

Gulf Consortium Agenda
Committee of 8 Disproportionally Affected Counties
December 7, 2012
12:00-1:00 a.m. (CST)
Walton County Coastal Branch Library,
437 Greenway Trail, Santa Rosa Beach, FL 32459

1. Call to Order
2. Election of Chair and Vice Chair
3. Discussion of Proposed Allocation Formula
4. Next Meeting – if Required

**Committee of Eight Disproportionately Affected Counties
Gulf Consortium
December 3, 2012
Agenda Item # 3**

Executive Summary: The motion establishes a formula for distribution of certain RESTORE Act funds among the Eight Disproportionately Affected Counties. The formula distributes 20 percent of the funds equally among the eight counties. The remaining 80 percent is distributed to the Eight Counties based on oiled shoreline, per capita sales tax collections, population and distance from the Deepwater horizon oil rig. If approved by the Committee, the formula must be approved by the Boards of County Commissioners of each of the Eight Counties prior to presentation to the U.S. Department of the Treasury

Background: The RESTORE Act directs 35 percent of the available civil penalties under the Clean Water Act are to be distributed to the Gulf Coast States in equal shares. The RESTORE Act divides the Florida share into two pieces. One is for the 15 non-disproportionately affected counties which are to receive 25 percent of Florida's share. The RESTORE Act includes a formula for dividing the 25 percent among the 15 counties based on distance to the BP event, population and sales tax collections. The second piece is for the Eight Disproportionately Affected Counties which are to receive 75 percent of Florida's share. The RESTORE Act does not specify a formula for the distribution of those funds among the Eight Counties. The Eight Counties are: Wakulla, Franklin, Gulf, Santa Rosa, Bay, Okaloosa, Walton and Escambia.

The Gulf Consortium established a Committee of the Eight Disproportionately Affected Counties for the purpose of establishing an allocation method for the RESTORE Act funds.

Tab 1 contains the original language in the Senate version of the RESTORE Act.

Tab2 is a spreadsheet of calculations on ***preliminary estimates*** of the language in Tab 1. **Disclaimer:** All estimates are based on our interpretation of the RESTORE Act. The United States Department of the Treasury is the cognizant federal agency and is developing rules to implement the act. Once these rules are finalized, more accurate calculations can be done.

Tab 3 contains the revised language incorporating the change to twenty (20) percent.

Tab 4 is a spreadsheet of calculations on ***preliminary estimates*** of the language in Tab 3. **Disclaimer:** All estimates are based on our interpretation of the

RESTORE Act. The United States Department of the Treasury is the cognizant federal agency and is developing rules to implement the act. Once these rules are finalized, more accurate calculations can be done.

Tab 5 is a spreadsheet comparing Tab 2 and Tab 4. Disclaimer: All estimates are based on our interpretation of the RESTORE Act. The United States Department of the Treasury is the cognizant federal agency and is developing rules to implement the act. Once these rules are finalized, more accurate calculations can be done.

Analysis: In the event the Eight Disproportionately Affected Counties cannot agree on a formula, the United States Treasury may adopt its own methodology for distributing the RESTORE Act funds among the Eight Counties.

Options:

- 1) Approve the motion
- 2) Provide other direction.

Fiscal Impact: The aggregate RESTORE Act allocation to the Eight Disproportionately Affected Counties will not be altered by the adoption of an agreed-upon formula. However, the individual shares may change if another formula is adopted by the Department of the Treasury.

Recommendation:

Approve the motion.

Prepared by: Doug Darling, Florida Association of Counties and Sarah M. Bleakley, Nabors, Giblin & Nickerson, P.A., Interim General Counsel to the Gulf Consortium

MOTION to approve the following formula for distributing RESTORE Act funds among the Eight Disproportionately Affected Counties and recommend it be approved by Resolution adopted by the Board of County Commissioners of each of the eight counties. :

(iii) DISPROPORTIONATELY IMPACTED COUNTIES.—The total amounts made available to coastal political subdivisions in the State of Florida under clause (i)(I) of the RESTORE Act shall be distributed according to the following weighted formula:

(I) Twenty (20%) percent of the total funds shall be distributed equally to the eight (8) counties.

(II) Of the remaining eighty (80%) percent of the total funds distributed according to the following weighted formula:

(aa) Thirty (30%) percent based on the weighted average of the county shoreline oiled.

(bb) Thirty (30%) percent based on the weighted average of the county per capita sales tax collections estimated for fiscal year 2011-12.

(cc) Twenty (20%) percent based on the weighted average of the population of the county.

(dd) Twenty (20%) percent based on inverse proportion of the weighted average distance from the Deepwater Horizon oil rig to the nearest and farthest point of the shoreline.

Moved _____; Seconded_____.

Action: Approved____; Approved as amended____; Defeated_____.

Notes:

TAB 1

Section 1603. Gulf Coast Natural Resources Restoration and Economic Recovery.

