



The Florida House of Representatives

August 31, 2010

The Honorable Larry Cretul
Speaker, Florida House of Representatives
Suite 420, The Capitol
Tallahassee, Florida 32399-1300

RE: Deepwater Horizon Response and Recovery – Executive Summary

Dear Mr. Speaker:

It was an honor to coordinate the efforts of the six workgroups you appointed in July to examine various aspects of the Deepwater Horizon incident. Today, you will receive a final report from each of the workgroups.

Over the past weeks, the members spent time reaching out to Floridians impacted by the disaster, gathering information and delving into the issues, while remaining mindful of the goals and guiding principles you set forth. The final reports highlight the findings and recommendations of each of the workgroups.

There are no recommendations that require formal legislative action at this time. While some findings do contemplate potential changes to Florida Statutes, they are of such nature that they may be addressed during the next regular session of the Legislature, after a more detailed review. The findings revealed that much of the regulation and disaster response related to the Deepwater Horizon incident are governed by federal law, although some issues may be addressed under the state's executive powers. In other instances, the findings demonstrate that we simply do not know enough about the impacts to the state at this time. Consistent with those findings, there are a number of recommendations that require federal attention, action by the state executive branch or BP, or further review which may in some instances result in recommendations for legislative consideration during the next regular session. The recommendations are summarized below.

<p align="center"><u>Workgroup 1 Recommendations</u></p> <p align="center">Evaluate response to current incident and prepare for future incidents</p>	<p align="center">Federal Action</p>	<p align="center">Executive Action - FL</p>	<p align="center">BP Action</p>	<p align="center">Further Review</p>
<p>1. The federal government and companies producing oil and gas in the Gulf of Mexico should ensure there are adequate boom and skimmers in the Gulf of Mexico region to respond to an oil spill similar to the Deepwater Horizon spill.</p>	✓			
<p>2. Congress should revise the National Contingency Plan or Unified Command Structure to require local branch incident command offices be established for spills that impact or threaten to impact multiple state and local government jurisdictions.</p>	✓			
<p>3. The U.S. Coast Guard should reassess the adequacy of Area Contingency Plans, ensuring that local governments are involved in the plan development and update process. Further, the U.S. Coast Guard should discuss with the State of Florida and other Gulf Coast states the need for a multi-state response plan.</p>	✓			
<p>4. The U.S. Coast Guard should review the role of the responsible party during multi-jurisdictional spills and identify ways to streamline the approval process for response activities.</p>	✓			
<p>5. Congress should revise the Oil Pollution Act of 1990 and Area Contingency Plans to allow certain permit requirements to be relaxed or waived under certain guidelines.</p>	✓			
<p>6. The unified command spill response structure should include the U.S. Fish and Wildlife Service.</p>	✓			
<p>7. Federal fishery managers should establish specific criteria and a clear process for determining when and how to close fisheries, and establish better tracking of oil and use of higher-resolution mapping of significant oil in the water. State and local health officials should be better informed on the risks posed by oil in the water and on Florida's beaches.</p>	✓			
<p>8. The U.S. Coast Guard should redraw its district boundaries to include all of Florida in one district instead of being split between the 7th and 8th districts, and should designate a federal coordinating officer for each state in a U.S. Coast Guard district.</p>	✓			

<p style="text-align: center;"><u>Workgroup 2 Recommendations</u></p> <p>Assess programs and resources used to meet immediate needs of impacted areas</p>	<p style="text-align: center;">Federal Action</p>	<p style="text-align: center;">Executive Action - FL</p>	<p style="text-align: center;">BP Action</p>	<p style="text-align: center;">Further Review</p>
<p>1. Encourage BP to allow an extension until November 1, 2010, for the Panhandle tourism entities to implement marketing plans already funded by BP, if such an extension proves necessary.</p>			✓	
<p>2. Visit Florida should coordinate with local tourism entities to provide more aggressive, immediate targeted marketing of the entire Panhandle through the fall 2010, using voucher programs or other specific awards to travelers for visiting. Visit Florida should seek additional funds from BP or reprogram up to \$2.5 million of their existing funds to pay for this campaign.</p>		✓	✓	
<p>3. Co-locate the state emergency bridge loan program, SBA economic injury loans, and DCF crisis counselors as needed, for a one-stop shop for businesses.</p>	✓	✓		
<p>4. The Governor should extend the state emergency bridge loan application deadline beyond September 30, 2010, should the need be apparent.</p>		✓		
<p>5. Congress should amend the application criteria for SBA economic injury loans for oil spill impacted businesses, specifically easing criteria such as credit score, recent years' profitability, and collateral.</p>	✓			
<p>6. The Florida Fish and Wildlife Conservation Commission should take immediate action to re-open red snapper season in Florida waters consistent with action recently taken by the Gulf of Mexico Fishery Management Council, and upon final action by NOAA Fishery Service.</p>		✓		
<p>7. The Agency for Workforce Innovation should continue to work with the U.S. Department Labor and the Gulf Coast Claims Facility to reach a confidentiality agreement to share claims data.</p>	✓	✓	✓	

