



398284

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/11/2011	.	
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The Committee on Community Affairs (Thrasher) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

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



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13 (b) For a project submitted by a business seeking to
14 relocate from another state to a Disproportionally Affected
15 County between July 1, 2011, and June 30, 2014, the Office of
16 Tourism, Trade, and Economic Development may, up to the
17 cumulative amount of \$5 million, waive any or all requirements
18 of any program or programs specifically assigned to the Office
19 of Tourism, Trade, and Economic Development by law, the
20 appropriations process, or by the Governor if the Office of
21 Tourism, Trade, and Economic Development determines such waiver
22 is in the best interest of the public. Prior to granting such
23 waiver, the Director of the Office of Tourism, Trade, and
24 Economic Development shall file with the Governor a written
25 statement of the conditions and circumstances constituting the
26 reason for the waiver.

27 (c) For a project submitted by a business seeking to
28 relocate from another state to a Disproportionally Affected
29 County between July 1, 2011, and June 30, 2014, the Office of
30 Tourism, Trade, and Economic Development may, for cumulative
31 amounts in excess of \$5 million but less than \$10 million, waive
32 any or all requirements of any program or programs specifically
33 assigned to the Office of Tourism, Trade, and Economic
34 Development by law, the appropriations process, or by the
35 Governor if the Office of Tourism, Trade, and Economic
36 Development determines such waiver is in the best interest of
37 the public. Prior to granting such waiver, the Office of
38 Tourism, Trade, and Economic Development Shall file with the
39 Governor, President of the Senate, and Speaker of the House of
40 Representatives a written statement of the conditions and
41 circumstances constituting the reason for the waiver, and



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42 requesting written concurrence within 5 business days to the
43 Governor from the President of the Senate and the Speaker of the
44 House of Representatives. Without such concurrence, the waiver
45 shall not occur.

46 (d) A project submitted by a business seeking to relocate
47 from another state to a Disproportionally Affected County
48 between July 1, 2011, and June 30, 2014, that receives a total
49 of \$10 million or more from any program or programs assigned to
50 the Office of Tourism, Trade, and Economic Development office by
51 law, the appropriations process, or by the Governor shall not be
52 eligible for a waiver under this section.

53 Section 2.Section 252.363, Florida Statutes, is created to
54 read:

55 252.363 Tolling and extension of permits and other
56 authorizations.—

57 (1) (a) The declaration of a state of emergency by the
58 Governor tolls the period remaining to exercise the rights under
59 a permit or other authorization for the duration of the
60 emergency declaration. Further, the emergency declaration
61 extends the period remaining to exercise the rights under a
62 permit or other authorization for 6 months in addition to the
63 tolled period. This paragraph applies to the following:

64 1. The expiration of a development order issued by a local
65 government.

66 2. The expiration of a building permit.

67 3. The expiration of a permit issued by the Department of
68 Environmental Protection or a water management district pursuant
69 to part IV of chapter 373.

70 4. The buildout date of a development of regional impact,



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71 including any extension of a buildout date that was previously
72 granted pursuant to s. 380.06(19)(c).

73 (b) Within 90 days after the termination of the emergency
74 declaration, the holder of the permit or other authorization
75 shall notify the issuing authority of the intent to exercise the
76 tolling and extension granted under paragraph (a). The notice
77 must be in writing and identify the specific permit or other
78 authorization qualifying for extension.

79 (c) If the permit or other authorization for a phased
80 construction project is extended, the commencement and
81 completion dates for any required mitigation are extended such
82 that the mitigation activities occur in the same timeframe
83 relative to the phase as originally permitted.

84 (d) This subsection does not apply to:

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

88 2. A permit or other authorization under any programmatic
89 or regional general permit issued by the Army Corps of
90 Engineers.

91 3. The holder of a permit or other authorization who is
92 determined by the authorizing agency to be in significant
93 noncompliance with the conditions of the permit or other
94 authorization through the issuance of a warning letter or notice
95 of violation, the initiation of formal enforcement, or an
96 equivalent action.

97 4. A permit or other authorization that is subject to a
98 court order specifying an expiration date or buildout date that
99 would be in conflict with the extensions granted in this



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100 section.

