

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

576-02364A-11

2011248c3

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

576-02364A-11

2011248c3

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; defining the term
42 "Disproportionally Affected County"; providing an
43 appropriation to the Office of Tourism, Trade, and
44 Economic Development to contract with Florida's Great
45 Northwest, Inc., in order to develop and implement an
46 economic development program for a Disproportionally
47 Affected County; specifying a preference for a
48 Disproportionally Affected County or municipalities
49 within a Disproportionally Affected County which
50 provide for expedited or combined permitting for
51 certain purposes; providing for the appropriation to
52 be placed in reserve by the Executive Office of the
53 Governor for release as authorized by law or the
54 Legislative Budget Commission; defining the term
55 "Disproportionally Affected County"; providing for the
56 deposit of funds received by entities involved in the
57 Deepwater Horizon oil spill into applicable state
58 trust funds; specifying permissible uses of such

576-02364A-11

2011248c3

59 funds; designating the Department of Environmental
60 Protection as the lead agency for expending funds for
61 environmental restoration; designating the Office of
62 Tourism, Trade, and Economic Development as the lead
63 agency for funds designated for economic incentives
64 and diversification efforts; authorizing the holder of
65 a lease of sovereignty submerged lands to apply to the
66 Department of Environmental Protection for the payment
67 or the reimbursement of lease fees for the period of
68 the 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. Subsection (11) is added to section 14.2015,
81 Florida Statutes, to read:

82 14.2015 Office of Tourism, Trade, and Economic Development;
83 creation; powers and duties.-

84 (11) (a) For purposes of this section, the term
85 "Disproportionally Affected County" means Bay County, Escambia
86 County, Franklin County, Gulf County, Okaloosa County, Santa
87 Rosa County, Walton County, or Wakulla County.

576-02364A-11

2011248c3

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

102 (c) When the Office of Tourism, Trade, and Economic
103 Development determines it is in the best interest of the public
104 for reasons of facilitating economic development, growth, or new
105 employment opportunities within a Disproportionally Affected
106 County, the Office of Tourism, Trade, and Economic Development
107 may between July 1, 2011, and June 30, 2014, waive any or all
108 job or wage eligibility requirements under s. 288.063, s.
109 288.065, s. 288.0655, s. 288.0657, s. 288.0659, s. 288.107, s.
110 288.108, s. 288.1081, s. 288.1088, or s. 288.1089 for cumulative
111 amounts in excess of \$5 million but less than \$10 million of all
112 state incentives received per project. Prior to granting such
113 waiver, the Office of Tourism, Trade, and Economic Development
114 shall file with the Governor, the President of the Senate, and
115 the Speaker of the House of Representatives a written statement
116 of the conditions and circumstances constituting the reason for

576-02364A-11

2011248c3

117 the waiver, and requesting written concurrence within 5 business
118 days to the Governor from the President of the Senate and the
119 Speaker of the House of Representatives. Without such
120 concurrence, the waiver shall not occur.

121 (d) The Office of Tourism, Trade, and Economic Development
122 is not authorized under this paragraph to waive job and wage
123 eligibility requirements under s. 288.063, s. 288.065, s.
124 288.0655, s. 288.0657, s. 288.0659, s. 288.107, s. 288.108, s.
125 288.1081, s. 288.1088, or s. 288.1089 for cumulative amounts \$10
126 million or more in state incentives received per project.

127 Section 2. Paragraph (h) of subsection (1) of section
128 220.191, Florida Statutes, is amended to read:

129 220.191 Capital investment tax credit.—

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

131 (h) “Qualifying project” means a facility in this state
132 meeting one or more of the following criteria:

133 1. A new or expanding facility in this state which creates
134 at least 100 new jobs in this state and is in one of the high-
135 impact sectors identified by Enterprise Florida, Inc., and
136 certified by the office pursuant to s. 288.108(6), including,
137 but not limited to, aviation, aerospace, automotive, and silicon
138 technology industries. However, between July 1, 2011, and June
139 30, 2014, the requirement that a facility be in a high-impact
140 sector is waived for any otherwise eligible business from
141 another state which locates all or a portion of its business to
142 a Disproportionally Affected County as defined in s. 14.2015.†

143 2. A new or expanded facility in this state which is
144 engaged in a target industry designated pursuant to the
145 procedure specified in s. 288.106(2)(t) and which is induced by

576-02364A-11

2011248c3

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

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

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

172 288.106 Tax refund program for qualified target industry
173 businesses.—

174 (8) SPECIAL INCENTIVES.—When the Office of Tourism, Trade,

576-02364A-11

2011248c3

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

194 Section 4. Section 252.363, Florida Statutes, is created to
195 read:

196 252.363 Tolling and extension of permits and other
197 authorizations.—

198 (1) (a) The declaration of a state of emergency by the
199 Governor tolls the period remaining to exercise the rights under
200 a permit or other authorization for the duration of the
201 emergency declaration. Further, the emergency declaration
202 extends the period remaining to exercise the rights under a
203 permit or other authorization for 6 months in addition to the

576-02364A-11

2011248c3

204 tolled period. This paragraph applies to the following:

205 1. The expiration of a development order issued by a local
206 government.