<u>Workgroup 3 Recommendations</u> Review the scope of private sector damages and processes for compensation	Federal Action	Executive Action - FL	BP Action	Further Review
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| 1. Continue to monitor the private sector damages and compensation process. | | | | ✓ |
| 2. State agencies should provide information to their respective industries, licensees, and end-users as appropriate regarding the claims process and resources that are available. | | ✓ | | |
| 3. Continue an examination of the legal framework of state laws to ensure such laws are adequate and fair in their potential application after any similar future event. | | | | ✓ |

<u>Workgroup 4 Recommendations</u> Develop strategies for public sector recovery of damages	Federal Action	Executive Action - FL	BP Action	Further Review
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| 1. Conduct a thorough review of Chapter 376, F.S., to clarify what damages a responsible party must pay, and how those damages are to be determined. | | | | ✓ |
| 2. Continue to monitor the government claims process and assist local governments as needed. | | | | ✓ |
| 3. State and local governments should critically examine BP's instructions regarding the calculation of government claims to ensure they result in an accurate assessment of the true loss suffered by the government as a result of the oil spill. | | | | ✓ |
| 4. Form an inter-agency group, including representatives of the Governor's Office, the Office of the Attorney General, the Chief Financial Officer, the Commissioner of Agriculture, the Legislature, the Department of Environmental Protection, and others, dedicated to begin formulating state government claims. | ✓ | | | |

<u>Workgroup 4 Recommendations (continued)</u> Develop strategies for public sector recovery of damages	Federal Action	Executive Action - FL	BP Action	Further Review
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5. State agencies and local governments should continue to aggressively identify and document expenditures incurred and additional services provided as a result of the oil spill.

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<u>Workgroup 5 Recommendations</u> Identify regional long-term economic recovery opportunities	Federal Action	Executive Action - FL	BP Action	Further Review
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1. Examine state permitting processes to identify improvements that would remove unnecessary duplication or delay.
2. Review requirements of state economic development incentives and other programs to determine if certain criteria could be waived or relaxed to benefit the region's economic recovery.
3. State agencies should expedite requests for grants or other program assistance for the Gulf Coast counties.
4. Businesses in the region should take advantage of the state's economic gardening pilot program – GrowFL. GrowFL has identified as many as 150 businesses across the Gulf Coast counties that may be eligible for the program based on preliminary information.
5. Evaluate the final report of the U.S. National Incident Command Economic Solutions Team and the International Economic Development Council expected to be released in mid-September. This report is the product of discussions between federal agencies and local communities to identify long-term economic recovery strategies.

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<p align="center"><u>Workgroup 6 Recommendations</u> Examine the adequacy of criminal and civil penalties to address offenses causing or arising out of environmental disasters</p>	<p align="center">Federal Action</p>	<p align="center">Executive Action - FL</p>	<p align="center">BP Action</p>	<p align="center">Further Review</p>
<p>1. Consult with the Department of Environmental Protection and local state attorneys to determine whether local state attorneys are adequately prosecuting environmental crimes.</p>				✓
<p>2. Continue to review whether willful pollution and pollution due to reckless indifference or gross careless disregard should be penalized in the same manner.</p>				✓
<p>3. Review the civil penalty provisions of Florida's pollution offenses to determine whether business entities that pollute should be penalized differently than individuals who pollute.</p>				✓
<p>4. Review the civil penalties and criminal fines that apply to pollution-related offenses to determine whether they need to be adjusted for inflation and to reflect current economic conditions.</p>				✓
<p>5. Continue to review civil penalty provisions of Florida's pollution offenses to determine whether the Department of Environmental Protection should have the option of imposing a fixed dollar amount civil penalty or a civil penalty that is based on the volume of pollutant discharged.</p>				✓
<p>6. Conduct a comprehensive review of the criminal and civil penalties that apply to pollution offenses to ensure that they consistently and appropriately punish polluters.</p>				✓

Mr. Speaker, it has been a privilege to serve as coordinator of the House Workgroups.

Respectfully submitted,



Representative Gary Aubuchon