purposes of this section, the term
292 "Disproportionally Affected County" means Bay County, Escambia
293 County, Franklin County, Gulf County, Okaloosa County, Santa
294 Rosa County, or Walton County.

295 (2) Any funds received by the state from any governmental
296 or private entity for damages caused by the Deepwater Horizon
297 oil spill shall be deposited into the applicable state trust
298 funds and expended pursuant to state law or as approved by the
299 Legislative Budget Commission.

300 (3) Seventy-five percent of such moneys may be used for:

301 (a) Scientific research into the impact of the oil spill on
302 fisheries and coastal wildlife and vegetation along any
303 Disproportionally Affected County's shoreline and the
304 development of strategies to implement restoration measures
305 suggested by such research;

306 (b) Environmental restoration of coastal areas damaged by
307 the oil spill in any Disproportionally Affected County;

308 (c) Economic incentives directed to any Disproportionally
309 Affected County; and

310 (d) Initiatives to expand and diversify the economies of
311 any Disproportionally Affected County.

312 (4) The remaining 25 percent of such moneys may be used
313 for:

314 (a) Scientific research into the impact of the oil spill on
315 fisheries and coastal wildlife and vegetation along any of the
316 state's shoreline that is not a Disproportionally Affected
317 County's shoreline, and the development of strategies to
318 implement restoration measures suggested by such research;

319 (b) Environmental restoration of coastal areas damaged by

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320 the oil spill in any county other than a Disproportionally
321 Affected County;

322 (c) Economic incentives directed to any county other than a
323 Disproportionally Affected County; and

324 (d) Initiatives to expand and diversify the economies of
325 any county other than a Disproportionally Affected County.

326 (5) (a) The Department of Environmental Protection is the
327 lead agency for expending the funds designated for environmental
328 restoration efforts.

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

332 Section 8. (1) The holder of a lease of sovereignty
333 submerged lands may apply to the Department of Environmental
334 Protection for reimbursement of lease fees paid for the lease of
335 sovereignty submerged lands or for the payment of those lease
336 fees by the responsible party or any other independently
337 administered claims process if the leaseholder:

338 (a) Is in substantial compliance with the lease conditions,
339 excluding lease payments due during a state of emergency
340 declared by the Governor related to the Deepwater Horizon oil
341 spill; and

342 (b) Has received payment for an economic loss due to the
343 Deepwater Horizon oil spill from the responsible party or other
344 independently administered claims process which did not include
345 reimbursement for lease fees paid or funds to pay the lease
346 fees.

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

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

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

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

362 (d) The amount of the claim. The amount of the claim is
363 limited to the pro rata amount of lease fees for the period of a
364 state of emergency declared by the Governor related to the
365 Deepwater Horizon oil spill for the county in which the lease
366 was located.

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

377 (4) The Department of Environmental Protection shall post

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378 on its website a copy of the application and instructions for
379 completing the application.

380 (5) The Department of Environmental Protection shall submit
381 the approved amount of claims for each fiscal year to the Chief
382 Financial Officer in order to request payment of the approved
383 amount from the responsible party or any other independently
384 administered claims process. The Chief Financial Officer shall
385 use the full extent of the law to recover payments sufficient to
386 cover the amount needed to credit or reimburse lease fees for
387 applications approved each fiscal year.

388 (6) Upon receipt of payment from the responsible party or
389 any other independently administered claims process, the Chief
390 Financial Officer shall deposit the payment into the Internal
391 Improvement Trust Fund. Upon the deposit of the funds, the
392 Department of Environmental Protection shall:

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

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

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

405 (8) For purposes of this section, the term "lease fees"
406 includes any associated sales or use tax under chapter 212,

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407 Florida Statutes.

408 (9) The Department of Environmental Protection shall report
409 to the Legislature on the implementation of this section by
410 February 15 each year until 2014.

411 Section 9. Sections 1, 5, 6, and 7 of this act may be cited
412 as the "Oil Spill Recovery Act."

413 Section 10. This act shall take effect upon becoming a law.