(C) COASTAL POLITICAL SUBDIVISIONS.-

(i) Distribution.-In the case of a State where the coastal zone includes the entire State.-

(I) 75 percent of funding shall be provided directly to the 8 disproportionately affected counties impacted by the Deepwater Horizon oil spill; and

(II) 25 percent shall be provided directly to nondisproportionately impacted counties within the State.

(ii) NONDISPROPORTIONATELY IMPACTED COUNTIES.-The total amounts made available to coastal political subdivisions in the State of Florida under clause (i)(II) shall be distributed according to the following weighted formula:

(I) 34 percent based on the weighted average of the population of the county.

(II) 33 percent based on the weighted average of the county per capita sales tax collections estimated for fiscal year 2012.

(III) 33 percent based on the inverse proportion of the weighted average distance from the Deepwater Horizon oil rig to each of the nearest and farthest points of the shoreline.

(iii) DISPROPORTIONATELY IMPACTED COUNTIES.-The total amounts made available to coastal political subdivisions in the State of Florida under clause (i)(I) shall be distributed according to the following weighted formula:

(I) Ten (10%) percent of the total funds shall be distributed equally to the eight (8) counties.

(II) Of the remaining ninety (90%) percent of the total funds distributed according to the following weighted formula:

(aa) Thirty (30%) percent based on the weighted average of the county shoreline oiled.

(bb) Thirty (30%) percent based on the weighted average of the county per capita sales tax collections estimated for fiscal year 2011-12.

(cc) Twenty (20%) percent based on the weighted average of the population of the county.

(dd) Twenty (20%) percent based on inverse proportion of the weighted average distance from the Deepwater Horizon oil rig to the nearest and farthest point of the shoreline.

TAB 3

Section 1603. Gulf Coast Natural Resources Restoration and Economic Recovery.

(C) COASTAL POLITICAL SUBDIVISIONS.-

(i) Distribution.-In the case of a State where the coastal zone includes the entire State.-

(I) 75 percent of funding shall be provided directly to the 8 disproportionately affected counties impacted by the Deepwater Horizon oil spill; and

(II) 25 percent shall be provided directly to nondisproportionately impacted counties within the State.

(ii) NONDISPROPORTIONATELY IMPACTED COUNTIES.-The total amounts made available to coastal political subdivisions in the State of Florida under clause (i)(II) shall be distributed according to the following weighted formula:

(I) 34 percent based on the weighted average of the population of the county.

(II) 33 percent based on the weighted average of the county per capita sales tax collections estimated for fiscal year 2012.

(III) 33 percent based on the inverse proportion of the weighted average distance from the Deepwater Horizon oil rig to each of the nearest and farthest points of the shoreline.

(iii) DISPROPORTIONATELY IMPACTED COUNTIES.-The total amounts made available to coastal political subdivisions in the State of Florida under clause (i)(I) shall be distributed according to the following weighted formula:

(I) Twenty (20%) percent of the total funds shall be distributed equally to the eight (8) counties.

(II) Of the remaining eighty (80%) percent of the total funds distributed according to the following weighted formula:

(aa) Thirty (30%) percent based on the weighted average of the county shoreline oiled.

(bb) Thirty (30%) percent based on the weighted average of the county per capita sales tax collections estimated for fiscal year 2011-12.

(cc) Twenty (20%) percent based on the weighted average of the population of the county.

(dd) Twenty (20%) percent based on inverse proportion of the weighted average distance from the Deepwater Horizon oil rig to the nearest and farthest point of the shoreline.

TAB 2

ALLOCATION FORMULA

DRAFT 091211

	Ten Percent	Oiled Coastline		Population	Mean Distance			Sales Tax	Per Capita		Ninety Percent	10% + 90% TOTAL
Escambia	12.50%	57.6	34.35%	297,619.00	32.64%	12.81	39.14%	\$39,567,388	\$132.95	12.94%	28.54%	26.94%
Santa Rosa	12.50%	4.1	2.44%	151,372.00	16.60%	5.78	17.66%	\$12,503,059	\$82.60	8.04%	10.00%	10.25%
Okaloosa	12.50%	26	15.50%	180,822.00	19.83%	4.14	12.65%	\$29,485,463	\$163.06	15.87%	15.91%	15.57%
Walton	12.50%	24.6	14.67%	55,043.00	6.04%	2.97	9.07%	\$12,422,834	\$225.69	21.97%	14.01%	13.86%
Bay	12.50%	31.4	18.72%	168,852.00	18.52%	2.35	7.18%	\$28,886,958	\$171.08	16.65%	15.75%	15.43%
Gulf	12.50%	9.8	5.84%	15,863.00	1.74%	2.03	6.20%	\$1,066,547	\$67.23	6.54%	5.30%	6.02%
Franklin	12.50%	14.2	8.47%	11,549.00	1.27%	1.57	4.80%	\$1,452,158	\$125.74	12.24%	7.43%	7.93%
Wakulla	12.50%	0	0.00%	30,776.00	3.37%	1.08	3.30%	\$1,811,144	\$58.85	5.73%	3.05%	4.00%
		167.7	99.99%	911,896.00	100.00%	32.73	100.00%	\$127,195,551	\$1,027.20	100.00%	100.00%	100%

