

By the Committees on Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations; and Community Affairs; and Senators Gaetz and Montford

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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 job or  
7           wage eligibility requirements under certain  
8           circumstances when in the best interest of the public;  
9           amending s. 220.191, F.S.; waiving the requirement  
10          that a facility located in a Disproportionally  
11          Affected County be in a high-impact sector in order to  
12          qualify for the capital investment tax credit;  
13          amending s. 288.106, F.S.; creating a process for the  
14          Office of Tourism, Trade, and Economic Development to  
15          waive wage or local financial support eligibility  
16          requirements; providing a special incentive under the  
17          tax refund program for a limited time for a qualified  
18          target industry business that relocates from another  
19          state to a Disproportionally Affected County; creating  
20          s. 252.363, F.S.; tolling and extending the expiration  
21          dates of certain building permits or other  
22          authorizations following the declaration of a state of  
23          emergency by the Governor; providing exceptions;  
24          providing for the laws, administrative rules, and  
25          ordinances in effect when the permit was issued to  
26          apply to activities described in a permit or other  
27          authorization; providing an exception; amending s.  
28          253.02, F.S.; requiring the Board of Trustees of the  
29          Internal Improvement Trust Fund to recommend to the

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30           Legislature whether existing multistate compacts for  
31           mutual aid should be modified or if a new multistate  
32           compact is necessary to address the Deepwater Horizon  
33           event or similar future incidents; requiring that the  
34           Board of Trustees of the Internal Improvement Trust  
35           Fund 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; providing  
41           for future expiration; temporarily exempting the sale  
42           of commercial vessels, recreational vessels, and  
43           marine equipment sold by registered dealers in certain  
44           counties from the sales tax; authorizing the  
45           Department of Revenue to adopt emergency rules;  
46           providing an appropriation to the Department of  
47           Revenue to administer the sales tax exemptions;  
48           defining the term "Disproportionally Affected County";  
49           providing an appropriation to the Office of Tourism,  
50           Trade, and Economic Development to contract with  
51           Florida's Great Northwest, Inc., in order to develop  
52           and implement an economic development program for a  
53           Disproportionally Affected County; specifying a  
54           preference for a Disproportionally Affected County or  
55           municipalities within a Disproportionally Affected  
56           County which provide for expedited or combined  
57           permitting for certain purposes; providing for the  
58           appropriation to be placed in reserve by the Executive

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59 Office of the Governor for release as authorized by  
60 law or the Legislative Budget Commission; defining the  
61 term "Disproportionally Affected County"; providing  
62 for the deposit of funds received by entities involved  
63 in the Deepwater Horizon oil spill into applicable  
64 state trust funds; specifying permissible uses of such  
65 funds; designating the Department of Environmental  
66 Protection as the lead agency for expending funds for  
67 environmental restoration; designating the Office of  
68 Tourism, Trade, and Economic Development as the lead  
69 agency for funds designated for economic incentives  
70 and diversification efforts; authorizing the holder of  
71 a lease of sovereignty submerged lands to apply to the  
72 Department of Environmental Protection for the payment  
73 or the reimbursement of lease fees for the period of  
74 the state of emergency for the Deepwater Horizon oil  
75 spill; specifying conditions for eligibility;  
76 requiring an application to the Department of  
77 Environmental Protection; requiring the Chief  
78 Financial Officer to use the full extent of the law to  
79 recover payments from the responsible party or other  
80 independently administered claims process; providing a  
81 short title for certain sections of the act; providing  
82 an effective date.

83

84 Be It Enacted by the Legislature of the State of Florida:

85

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

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88 14.2015 Office of Tourism, Trade, and Economic Development;  
89 creation; powers and duties.-

90 (11) (a) For purposes of this section, the term  
91 "Disproportionally Affected County" means Bay County, Escambia  
92 County, Franklin County, Gulf County, Okaloosa County, Santa  
93 Rosa County, or Walton County.