101 (2) A permit or other authorization that is extended shall
102 be governed by the laws, administrative rules, and ordinances in
103 effect when the permit was issued, unless any party or the
104 issuing authority demonstrates that operating under those laws,
105 administrative rules, or ordinances will create an immediate
106 threat to the public health or safety.

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

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

113 253.02 Board of trustees; powers and duties.-

114 (6) The board of trustees shall report to the Legislature
115 its recommendations as to whether any existing multistate
116 compact for mutual aid should be modified or whether the state
117 should enter into a new multistate compact to address the
118 impacts of the Deepwater Horizon event or potentially similar
119 future incidents. The report shall be submitted to the
120 Legislature by February 1, 2012, and updated annually thereafter
121 for 5 years.

122 Section 4.Commission on Oil Spill Response Coordination.-

123 (1) The Board of Trustees of the Internal Improvement Trust
124 Fund shall appoint a commission consisting of a representative
125 of the office of each board member, a representative of each
126 state agency that directly and materially responded to the
127 Deepwater Horizon disaster, and the chair of each of the
128 following counties: Bay County, Escambia County, Franklin



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129 County, Gulf County, Okaloosa County, Santa Rosa County, and
130 Walton County. The Governor shall select the chair of the panel
131 from among the appointees.

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

134 (a) Identifies potential changes to state and federal law
135 and regulations which will improve the oversight and monitoring
136 of offshore drilling activities and increase response
137 capabilities to offshore oil spills.

138 (b) Identifies potential changes to state and federal law
139 and regulations which will improve protections for public health
140 and safety, occupational health and safety, and the environment
141 and natural resources.

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

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

146 (e) Evaluates the need for changes to interstate
147 coordination agreements in order to reduce the potential for
148 damage claims and lawsuits.

149 (f) Addresses any other related issues as determined by the
150 commission.

151 (3) The board of trustees shall deliver the report to the
152 Governor, the President of the Senate, the Speaker of the House
153 of Representatives, the Secretary of Environmental Protection,
154 and the director of the Office of Tourism, Trade, and Economic
155 Development by September 1, 2012.

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

157 Section 5.(1) The tax levied under chapter 212, Florida



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158 Statutes, may not be collected on the sale of a recreational
159 vessel, commercial vessel, or marine equipment from a registered
160 dealer in Bay County, Escambia County, Franklin County, Gulf
161 County, Okaloosa County, Santa Rosa County, or Walton County
162 from 12:01 a.m., July 1, 2011, through midnight, September 30,
163 2011.

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

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

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

169 (c) "Marine equipment" means the following items designed
170 to be used on boats: radios, global positioning systems, radar
171 and sonar devices, antennae, personal flotation devices, bilge
172 pumps, marine safety equipment, and anchors and anchoring
173 accessories. The term "marine equipment" also includes boat
174 engines and machine parts designed for boat engines and
175 commercial fishing nets.

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

179 Section 6.(1) For purposes of this section, the term
180 "Disproportionally Affected County" means Bay County, Escambia
181 County, Franklin County, Gulf County, Okaloosa County, Santa
182 Rosa County, or Walton County.

183 (2) There is appropriated for the 2011-2012 fiscal year the
184 sum of \$10 million in recurring funds from the General Revenue
185 Fund to the Office of Tourism, Trade, and Economic Development.
186 The Office of Tourism, Trade, and Economic Development shall use



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187 these funds to execute a \$10 million contract with Florida's
188 Great Northwest, Inc., for the purpose of developing and
189 implementing an innovative economic development program for
190 promoting research and development, commercialization of
191 research, economic diversification, and job creation in any
192 Disproportionally Affected County.