	Five Billion	Ten Billion	Fifteen Billion	Twenty Billion
Escambia	\$ 56,571,352	\$ 113,142,704	\$ 169,714,056	\$ 226,285,408
Santa Rosa	\$ 21,517,915	\$ 43,035,829	\$ 64,553,744	\$ 86,071,658
Okaloosa	\$ 32,690,936	\$ 65,381,872	\$ 98,072,807	\$ 130,763,743
Walton	\$ 29,112,373	\$ 58,224,747	\$ 87,337,120	\$ 116,449,494
Bay	\$ 32,395,909	\$ 64,791,818	\$ 97,187,728	\$ 129,583,637
Gulf	\$ 12,649,291	\$ 25,298,582	\$ 37,947,873	\$ 50,597,164
Franklin	\$ 16,660,091	\$ 33,320,182	\$ 49,980,273	\$ 66,640,364
Wakulla	\$ 8,396,463	\$ 16,792,926	\$ 25,189,390	\$ 33,585,853
	\$ 209,994,330	\$ 419,988,660	\$ 629,982,990	\$ 839,977,320

TAB 4

ALLOCATION FORMULA DRAFT 113012

	Twenty Percent	Oiled Coastline		Population	Mean Distance			Sales Tax	Per Capita		Eighty Percent	20%+80% TOTAL
Escambia	12.50%	57.6	34.35%	297,619.00	32.64%	12.81	39.14%	\$39,567,388	\$132.95	12.94%	28.54%	25.33%
Santa Rosa	12.50%	4.1	2.44%	151,372.00	16.60%	5.78	17.66%	\$12,503,059	\$82.60	8.04%	10.00%	10.50%
Okaloosa	12.50%	26	15.50%	180,822.00	19.83%	4.14	12.65%	\$29,485,463	\$163.06	15.87%	15.91%	15.23%
Walton	12.50%	24.6	14.67%	55,043.00	6.04%	2.97	9.07%	\$12,422,834	\$225.69	21.97%	14.01%	13.71%
Bay	12.50%	31.4	18.72%	168,852.00	18.52%	2.35	7.18%	\$28,886,958	\$171.08	16.65%	15.75%	15.10%
Gulf	12.50%	9.8	5.84%	15,863.00	1.74%	2.03	6.20%	\$1,066,547	\$67.23	6.54%	5.30%	6.74%
Franklin	12.50%	14.2	8.47%	11,549.00	1.27%	1.57	4.80%	\$1,452,158	\$125.74	12.24%	7.43%	8.44%
Wakulla	12.50%	0	0.00%	30,776.00	3.37%	1.08	3.30%	\$1,811,144	\$58.85	5.73%	3.05%	4.94%
		167.7	99.99%	911,896.00	100.00%	32.73	100.00%	\$127,195,551	\$1,027.20	100.00%	100.00%	100%

	Five Billion	Ten Billion	Fifteen Billion	Twenty Billion
Escambia	\$ 53,202,313	\$ 106,404,626	\$ 159,606,939	\$ 212,809,251
Santa Rosa	\$ 22,043,702	\$ 44,087,404	\$ 66,131,105	\$ 88,174,807
Okaloosa	\$ 31,975,276	\$ 63,950,552	\$ 95,925,829	\$ 127,901,105
Walton	\$ 28,794,332	\$ 57,588,664	\$ 86,382,996	\$ 115,177,328
Bay	\$ 31,713,030	\$ 63,426,061	\$ 95,139,091	\$ 126,852,122
Gulf	\$ 14,160,481	\$ 28,320,962	\$ 42,481,443	\$ 56,641,923
Franklin	\$ 17,725,636	\$ 35,451,273	\$ 53,176,909	\$ 70,902,545
Wakulla	\$ 10,380,190	\$ 20,760,379	\$ 31,140,569	\$ 41,520,758
	\$ 209,994,960	\$ 419,989,920	\$ 629,984,880	\$ 839,979,840