94 (b) When the Office of Tourism, Trade, and Economic  
95 Development determines it is in the best interest of the public  
96 for reasons of facilitating economic development, growth, or new  
97 employment opportunities within a Disproportionally Affected  
98 County, the Office of Tourism, Trade, and Economic Development  
99 may between July 1, 2011, and June 30, 2014, waive any or all  
100 job or wage eligibility requirements under s. 288.063, s.  
101 288.065, s. 288.0655, s. 288.0657, s. 288.0659, s. 288.107, s.  
102 288.108, s. 288.1081, s. 288.1088, or s. 288.1089 up to the  
103 cumulative amount of \$5 million of all state incentives received  
104 per project. Prior to granting such waiver, the director of the  
105 Office of Tourism, Trade, and Economic Development shall file  
106 with the Governor a written statement of the conditions and  
107 circumstances constituting the reason for the waiver.

108 (c) When the Office of Tourism, Trade, and Economic  
109 Development determines it is in the best interest of the public  
110 for reasons of facilitating economic development, growth, or new  
111 employment opportunities within a Disproportionally Affected  
112 County, the Office of Tourism, Trade, and Economic Development  
113 may between July 1, 2011, and June 30, 2014, waive any or all  
114 job or wage eligibility requirements under s. 288.063, s.  
115 288.065, s. 288.0655, s. 288.0657, s. 288.0659, s. 288.107, s.  
116 288.108, s. 288.1081, s. 288.1088, or s. 288.1089 for cumulative

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117 amounts in excess of \$5 million but less than \$10 million of all  
118 state incentives received per project. Prior to granting such  
119 waiver, the Office of Tourism, Trade, and Economic Development  
120 shall file with the Governor, the President of the Senate, and  
121 the Speaker of the House of Representatives a written statement  
122 of the conditions and circumstances constituting the reason for  
123 the waiver, and requesting written concurrence within 5 business  
124 days to the Governor from the President of the Senate and the  
125 Speaker of the House of Representatives. Without such  
126 concurrence, the waiver shall not occur.

127 (d) The Office of Tourism, Trade, and Economic Development  
128 is not authorized under this paragraph to waive job and wage  
129 eligibility requirements under s. 288.063, s. 288.065, s.  
130 288.0655, s. 288.0657, s. 288.0659, s. 288.107, s. 288.108, s.  
131 288.1081, s. 288.1088, or s. 288.1089 for cumulative amounts \$10  
132 million or more in state incentives received per project.

133 Section 2. Paragraph (h) of subsection (1) of section  
134 220.191, Florida Statutes, is amended to read:

135 220.191 Capital investment tax credit.—

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

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

139 1. A new or expanding facility in this state which creates  
140 at least 100 new jobs in this state and is in one of the high-  
141 impact sectors identified by Enterprise Florida, Inc., and  
142 certified by the office pursuant to s. 288.108(6), including,  
143 but not limited to, aviation, aerospace, automotive, and silicon  
144 technology industries. However, between July 1, 2011, and June  
145 30, 2014, the requirement that a facility be in a high-impact

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146 sector is waived for any otherwise eligible business from  
147 another state which locates all or a portion of its business to  
148 a Disproportionally Affected County as defined in s. 14.2015.~~†~~

149 2. A new or expanded facility in this state which is  
150 engaged in a target industry designated pursuant to the  
151 procedure specified in s. 288.106(2)(t) and which is induced by  
152 this credit to create or retain at least 1,000 jobs in this  
153 state, provided that at least 100 of those jobs are new, pay an  
154 annual average wage of at least 130 percent of the average  
155 private sector wage in the area as defined in s. 288.106(2), and  
156 make a cumulative capital investment of at least \$100 million  
157 ~~after July 1, 2005~~. Jobs may be considered retained only if  
158 there is significant evidence that the loss of jobs is imminent.  
159 Notwithstanding subsection (2), annual credits against the tax  
160 imposed by this chapter may ~~shall~~ not exceed 50 percent of the  
161 increased annual corporate income tax liability or the premium  
162 tax liability generated by or arising out of a project  
163 qualifying under this subparagraph. A facility that qualifies  
164 under this subparagraph for an annual credit against the tax  
165 imposed by this chapter may take the tax credit for a period not  
166 to exceed 5 years.† ~~or~~

167 3. A new or expanded headquarters facility in this state  
168 which locates in an enterprise zone and brownfield area and is  
169 induced by this credit to create at least 1,500 jobs that ~~which~~  
170 on average pay at least 200 percent of the statewide average  
171 annual private sector wage, as published by the Agency for  
172 Workforce Innovation or its successor, and which new or expanded  
173 headquarters facility makes a cumulative capital investment in  
174 this state of at least \$250 million.