193 (3) The contract between the Office of Tourism, Trade, and
194 Economic Development and Florida's Great Northwest, Inc., shall
195 at a minimum, require Florida's Great Northwest Inc., to report
196 quarterly to the Office of Tourism, Trade, and Economic
197 Development and to collaborate with educational entities,
198 economic development organizations, local governments, and
199 relevant state agencies to create a program framework and
200 strategy, including specific criteria governing the expenditure
201 of funds. The criteria for the expenditure of funds shall, at a
202 minimum, require a funding preference for any Disproportionally
203 Affected County and any municipality within a Disproportionally
204 Affected County which provides for expedited permitting in order
205 to promote research and development, commercialization of
206 research, economic diversification, and job creation within
207 their respective jurisdictions. The criteria for the expenditure
208 of funds shall, at a minimum, also require a funding preference
209 for any Disproportionally Affected County and any municipality
210 within a Disproportionally Affected County which combines their
211 permitting processes for expedited permitting in order to
212 promote research and development, commercialization of research,
213 economic diversification, and job creation within their
214 respective jurisdictions.

215 (4) None of the funds appropriated in this section may be



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216 used for administrative costs of Florida's Great Northwest, Inc.

217 (5) The funds appropriated in this section shall be placed
218 in reserve by the Executive Office of the Governor, and may be
219 released as authorized by law or the Legislative Budget
220 Commission.

221 Section 7.(1) For purposes of this section, the term
222 "Disproportionally Affected County" means Bay County, Escambia
223 County, Franklin County, Gulf County, Okaloosa County, Santa
224 Rosa County, or Walton County.

225 (2) Any funds received by the state from any governmental
226 or private entity for damages caused by the Deepwater Horizon
227 oil spill shall be deposited into the applicable state trust
228 funds and expended pursuant to state law or as approved by the
229 Legislative Budget Commission.

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

231 (a) Scientific research into the impact of the oil spill
232 fisheries and coastal wildlife and vegetation along any
233 Disproportionally Affected County's shoreline and the
234 development of strategies to implement restoration measures
235 suggested by such research;

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

238 (c) Economic incentives directed to any Disproportionally
239 Affected County of the state; and

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

242 (4) The remaining 25 percent of such moneys may be used
243 for:

244 (a) Scientific research into the impact of the oil spill



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245 fisheries and coastal wildlife and vegetation along any the
246 state's shoreline which is not a Disproportionally Affected
247 County's shoreline and the development of strategies to
248 implement restoration measures suggested by such research;

249 (b) Environmental restoration of coastal areas damaged by
250 the oil spill in any county other than a Disproportionally
251 Affected County;

252 (c) Economic incentives directed to any county other than a
253 Disproportionally Affected County of the state; and

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

256 (5) (a) The Department of Environmental Protection is the
257 lead agency for expending the funds designated for environmental
258 restoration efforts.

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

262 Section 8. (1) The holder of a lease of sovereignty
263 submerged lands may apply to the Department of Environmental
264 Protection for reimbursement of lease fees paid for the lease of
265 sovereignty submerged lands or for the payment of those lease
266 fees by the responsible party or any other independently
267 administered claims process if the leaseholder:

268 (a) Is in substantial compliance with the lease conditions,
269 excluding lease payments due during the state of emergency
270 declared by the Governor related to the Deepwater Horizon oil
271 spill;

272 (b) Has received payment for an economic loss due to the
273 Deepwater Horizon oil spill from the responsible party or other



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274 independently administered claims process which did not include
275 reimbursement for lease fees paid or funds to pay the lease
276 fees.

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

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

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

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

292 (d) The amount of the claim. The amount of the claim is
293 limited to the pro rata amount of lease fees for the period a
294 state of emergency declared by the Governor related to the
295 Deepwater Horizon oil spill for the county in which the lease
296 was located.

297 (3) Applications shall be submitted to the Department of
298 Environmental Protection on forms provided by the department.
299 Payments received from the responsible party or any other
300 independently administered claims process shall be applied to
301 the approved applications received by the Department of
302 Environmental Protection during the corresponding fiscal year.



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303 Applications shall be processed by the Department of
304 Environmental Protection until such time as all claims have been
305 processed by the responsible party or any other independently
306 administered claims process.

307 (4) The Department of Environmental Protection shall post
308 on its website a copy of the application and instructions for
309 completing the application.

310 (5) The Department of Environmental Protection shall submit
311 the approved amount of claims for each fiscal year to the Chief
312 Financial Officer to request payment of the approved amount from
313 the responsible party or any other independently administered
314 claims process. The Chief Financial Officer shall use the full
315 extent of the law to recover payments sufficient to cover the
316 amount needed to credit or reimburse lease fees for applications
317 approved each fiscal year.