TAB 5

	<u>Five Billion Settlement</u>				<u>Ten Billion Settlement</u>			<u>Fifteen Billion Settlement</u>			<u>Twenty Billion Settlement</u>		
	Original \$m	Revised \$m	+/- \$m	Percent \$m	Original \$m	Revised \$m	+/- \$m	Original \$m	Revised \$m	+/- \$m	Original \$m	Revised \$m	+/- \$m
Escambia	\$ 56.6	\$ 53.2	\$ (3.4)	-6.0%	\$ 113.1	\$ 106.4	\$ (6.7)	\$ 169.7	\$ 159.6	\$ (10.1)	\$ 226.3	\$ 212.8	\$ (13.5)
Santa Rosa	\$ 21.5	\$ 22.0	\$ 0.5	2%	\$ 43.0	\$ 44.1	\$ 1.1	\$ 64.5	\$ 66.1	\$ 1.6	\$ 86.0	\$ 88.2	\$ 2.2
Okaloosa	\$ 32.3	\$ 31.1	\$ (1.2)	-4%	\$ 65.4	\$ 63.9	\$ (1.5)	\$ 98.1	\$ 95.9	\$ (2.2)	\$ 130.7	\$ 127.9	\$ (2.8)
Walton	\$ 29.1	\$ 28.8	\$ (0.3)	-1%	\$ 58.2	\$ 57.6	\$ (0.6)	\$ 87.3	\$ 86.4	\$ (0.9)	\$ 116.4	\$ 115.2	\$ (1.2)
Bay	\$ 32.4	\$ 31.7	\$ (0.7)	-2%	\$ 64.8	\$ 63.4	\$ (1.4)	\$ 97.2	\$ 95.1	\$ (2.1)	\$ 129.6	\$ 126.8	\$ (2.8)
Gulf	\$ 12.7	\$ 14.1	\$ 1.4	11%	\$ 25.7	\$ 28.3	\$ 2.6	\$ 37.9	\$ 42.3	\$ 4.4	\$ 50.6	\$ 56.6	\$ 6.0
Franklin	\$ 16.6	\$ 17.7	\$ 1.1	7%	\$ 33.3	\$ 35.4	\$ 2.1	\$ 49.9	\$ 53.2	\$ 3.3	\$ 66.6	\$ 70.9	\$ 4.3
Wakulla	\$ 8.4	\$ 10.4	\$ 2.0	24%	\$ 16.8	\$ 20.7	\$ 3.9	\$ 25.2	\$ 31.1	\$ 5.9	\$ 33.6	\$ 41.5	\$ 7.9
	\$ 209.6	\$ 209.0			\$ 420.3	\$ 419.8		\$ 629.8	\$ 629.7		\$ 839.8	\$ 839.9	

**JOINT RESOLUTION OF DISPROPORTIONATELY AFFECTED COUNTIES
UNDER THE FEDERAL RESTORE ACT**

A JOINT RESOLUTION OF THE BOARDS OF COUNTY COMMISSIONERS OF BAY COUNTY, ESCAMBIA COUNTY, FRANKLIN COUNTY, GULF COUNTY, OKALOOSA COUNTY, SANTA ROSA COUNTY, WAKULLA COUNTY AND WALTON COUNTY, ESTABLISHING AND AGREEING TO A FORMULA FOR ALLOCATING AMONG THE COUNTIES CERTAIN FUNDS PROVIDED TO DISPROPORTIONATELY AFFECTED COUNTIES PURSUANT TO THE RESTORE ACT; PROVIDING AN EFFECTIVE DATE.

BE IT JOINTLY RESOLVED BY THE BOARDS OF COUNTY COMMISSIONERS OF BAY COUNTY, ESCAMBIA COUNTY, FRANKLIN COUNTY, GULF COUNTY, OKALOOSA COUNTY, SANTA ROSA COUNTY, WAKULLA COUNTY AND WALTON COUNTY:

SECTION 1. FINDINGS. The Boards of County Commissioners of Bay County, Escambia County, Franklin County, Gulf County, Okaloosa County, Santa Rosa County, Wakulla County and Walton County (the "Boards") hereby find as follows:

(A) In 2012, the Congress of the United States enacted and the President signed into law the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (the "RESTORE Act").

(B) The RESTORE Act establishes the Gulf Coast Restoration Trust Fund consisting of 80 percent of all administrative and civil penalties paid by responsible parties in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon (the "Deepwater Horizon Event") pursuant to a court order, negotiated settlement or other instrument in accordance with Federal law.

(C) The RESTORE Act directs 35 percent of the available funds in the Trust Fund to be distributed in equal shares to the states of Alabama, Florida, Louisiana, Mississippi, and Texas (the State Allocation).

(D) The RESTORE Act divides Florida's share of the State Allocation into two parts. One part is for the Non-disproportionately Affected Counties which are to receive 25 percent of Florida's share. The RESTORE Act includes a formula for dividing the 25 percent among the Non-disproportionately Affected Counties based on distance to the Deepwater Horizon Event, population and sales tax collections.

(E) The second part of Florida's share is for the Disproportionately Affected Counties, which are to receive 75 percent of Florida's share (the "75 Percent Share"). The

RESTORE Act does not specify a formula for the distribution of those funds among the Disproportionately Affected Counties.

(F) Various sections of chapter 2011-142, Laws of Florida, defines the "Disproportionately Affected Counties" to include Bay County, Escambia County, Franklin County, Gulf County, Okaloosa County, Santa Rosa County, Wakulla County and Walton County .

(G) The Gulf Consortium was been formed by interlocal agreement among the Boards of County Commissioners of the 14 of the 15 Non-disproportionately Affected Counties and seven of the eight Disproportionately Affected Counties to address issues of mutual concern and benefit under the RESTORE Act.

(H) Franklin County Board of County Commissioners has not yet joined the Gulf Consortium.

(I) At its meeting on November 28, 2012, the Gulf Consortium formed the Committee of the Eight Disproportionately Affected Counties (the "Committee"), which includes a representative from each of the seven Disproportionately Affected Counties that are members of the Gulf Consortium and a representative from Franklin County.