207 2. The expiration of a building permit.

208 3. The expiration of a permit issued by the Department of
209 Environmental Protection or a water management district pursuant
210 to part IV of chapter 373.

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

214 (b) Within 90 days after the termination of the emergency
215 declaration, the holder of the permit or other authorization
216 shall notify the issuing authority of the intent to exercise the
217 tolling and extension granted under paragraph (a). The notice
218 must be in writing and identify the specific permit or other
219 authorization qualifying for extension.

220 (c) If the permit or other authorization for a phased
221 construction project is extended, the commencement and
222 completion dates for any required mitigation are extended such
223 that the mitigation activities occur in the same timeframe
224 relative to the phase as originally permitted.

225 (d) This subsection does not apply to:

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

229 2. A permit or other authorization under any programmatic
230 or regional general permit issued by the Army Corps of
231 Engineers.

232 3. The holder of a permit or other authorization who is

576-02364A-11

2011248c3

233 determined by the authorizing agency to be in significant
234 noncompliance with the conditions of the permit or other
235 authorization through the issuance of a warning letter or notice
236 of violation, the initiation of formal enforcement, or an
237 equivalent action.

238 4. A permit or other authorization that is subject to a
239 court order specifying an expiration date or buildout date that
240 would be in conflict with the extensions granted in this
241 section.

242 (2) A permit or other authorization that is extended shall
243 be governed by the laws, administrative rules, and ordinances in
244 effect when the permit was issued, unless any party or the
245 issuing authority demonstrates that operating under those laws,
246 administrative rules, or ordinances will create an immediate
247 threat to the public health or safety.

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

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

254 253.02 Board of trustees; powers and duties.—

255 (6) The board of trustees shall report to the Legislature
256 its recommendations as to whether any existing multistate
257 compact for mutual aid should be modified or whether the state
258 should enter into a new multistate compact to address the
259 impacts of the Deepwater Horizon event or potentially similar
260 future incidents. The report shall be submitted to the
261 Legislature by February 1, 2012, and updated annually thereafter

576-02364A-11

2011248c3

262 for 5 years.

263 Section 6. Commission on Oil Spill Response Coordination.-

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

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

276 (a) Identifies potential changes to state and federal law
277 and regulations which will improve the oversight and monitoring
278 of offshore drilling activities and increase response
279 capabilities to offshore oil spills.

280 (b) Identifies potential changes to state and federal law
281 and regulations which will improve protections for public health
282 and safety, occupational health and safety, and the environment
283 and natural resources.

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

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

288 (e) Evaluates the need for changes to interstate
289 coordination agreements in order to reduce the potential for
290 damage claims and lawsuits.

576-02364A-11

2011248c3

291 (f) Addresses any other related issues as determined by the
292 commission.

293 (3) The board of trustees shall deliver the report to the
294 Governor, the President of the Senate, the Speaker of the House
295 of Representatives, the Secretary of Environmental Protection,
296 and the director of the Office of Tourism, Trade, and Economic
297 Development by September 1, 2012.

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

299 Section 7. (1) For purposes of this section, the term
300 "Disproportionally Affected County" means Bay County, Escambia
301 County, Franklin County, Gulf County, Okaloosa County, Santa
302 Rosa County, Walton County, or Wakulla County.

303 (2) There is appropriated for the 2011-2012 fiscal year the
304 sum of \$10 million in recurring funds from the General Revenue
305 Fund to the Office of Tourism, Trade, and Economic Development.
306 The Office of Tourism, Trade, and Economic Development shall use
307 these funds to execute a \$10 million contract with Florida's
308 Great Northwest, Inc., or with an affiliated entity established
309 to support oil spill recovery efforts in the eight
310 Disproportionally Affected Counties, for the charitable purpose
311 of developing and implementing an innovative economic
312 development program for promoting research and development,
313 commercialization of research, economic diversification, and job
314 creation in a Disproportionally Affected County.

315 (3) The contract between the Office of Tourism, Trade, and
316 Economic Development and Florida's Great Northwest, Inc., or
317 such affiliated entity shall, at a minimum, require Florida's
318 Great Northwest Inc., or such affiliated entity to report
319 quarterly to the Office of Tourism, Trade, and Economic

576-02364A-11

2011248c3

320 Development and to collaborate with educational entities,
321 economic development organizations, local governments, and
322 relevant state agencies to create a program framework and
323 strategy, including specific criteria governing the expenditure
324 of funds. The criteria for the expenditure of funds shall, at a
325 minimum, require a funding preference for any Disproportionally
326 Affected County and any municipality within a Disproportionally
327 Affected County which provides for expedited permitting in order
328 to promote research and development, commercialization of
329 research, economic diversification, and job creation within
330 their respective jurisdictions. The criteria for the expenditure
331 of funds shall, at a minimum, also require a funding preference
332 for any Disproportionally Affected County and any municipality
333 within a Disproportionally Affected County which combines its
334 permitting processes and expedites permitting in order to
335 promote research and development, commercialization of research,
336 economic diversification, and job creation within their
337 respective jurisdictions.