318 (6) Upon receipt of payment from the responsible party or
319 any other independently administered claims process, the Chief
320 Financial Officer shall deposit the payment into the Internal
321 Improvement Trust Fund. Upon the deposit of the funds, the
322 Department of Environmental Protection shall:

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

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

331 (7) If the amount deposited into the Internal Improvement



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332 Trust Fund in any fiscal year is insufficient to fully reimburse
333 or credit all approved applications, the department shall issue
334 reimbursements or credits on a pro rata basis.

335 (8) For purposes of this section, the term "lease fees"
336 includes any associated sales or use tax under ch. 212.

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

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

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

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345 ===== T I T L E A M E N D M E N T =====

346 And the title is amended as follows:

347 Delete everything before the enacting clause
348 and insert:

349 A bill to be entitled
350 An act relating to economic recovery from the
351 Deepwater Horizon disaster; amending s. 14.2015, F.S.;
352 defining Disproportionally Affected County; creating a
353 process for the Office of Tourism, Trade, and Economic
354 Development to waive any or all program requirements
355 under certain circumstances when in the best interest
356 of the state; creating s. 252.363, F.S.; tolling and
357 extending the expiration dates of certain building
358 permits or other authorizations following the
359 declaration of a state of emergency by the Governor;
360 providing exceptions; providing for the laws,



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361 administrative rules, and ordinances in effect when
362 the permit was issued to apply to activities described
363 in a permit or other authorization; providing an
364 exception; amending s. 253.02, F.S.; requiring the
365 Board of Trustees of the Internal Improvement Trust
366 Fund to recommend to the Legislature whether existing
367 multistate compacts for mutual aid should be modified
368 or if a new multistate compact is necessary to address
369 the Deepwater Horizon event or similar future
370 incidents; requiring that the Board of Trustees of the
371 Internal Improvement Trust Fund appoint members to the
372 Commission on Oil Spill Response Coordination;
373 providing for the designation of the chair of the
374 commission by the Governor; requiring the commission
375 to prepare a report for review and approval by the
376 board of trustees; specifying the subject matter of
377 the report; temporarily exempting the sale of
378 commercial vessels, recreational vessels, and marine
379 equipment sold by registered dealers in certain
380 counties from the sales tax; authorizing the
381 Department of Revenue to adopt emergency rules;
382 providing an appropriation to the Department of
383 Revenue to administer the sales tax exemptions;
384 defining Disproportionally Affected County; providing
385 an appropriation to the Office of Tourism, Trade, and
386 Economic Development to contract with Florida's Great
387 Northwest, Inc., in order to develop and implement an
388 economic development program for a Disproportionally
389 Affected County; specifying a preference for a



390 Disproportionally Affected County or municipalities
391 within a Disproportionally Affected County which
392 provide expedited or combined permitting for certain
393 purposes; providing for the appropriation to be placed
394 in reserve by the Executive Office of the Governor for
395 release as authorized by law or the Legislative Budget
396 Commission; defining Disproportionally Affected
397 County; providing for the deposit of federal funds or
398 entities involved in the Deepwater Horizon oil spill
399 into applicable state trust funds; specifying
400 permissible uses of such funds; designating the
401 Department of Environmental Protection as the lead
402 agency for expending funds for environmental
403 restoration; designating the Office of Tourism, Trade,
404 and Economic Development as the lead agency for funds
405 designated for economic incentives and diversification
406 efforts; authorizing the holder of a lease of
407 sovereignty submerged lands to apply to the Department
408 of Environmental Protection for the payment or the
409 reimbursement of lease fees for the period of the
410 state of emergency for the Deepwater Horizon oil
411 spill; specifying conditions for eligibility;
412 requiring an application to the Department of
413 Environmental Protection; requiring the Chief
414 Financial Officer to use the full extent of the law to
415 recover payments from the responsible party or other
416 independently administered claims process; providing a
417 short title for certain sections of the act; providing
418 an effective date.