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175 Section 3. Present subsection (8) of section 288.106,  
176 Florida Statutes, is renumbered as subsection (9), and a new  
177 subsection (8) is added to that section, to read:

178 288.106 Tax refund program for qualified target industry  
179 businesses.—

180 (8) SPECIAL INCENTIVES.—When the Office of Tourism, Trade,  
181 and Economic Development determines it is in the best interest  
182 of the public for reasons of facilitating economic development,  
183 growth, or new employment opportunities within a  
184 Disproportionally Affected County, the Office of Tourism, Trade,  
185 and Economic Development may between July 1, 2011, and June 30,  
186 2014, waive any or all wage or local financial support  
187 eligibility requirements and allow a qualified target industry  
188 business from another state which locates all or a portion of  
189 its business to a Disproportionally Affected County as defined  
190 in s. 14.2015 to receive a tax refund payment of up to \$6,000  
191 multiplied by the number of jobs specified in the tax refund  
192 agreement under subparagraph (5) (a)1. over the term of the  
193 agreement. Prior to granting such waiver, the director of the  
194 Office of Tourism, Trade, and Economic Development shall file  
195 with the Governor a written statement of the conditions and  
196 circumstances constituting the reason for the waiver. Such  
197 business shall be eligible for the additional tax refund  
198 payments specified in subparagraph (3) (b)4. if it meets the  
199 criteria.

200 Section 4. Section 252.363, Florida Statutes, is created to  
201 read:

202 252.363 Tolling and extension of permits and other  
203 authorizations.—

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204       (1) (a) The declaration of a state of emergency by the  
205 Governor tolls the period remaining to exercise the rights under  
206 a permit or other authorization for the duration of the  
207 emergency declaration. Further, the emergency declaration  
208 extends the period remaining to exercise the rights under a  
209 permit or other authorization for 6 months in addition to the  
210 tolled period. This paragraph applies to the following:

211       1. The expiration of a development order issued by a local  
212 government.

213       2. The expiration of a building permit.

214       3. The expiration of a permit issued by the Department of  
215 Environmental Protection or a water management district pursuant  
216 to part IV of chapter 373.

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

220       (b) Within 90 days after the termination of the emergency  
221 declaration, the holder of the permit or other authorization  
222 shall notify the issuing authority of the intent to exercise the  
223 tolling and extension granted under paragraph (a). The notice  
224 must be in writing and identify the specific permit or other  
225 authorization qualifying for extension.

226       (c) If the permit or other authorization for a phased  
227 construction project is extended, the commencement and  
228 completion dates for any required mitigation are extended such  
229 that the mitigation activities occur in the same timeframe  
230 relative to the phase as originally permitted.

231       (d) This subsection does not apply to:

232       1. A permit or other authorization for a building,



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233 improvement, or development located outside the geographic area  
234 for which the declaration of a state of emergency applies.

235 2. A permit or other authorization under any programmatic  
236 or regional general permit issued by the Army Corps of  
237 Engineers.

238 3. The holder of a permit or other authorization who is  
239 determined by the authorizing agency to be in significant  
240 noncompliance with the conditions of the permit or other  
241 authorization through the issuance of a warning letter or notice  
242 of violation, the initiation of formal enforcement, or an  
243 equivalent action.

244 4. A permit or other authorization that is subject to a  
245 court order specifying an expiration date or buildout date that  
246 would be in conflict with the extensions granted in this  
247 section.

248 (2) A permit or other authorization that is extended shall  
249 be governed by the laws, administrative rules, and ordinances in  
250 effect when the permit was issued, unless any party or the  
251 issuing authority demonstrates that operating under those laws,  
252 administrative rules, or ordinances will create an immediate  
253 threat to the public health or safety.

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

258 Section 5. Subsection (6) is added to section 253.02,  
259 Florida Statutes, to read:

260 253.02 Board of trustees; powers and duties.—

261 (6) The board of trustees shall report to the Legislature

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262 its recommendations as to whether any existing multistate  
263 compact for mutual aid should be modified or whether the state  
264 should enter into a new multistate compact to address the  
265 impacts of the Deepwater Horizon event or potentially similar  
266 future incidents. The report shall be submitted to the  
267 Legislature by February 1, 2012, and updated annually thereafter  
268 for 5 years.