(J) The Committee was established for the purposes of developing an agreed-upon formula by consensus of the Committee members to allocate the 75 Percent Share among the Disproportionately Affected Counties and recommending it for adoption to the Boards of County Commissioners of each of the Disproportionately Affected Counties.

(K) The Committee met in Walton County on December 7, 2012 and considered adopting a formula for distributing the 75 Percent Share among the Disproportionately Affected Counties and recommending it for adoption by Joint Resolution to the Boards of County Commissioners of each of the Disproportionately Affected Counties.

(L) Representatives of each of the Disproportionately Affected Counties attended the Committee meeting.

(M) The representative from Franklin County declared that she would not be voting on any motion considered by the Committee, as Franklin had not joined the Gulf Consortium.

(N) The Committee discussed a formula that included a 20 percent equal share for each of the Disproportionately Affected Counties, with the remaining 80 percent distributed according to the following weighted formula:

1. Thirty percent based on the weighted average of the county shoreline oiled.
2. Thirty percent based on the weighted average of the county per capita sales tax collections estimated for fiscal year 2011-12.

3. Twenty percent based on the weighted average of the population of the county.

4. Twenty percent based on inverse proportion of the weighted average distance from the Deepwater Horizon oil rig to the nearest and farthest point of the shoreline.

(O) Data presented to the Committee estimated that the formula would produce the following percentage shares of the 75 Percent Share for the Disproportionately Affected Counties:

BAY COUNTY	15.101
ESCAMBIA COUNTY	25.334
FRANKLIN COUNTY	8.441
GULF COUNTY	6.743
OKALOOSA COUNTY	15.226
SANTA ROSA COUNTY	10.497
WAKULLA COUNTY	4.943
WALTON COUNTY	13.712

(P) The Committee determined that the weighted formula included components that were not definitive, but were subject to interpretation, such as the population of the county, which can vary day-to-day.

Upon proper motion, with the representative from Franklin abstaining, the Committee otherwise unanimously adopted a motion recommending that the Boards of County Commissioners of each of the Disproportionately Affected Counties jointly adopt the following allocation of the 75 Percent Share for the Disproportionately Affected Counties based on the following percentages:

BAY COUNTY	15.101
ESCAMBIA COUNTY	25.334
FRANKLIN COUNTY	8.441
GULF COUNTY	6.743
OKALOOSA COUNTY	15.226
SANTA ROSA COUNTY	10.497
WAKULLA COUNTY	4.943
WALTON COUNTY	13.712

SECTION 2. AUTHORITY. Each of the Boards has the home rule power provided in the county's charter (for the charter counties) and in chapter 125, Florida Statutes, to adopt a resolution to further the health, safety and welfare of the county. Adopting a formula for allocating the 75 Percent Share among the Disproportionately Affected Counties furthers the goals and objectives of the each of the Boards by providing more certainty as to the allocation method under the RESTORE Act and resolving any dispute among the Disproportionately Affected Counties that may arise in the future.

SECTION 3. ADOPTION OF THE ALLOCATION FORMULA FOR THE 75 PERCENT SHARE. The Boards hereby adopt the following formula for allocating the 75 Percent Share among the Disproportionately Affected Counties on the following percentages:

BAY COUNTY	15.101
ESCAMBIA COUNTY	25.334
FRANKLIN COUNTY	8.441
GULF COUNTY	6.743
OKALOOSA COUNTY	15.226
SANTA ROSA COUNTY	10.497
WAKULLA COUNTY	4.943
WALTON COUNTY	13.712

SECTION 4. APPLICABILITY AND EFFECTIVE DATE. This Joint Resolution shall take effect upon adoption by each and every one of the Boards and shall become effective on the date adopted by the last Board of County Commissioners to adopt the Joint Resolution.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY BLANK.]

**SIGNATURE PAGE TO THE JOINT RESOLUTION
ESTABLISHING A FORMULA FOR THE DISTRIBUTION
OF THE 75 PERCENT SHARE AMONG THE
DISPROPORTIONATELY AFFECTED COUNTIES**

PASSED AND DULY ADOPTED at a meeting of the Board of County Commissioners of Bay County on the _____ day of _____, 201__.

George B. Gainer,
Chairman

Bill Kinsaul,
Clerk of the Circuit County,
Ex officio, Clerk of the Board of County Commissioners

Reviewed for Legal Form
And Sufficiency

Terrell K. Arline,
County Attorney

**SIGNATURE PAGE TO THE JOINT RESOLUTION
ESTABLISHING A FORMULA FOR THE DISTRIBUTION
OF THE 75 PERCENT SHARE AMONG THE
DISPROPORTIONATELY AFFECTED COUNTIES**

PASSED AND DULY ADOPTED at a meeting of the Board of County Commissioners of Escambia County on the _____ day of _____, 201__.