338 (4) None of the funds appropriated in this section may be
339 used for administrative costs of Florida's Great Northwest,
340 Inc., or such affiliated entity.

341 (5) The funds appropriated in this section shall be placed
342 in reserve by the Executive Office of the Governor, and may be
343 released as authorized by law or the Legislative Budget
344 Commission.

345 Section 8. (1) For purposes of this section, the term
346 "Disproportionally Affected County" means Bay County, Escambia
347 County, Franklin County, Gulf County, Okaloosa County, Santa
348 Rosa County, Walton County, or Wakulla County.

576-02364A-11

2011248c3

349 (2) Any funds received by the state from any governmental
350 or private entity for damages caused by the Deepwater Horizon
351 oil spill shall be deposited into the applicable state trust
352 funds and expended pursuant to state law or as approved by the
353 Legislative Budget Commission.

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

355 (a) Scientific research into the impact of the oil spill on
356 fisheries and coastal wildlife and vegetation along any
357 Disproportionally Affected County's shoreline and the
358 development of strategies to implement restoration measures
359 suggested by such research;

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

362 (c) Economic incentives directed to any Disproportionally
363 Affected County; and

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

366 (4) The remaining 25 percent of such moneys may be used
367 for:

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

373 (b) Environmental restoration of coastal areas damaged by
374 the oil spill in any county other than a Disproportionally
375 Affected County;

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

576-02364A-11

2011248c3

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

380 (5) (a) The Department of Environmental Protection is the
381 lead agency for expending the funds designated for environmental
382 restoration efforts.

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

386 Section 9. (1) The holder of a lease of sovereignty
387 submerged lands may apply to the Department of Environmental
388 Protection for reimbursement of lease fees paid for the lease of
389 sovereignty submerged lands or for the payment of those lease
390 fees by the responsible party or any other independently
391 administered claims process if the leaseholder:

392 (a) Is in substantial compliance with the lease conditions,
393 excluding lease payments due during a state of emergency
394 declared by the Governor related to the Deepwater Horizon oil
395 spill; and

396 (b) Has received payment for an economic loss due to the
397 Deepwater Horizon oil spill from the responsible party or other
398 independently administered claims process which did not include
399 reimbursement for lease fees paid or funds to pay the lease
400 fees.

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

403 (a) An economic loss due to the Deepwater Horizon oil spill
404 which has impaired the leaseholder's ability to pay lease fees.
405 Such documentation may include a copy of a claim filed with the
406 responsible party or any other independently administered claims

576-02364A-11

2011248c3

407 process;

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

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

416 (d) The amount of the claim. The amount of the claim is
417 limited to the pro rata amount of lease fees for the period of a
418 state of emergency declared by the Governor related to the
419 Deepwater Horizon oil spill for the county in which the lease
420 was located.

421 (3) Applications shall be submitted to the Department of
422 Environmental Protection on forms provided by the department.
423 Payments received from the responsible party or any other
424 independently administered claims process shall be applied to
425 the approved applications received by the Department of
426 Environmental Protection during the corresponding fiscal year.
427 Applications shall be processed by the Department of
428 Environmental Protection until such time as all claims have been
429 processed by the responsible party or any other independently
430 administered claims process.

431 (4) The Department of Environmental Protection shall post
432 on its website a copy of the application and instructions for
433 completing the application.

434 (5) The Department of Environmental Protection shall submit
435 the approved amount of claims for each fiscal year to the Chief

576-02364A-11

2011248c3

436 Financial Officer in order to request payment of the approved
437 amount from the responsible party or any other independently
438 administered claims process. The Chief Financial Officer shall
439 use the full extent of the law to recover payments sufficient to
440 cover the amount needed to credit or reimburse lease fees for
441 applications approved each fiscal year.

442 (6) Upon receipt of payment from the responsible party or
443 any other independently administered claims process, the Chief
444 Financial Officer shall deposit the payment into the Internal
445 Improvement Trust Fund. Upon the deposit of the funds, the
446 Department of Environmental Protection shall:

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

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

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

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

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

576-02364A-11

2011248c3

465 Section 10. Sections 1, 2, 3, 7, and 8 of this act may be
466 cited as the "Oil Spill Recovery Act."

467 Section 11. This act shall take effect upon becoming a law.