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

270 (1) The Board of Trustees of the Internal Improvement Trust  
271 Fund shall appoint a commission consisting of a representative  
272 of the office of each board member, a representative of each  
273 state agency that directly and materially responded to the  
274 Deepwater Horizon disaster, and the chair of the board of county  
275 commissioners of each of the following counties: Bay County,  
276 Escambia County, Franklin County, Gulf County, Okaloosa County,  
277 Santa Rosa County, and Walton County. The Governor shall select  
278 the chair of the commission from among the appointees.

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

281 (a) Identifies potential changes to state and federal law  
282 and regulations which will improve the oversight and monitoring  
283 of offshore drilling activities and increase response  
284 capabilities to offshore oil spills.

285 (b) Identifies potential changes to state and federal law  
286 and regulations which will improve protections for public health  
287 and safety, occupational health and safety, and the environment  
288 and natural resources.

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

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

293 (e) Evaluates the need for changes to interstate  
294 coordination agreements in order to reduce the potential for  
295 damage claims and lawsuits.

296 (f) Addresses any other related issues as determined by the  
297 commission.

298 (3) The board of trustees shall deliver the report to the  
299 Governor, the President of the Senate, the Speaker of the House  
300 of Representatives, the Secretary of Environmental Protection,  
301 and the director of the Office of Tourism, Trade, and Economic  
302 Development by September 1, 2012.

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

304 Section 7. (1) The tax levied under chapter 212, Florida  
305 Statutes, may not be collected on the sale of a recreational  
306 vessel, commercial vessel, or marine equipment from a registered  
307 dealer in Bay County, Escambia County, Franklin County, Gulf  
308 County, Okaloosa County, Santa Rosa County, or Walton County  
309 from 12:01 a.m., July 1, 2011, through midnight, September 30,  
310 2011.

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

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

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

316 (c) "Marine equipment" means the following items designed  
317 to be used on boats: radios, global positioning systems, radar  
318 and sonar devices, antennae, personal flotation devices, bilge  
319 pumps, marine safety equipment, and anchors and anchoring

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320 accessories. The term "marine equipment" also includes boat  
321 engines and machine parts designed for boat engines and  
322 commercial fishing nets.

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

326 Section 8. (1) For purposes of this section, the term  
327 "Disproportionally Affected County" means Bay County, Escambia  
328 County, Franklin County, Gulf County, Okaloosa County, Santa  
329 Rosa County, or Walton County.

330 (2) There is appropriated for the 2011-2012 fiscal year the  
331 sum of \$10 million in recurring funds from the General Revenue  
332 Fund to the Office of Tourism, Trade, and Economic Development.  
333 The Office of Tourism, Trade, and Economic Development shall use  
334 these funds to execute a \$10 million contract with Florida's  
335 Great Northwest, Inc., for the purpose of developing and  
336 implementing an innovative economic development program for  
337 promoting research and development, commercialization of  
338 research, economic diversification, and job creation in a  
339 Disproportionally Affected County.

340 (3) The contract between the Office of Tourism, Trade, and  
341 Economic Development and Florida's Great Northwest, Inc., shall,  
342 at a minimum, require Florida's Great Northwest Inc., to report  
343 quarterly to the Office of Tourism, Trade, and Economic  
344 Development and to collaborate with educational entities,  
345 economic development organizations, local governments, and  
346 relevant state agencies to create a program framework and  
347 strategy, including specific criteria governing the expenditure  
348 of funds. The criteria for the expenditure of funds shall, at a

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349 minimum, require a funding preference for any Disproportionally  
350 Affected County and any municipality within a Disproportionally  
351 Affected County which provides for expedited permitting in order  
352 to promote research and development, commercialization of  
353 research, economic diversification, and job creation within  
354 their respective jurisdictions. The criteria for the expenditure  
355 of funds shall, at a minimum, also require a funding preference  
356 for any Disproportionally Affected County and any municipality  
357 within a Disproportionally Affected County which combines its  
358 permitting processes and expedites permitting in order to  
359 promote research and development, commercialization of research,  
360 economic diversification, and job creation within their  
361 respective jurisdictions.