Gene M. Valentino,
Chairman

Ernie Lee Magaha,
Clerk of the Circuit County,
Ex officio, Clerk of the Board of County Commissioners

Reviewed for Legal Form
And Sufficiency

Alison P. Rogers,
County Attorney

**SIGNATURE PAGE TO THE JOINT RESOLUTON
ESTABLISHING A FORMULA FOR THE DISTRIBUTION
OF THE 75 PERCENT SHARE AMONG THE
DISPROPORTIONATELY AFFECTED COUNTIES**

PASSED AND DULY ADOPTED at a meeting of the Board of County Commissioners of Franklin County on the _____ day of _____, 201__.

Cheryl K. Sanders,
Chair

Marcia M. Johnson,
Clerk of the Circuit County,
Ex officio, Clerk of the Board of County Commissioners

Reviewed for Legal Form
And Sufficiency

Michael Shuler,
County Attorney

**SIGNATURE PAGE TO THE JOINT RESOLUTION
ESTABLISHING A FORMULA FOR THE DISTRIBUTION
OF THE 75 PERCENT SHARE AMONG THE
DISPROPORTIONATELY AFFECTED COUNTIES**

PASSED AND DULY ADOPTED at a meeting of the Board of County Commissioners of Gulf County on the _____ day of _____, 201__.

Tynalin Smiley,
Chairman

Rebecca L. Norris,
Clerk of the Circuit County,
Ex officio, Clerk of the Board of County Commissioners

Reviewed for Legal Form
And Sufficiency

Jeremy Novak,
County Attorney

**SIGNATURE PAGE TO THE JOINT RESOLUTION
ESTABLISHING A FORMULA FOR THE DISTRIBUTION
OF THE 75 PERCENT SHARE AMONG THE
DISPROPORTIONATELY AFFECTED COUNTIES**

PASSED AND DULY ADOPTED at a meeting of the Board of County Commissioners of Okaloosa County on the _____ day of _____, 201__.

Don Amunds,
Chair

Don W. Howard,
Clerk of the Circuit County,
Ex officio, Clerk of the Board of County Commissioners

Reviewed for Legal Form
And Sufficiency

John R. Dowd,
County Attorney

**SIGNATURE PAGE TO THE JOINT RESOLUTION
ESTABLISHING A FORMULA FOR THE DISTRIBUTION
OF THE 75 PERCENT SHARE AMONG THE
DISPROPORTIONATELY AFFECTED COUNTIES**

PASSED AND DULY ADOPTED at a meeting of the Board of County Commissioners of Santa Rosa County on the _____ day of _____, 201__.

Robert A. Cole,
Chairman

Mary M. Johnson,
Clerk of the Circuit County,
Ex officio, Clerk of the Board of County Commissioners

Reviewed for Legal Form
And Sufficiency

Angela J. Jones,
County Attorney

**SIGNATURE PAGE TO THE JOINT RESOLUTION
ESTABLISHING A FORMULA FOR THE DISTRIBUTION
OF THE 75 PERCENT SHARE AMONG THE
DISPROPORTIONATELY AFFECTED COUNTIES**

PASSED AND DULY ADOPTED at a meeting of the Board of County Commissioners of Wakulla County on the _____ day of _____, 201__.

Randy Merritt,
Chairman

Brent X. Thurmond,
Clerk of the Circuit County,
Ex officio, Clerk of the Board of County Commissioners

Reviewed for Legal Form
And Sufficiency

Heather J. Encinosa,
County Attorney

**SIGNATURE PAGE TO THE JOINT RESOLUTION
ESTABLISHING A FORMULA FOR THE DISTRIBUTION
OF THE 75 PERCENT SHARE AMONG THE
DISPROPORTIONATELY AFFECTED COUNTIES**

PASSED AND DULY ADOPTED at a meeting of the Board of County Commissioners of Walton County on the _____ day of _____, 201__.

Kenneth S. Pridgen,
Chairman

Martha Ingle,
Clerk of the Circuit County,
Ex officio, Clerk of the Board of County Commissioners

Reviewed for Legal Form
And Sufficiency

Toni Craig,
County Attorney

**JOINT RESOLUTION OF DISPROPORTIONATELY AFFECTED COUNTIES
UNDER THE FEDERAL RESTORE ACT**

A JOINT RESOLUTION OF THE BOARDS OF COUNTY COMMISSIONERS OF BAY COUNTY, ESCAMBIA COUNTY, FRANKLIN COUNTY, GULF COUNTY, OKALOOSA COUNTY, SANTA ROSA COUNTY, WAKULLA COUNTY AND WALTON COUNTY, ESTABLISHING AND AGREEING TO A FORMULA FOR ALLOCATING AMONG THE COUNTIES CERTAIN FUNDS PROVIDED TO DISPROPORTIONATELY AFFECTED COUNTIES PURSUANT TO THE RESTORE ACT; PROVIDING AN EFFECTIVE DATE.

