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

A bill to be entitled

An act relating to economic recovery from the Deepwater Horizon disaster; amending s. 14.2015, F.S.; defining the term "Disproportionally Affected County"; creating a process for the Office of Tourism, Trade, and Economic Development to waive any or all job or wage eligibility requirements under certain circumstances when in the best interest of the public; amending s. 220.191, F.S.; waiving the requirement that a facility located in a Disproportionally Affected County be in a high-impact sector in order to qualify for the capital investment tax credit; amending s. 288.106, F.S.; creating a process for the Office of Tourism, Trade, and Economic Development to waive wage or local financial support eligibility requirements; providing a special incentive under the tax refund program for a limited time for a qualified target industry business that relocates from another state to a Disproportionally Affected County; creating s. 252.363, F.S.; tolling and extending the expiration dates of certain building permits or other authorizations following the declaration of a state of emergency by the Governor; providing exceptions; providing for the laws, administrative rules, and ordinances in effect when the permit was issued to apply to activities described in a permit or other authorization; providing an exception; amending s. 253.02, F.S.; requiring the Board of Trustees of the Internal Improvement Trust Fund to recommend to the

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

Legislature whether existing multistate compacts for mutual aid should be modified or if a new multistate compact is necessary to address the Deepwater Horizon event or similar future incidents; requiring that the Board of Trustees of the Internal Improvement Trust Fund appoint members to the Commission on Oil Spill Response Coordination; providing for the designation of the chair of the commission by the Governor; requiring the commission to prepare a report for review and approval by the board of trustees; specifying the subject matter of the report; providing for future expiration; defining the term "Disproportionally Affected County"; providing an appropriation to the Office of Tourism, Trade, and Economic Development to contract with Florida's Great Northwest, Inc., in order to develop and implement an economic development program for a Disproportionally Affected County; specifying a preference for a Disproportionally Affected County or municipalities within a Disproportionally Affected County which provide for expedited or combined permitting for certain purposes; providing for the appropriation to be placed in reserve by the Executive Office of the Governor for release as authorized by law or the Legislative Budget Commission; defining the term "Disproportionally Affected County"; providing for the deposit of funds received by entities involved in the Deepwater Horizon oil spill into applicable state trust funds; specifying permissible uses of such

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

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

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, Walton County, or Wakulla County.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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

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

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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

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

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

220.191 Capital investment tax credit.—

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

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

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

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

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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

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

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

288.106 Tax refund program for qualified target industry businesses.—

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

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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

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

252.363 Tolling and extension of permits and other authorizations.—

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

tolled period. This paragraph applies to the following:

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

2. The expiration of a building permit.

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

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

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

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

(d) This subsection does not apply to:

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

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

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

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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

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

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

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

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

253.02 Board of trustees; powers and duties.—

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

for 5 years.

Section 6. Commission on Oil Spill Response Coordination.—

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

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

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

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

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

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

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

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

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

(4) This section expires September 30, 2012.

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

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

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

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

Development and to collaborate with educational entities, economic development organizations, local governments, and relevant state agencies to create a program framework and strategy, including specific criteria governing the expenditure of funds. The criteria for the expenditure of funds shall, at a minimum, require a funding preference for any Disproportionally Affected County and any municipality within a Disproportionally Affected County which provides for expedited permitting in order to promote research and development, commercialization of research, economic diversification, and job creation within their respective jurisdictions. The criteria for the expenditure of funds shall, at a minimum, also require a funding preference for any Disproportionally Affected County and any municipality within a Disproportionally Affected County which combines its permitting processes and expedites permitting in order to promote research and development, commercialization of research, economic diversification, and job creation within their respective jurisdictions.

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

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

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

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

process;

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

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

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

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

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

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

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

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

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

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

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

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

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

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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

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

CODING: Words ~~stricken~~ are deletions; words underlined are additions.