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

364 (5) The funds appropriated in this section shall be placed  
365 in reserve by the Executive Office of the Governor, and may be  
366 released as authorized by law or the Legislative Budget  
367 Commission.

368 Section 9. (1) For purposes of this section, the term  
369 "Disproportionally Affected County" means Bay County, Escambia  
370 County, Franklin County, Gulf County, Okaloosa County, Santa  
371 Rosa County, or Walton County.

372 (2) Any funds received by the state from any governmental  
373 or private entity for damages caused by the Deepwater Horizon  
374 oil spill shall be deposited into the applicable state trust  
375 funds and expended pursuant to state law or as approved by the  
376 Legislative Budget Commission.

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

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378 (a) Scientific research into the impact of the oil spill on  
379 fisheries and coastal wildlife and vegetation along any  
380 Disproportionally Affected County's shoreline and the  
381 development of strategies to implement restoration measures  
382 suggested by such research;

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

385 (c) Economic incentives directed to any Disproportionally  
386 Affected County; and

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

389 (4) The remaining 25 percent of such moneys may be used  
390 for:

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

396 (b) Environmental restoration of coastal areas damaged by  
397 the oil spill in any county other than a Disproportionally  
398 Affected County;

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

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

403 (5) (a) The Department of Environmental Protection is the  
404 lead agency for expending the funds designated for environmental  
405 restoration efforts.

406 (b) The Office of Tourism, Trade, and Economic Development

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407 is the lead agency for expending the funds designated for  
408 economic incentives and diversification efforts.

409 Section 10. (1) The holder of a lease of sovereignty  
410 submerged lands may apply to the Department of Environmental  
411 Protection for reimbursement of lease fees paid for the lease of  
412 sovereignty submerged lands or for the payment of those lease  
413 fees by the responsible party or any other independently  
414 administered claims process if the leaseholder:

415 (a) Is in substantial compliance with the lease conditions,  
416 excluding lease payments due during a state of emergency  
417 declared by the Governor related to the Deepwater Horizon oil  
418 spill; and

419 (b) Has received payment for an economic loss due to the  
420 Deepwater Horizon oil spill from the responsible party or other  
421 independently administered claims process which did not include  
422 reimbursement for lease fees paid or funds to pay the lease  
423 fees.

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

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

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

434 (c) The receipt of compensation, if any, from the  
435 responsible party or any other independently administered claims

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436 process which did not reimburse the leaseholder for lease fees  
437 paid to the credit of the Internal Improvement Trust Fund or did  
438 not include funds to pay the lease fees; and

439 (d) The amount of the claim. The amount of the claim is  
440 limited to the pro rata amount of lease fees for the period of a  
441 state of emergency declared by the Governor related to the  
442 Deepwater Horizon oil spill for the county in which the lease  
443 was located.

444 (3) Applications shall be submitted to the Department of  
445 Environmental Protection on forms provided by the department.  
446 Payments received from the responsible party or any other  
447 independently administered claims process shall be applied to  
448 the approved applications received by the Department of  
449 Environmental Protection during the corresponding fiscal year.  
450 Applications shall be processed by the Department of  
451 Environmental Protection until such time as all claims have been  
452 processed by the responsible party or any other independently  
453 administered claims process.

454 (4) The Department of Environmental Protection shall post  
455 on its website a copy of the application and instructions for  
456 completing the application.

457 (5) The Department of Environmental Protection shall submit  
458 the approved amount of claims for each fiscal year to the Chief  
459 Financial Officer in order to request payment of the approved  
460 amount from the responsible party or any other independently  
461 administered claims process. The Chief Financial Officer shall  
462 use the full extent of the law to recover payments sufficient to  
463 cover the amount needed to credit or reimburse lease fees for  
464 applications approved each fiscal year.



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465       (6) Upon receipt of payment from the responsible party or  
466 any other independently administered claims process, the Chief  
467 Financial Officer shall deposit the payment into the Internal  
468 Improvement Trust Fund. Upon the deposit of the funds, the  
469 Department of Environmental Protection shall:

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

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

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

482       (8) For purposes of this section, the term "lease fees"  
483 includes any associated sales or use tax under chapter 212,  
484 Florida Statutes.

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

488       Section 11. Sections 1, 2, 3, 7, 8 and 9 of this act may be  
489 cited as the "Oil Spill Recovery Act."

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