BE IT JOINTLY RESOLVED BY THE BOARDS OF COUNTY COMMISSIONERS OF BAY COUNTY, ESCAMBIA COUNTY, FRANKLIN COUNTY, GULF COUNTY, OKALOOSA COUNTY, SANTA ROSA COUNTY, WAKULLA COUNTY AND WALTON COUNTY:

SECTION 1. FINDINGS. The Boards of County Commissioners of Bay County, Escambia County, Franklin County, Gulf County, Okaloosa County, Santa Rosa County, Wakulla County and Walton County (the "Boards") hereby find as follows:

(A) In 2012, the Congress of the United States enacted and the President signed into law the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (the "RESTORE Act").

(B) The RESTORE Act establishes the Gulf Coast Restoration Trust Fund consisting of 80 percent of all administrative and civil penalties paid by responsible parties in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon (the "Deepwater Horizon Event") pursuant to a court order, negotiated settlement or other instrument in accordance with Federal law.

(C) The RESTORE Act directs 35 percent of the available funds in the Trust Fund to be distributed in equal shares to the states of Alabama, Florida, Louisiana, Mississippi, and Texas (the State Allocation).

(D) The RESTORE Act divides Florida's share of the State Allocation into two parts. One part is for the Non-disproportionately Affected Counties which are to receive 25 percent of Florida's share. The RESTORE Act includes a formula for dividing the 25 percent among the Non-disproportionately Affected Counties based on distance to the Deepwater Horizon Event, population and sales tax collections.

(E) The second part of Florida's share is for the Disproportionately Affected Counties, which are to receive 75 percent of Florida's share (the "75 Percent Share"). The

RESTORE Act does not specify a formula for the distribution of those funds among the Disproportionately Affected Counties.

(F) Various sections of chapter 2011-142, Laws of Florida, defines the "Disproportionately Affected Counties" to include Bay County, Escambia County, Franklin County, Gulf County, Okaloosa County, Santa Rosa County, Wakulla County and Walton County .

(G) The Gulf Consortium was been formed by interlocal agreement among the Boards of County Commissioners of the 14 of the 15 Non-disproportionately Affected Counties and seven of the eight Disproportionately Affected Counties to address issues of mutual concern and benefit under the RESTORE Act.

(H) Franklin County Board of County Commissioners has not yet joined the Gulf Consortium.

(I) At its meeting on November 28, 2012, the Gulf Consortium formed the Committee of the Eight Disproportionately Affected Counties (the "Committee"), which includes a representative from each of the seven Disproportionately Affected Counties that are members of the Gulf Consortium and a representative from Franklin County.

(J) The Committee was established for the purposes of developing an agreed-upon formula by consensus of the Committee members to allocate the 75 Percent Share among the Disproportionately Affected Counties and recommending it for adoption to the Boards of County Commissioners of each of the Disproportionately Affected Counties.

(K) The Committee met in Walton County on December 7, 2012 and considered adopting a formula for distributing the 75 Percent Share among the Disproportionately Affected Counties and recommending it for adoption by Joint Resolution to the Boards of County Commissioners of each of the Disproportionately Affected Counties.

(L) Representatives of each of the Disproportionately Affected Counties attended the Committee meeting.

(M) The representative from Franklin County declared that she would not be voting on any motion considered by the Committee, as Franklin had not joined the Gulf Consortium.

(N) The Committee discussed a formula that included a 20 percent equal share for each of the Disproportionately Affected Counties, with the remaining 80 percent distributed according to the following weighted formula:

1. Thirty percent based on the weighted average of the county shoreline oiled.
2. Thirty percent based on the weighted average of the county per capita sales tax collections estimated for fiscal year 2011-12.

3. Twenty percent based on the weighted average of the population of the county.

4. Twenty percent based on inverse proportion of the weighted average distance from the Deepwater Horizon oil rig to the nearest and farthest point of the shoreline.

(O) Data presented to the Committee estimated that the formula would produce the following percentage shares of the 75 Percent Share for the Disproportionately Affected Counties:

BAY COUNTY	15.101
ESCAMBIA COUNTY	25.334
FRANKLIN COUNTY	8.441
GULF COUNTY	6.743
OKALOOSA COUNTY	15.226
SANTA ROSA COUNTY	10.497
WAKULLA COUNTY	4.943
WALTON COUNTY	13.712

(P) The Committee determined that the weighted formula included components that were not definitive, but were subject to interpretation, such as the population of the county, which can vary day-to-day.

Upon proper motion, with the representative from Franklin abstaining, the Committee otherwise unanimously adopted a motion recommending that the Boards of County Commissioners of each of the Disproportionately Affected Counties jointly adopt the following allocation of the 75 Percent Share for the Disproportionately Affected Counties based on the following percentages:

BAY COUNTY	15.101
ESCAMBIA COUNTY	25.334
FRANKLIN COUNTY	8.441
GULF COUNTY	6.743
OKALOOSA COUNTY	15.226
SANTA ROSA COUNTY	10.497
WAKULLA COUNTY	4.943
WALTON COUNTY	13.712

SECTION 2. AUTHORITY. Each of the Boards has the home rule power provided in the county's charter (for the charter counties) and in chapter 125, Florida Statutes, to adopt a resolution to further the health, safety and welfare of the county. Adopting a formula for allocating the 75 Percent Share among the Disproportionately Affected Counties furthers the goals and objectives of the each of the Boards by providing more certainty as to the allocation method under the RESTORE Act and resolving any dispute among the Disproportionately Affected Counties that may arise in the future.

SECTION 3. ADOPTION OF THE ALLOCATION FORMULA FOR THE 75 PERCENT SHARE. The Boards hereby adopt the following formula for allocating the 75 Percent Share among the Disproportionately Affected Counties on the following percentages:

BAY COUNTY	15.101
ESCAMBIA COUNTY	25.334
FRANKLIN COUNTY	8.441
GULF COUNTY	6.743
OKALOOSA COUNTY	15.226
SANTA ROSA COUNTY	10.497
WAKULLA COUNTY	4.943
WALTON COUNTY	13.712

SECTION 4. APPLICABILITY AND EFFECTIVE DATE. This Joint Resolution shall take effect upon adoption by each and every one of the Boards and shall become effective on the date adopted by the last Board of County Commissioners to adopt the Joint Resolution.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY BLANK.]

**SIGNATURE PAGE TO THE JOINT RESOLUTION
ESTABLISHING A FORMULA FOR THE DISTRIBUTION
OF THE 75 PERCENT SHARE AMONG THE
DISPROPORTIONATELY AFFECTED COUNTIES**

PASSED AND DULY ADOPTED at a meeting of the Board of County Commissioners of Bay County on the _____ day of _____, 201__.

George B. Gainer,
Chairman

Bill Kinsaul,
Clerk of the Circuit County,
Ex officio, Clerk of the Board of County Commissioners

Reviewed for Legal Form
And Sufficiency

Terrell K. Arline,
County Attorney

**SIGNATURE PAGE TO THE JOINT RESOLUTION
ESTABLISHING A FORMULA FOR THE DISTRIBUTION
OF THE 75 PERCENT SHARE AMONG THE
DISPROPORTIONATELY AFFECTED COUNTIES**

PASSED AND DULY ADOPTED at a meeting of the Board of County Commissioners of Escambia County on the _____ day of _____, 201__.

Gene M. Valentino,
Chairman

Ernie Lee Magaha,
Clerk of the Circuit County,
Ex officio, Clerk of the Board of County Commissioners

Reviewed for Legal Form
And Sufficiency

Alison P. Rogers,
County Attorney

**SIGNATURE PAGE TO THE JOINT RESOLUTION
ESTABLISHING A FORMULA FOR THE DISTRIBUTION
OF THE 75 PERCENT SHARE AMONG THE
DISPROPORTIONATELY AFFECTED COUNTIES**

PASSED AND DULY ADOPTED at a meeting of the Board of County Commissioners of Franklin County on the _____ day of _____, 201__.

Cheryl K. Sanders,
Chair

Marcia M. Johnson,
Clerk of the Circuit County,
Ex officio, Clerk of the Board of County Commissioners

Reviewed for Legal Form
And Sufficiency

Michael Shuler,
County Attorney

**SIGNATURE PAGE TO THE JOINT RESOLUTION
ESTABLISHING A FORMULA FOR THE DISTRIBUTION
OF THE 75 PERCENT SHARE AMONG THE
DISPROPORTIONATELY AFFECTED COUNTIES**

PASSED AND DULY ADOPTED at a meeting of the Board of County Commissioners of Gulf County on the _____ day of _____, 201__.

Tynalin Smiley,
Chairman

Rebecca L. Norris,
Clerk of the Circuit County,
Ex officio, Clerk of the Board of County Commissioners

Reviewed for Legal Form
And Sufficiency

Jeremy Novak,
County Attorney

**SIGNATURE PAGE TO THE JOINT RESOLUTION
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DISPROPORTIONATELY AFFECTED COUNTIES**

PASSED AND DULY ADOPTED at a meeting of the Board of County Commissioners of Okaloosa County on the _____ day of _____, 201__.

Don Amunds,
Chair

Don W. Howard,
Clerk of the Circuit County,
Ex officio, Clerk of the Board of County Commissioners

Reviewed for Legal Form
And Sufficiency

John R. Dowd,
County Attorney

**SIGNATURE PAGE TO THE JOINT RESOLUTION
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OF THE 75 PERCENT SHARE AMONG THE
DISPROPORTIONATELY AFFECTED COUNTIES**

PASSED AND DULY ADOPTED at a meeting of the Board of County Commissioners of Santa Rosa County on the _____ day of _____, 201__.

Robert A. Cole,
Chairman

Mary M. Johnson,
Clerk of the Circuit County,
Ex officio, Clerk of the Board of County Commissioners

Reviewed for Legal Form
And Sufficiency

Angela J. Jones,
County Attorney

**SIGNATURE PAGE TO THE JOINT RESOLUTION
ESTABLISHING A FORMULA FOR THE DISTRIBUTION
OF THE 75 PERCENT SHARE AMONG THE
DISPROPORTIONATELY AFFECTED COUNTIES**

PASSED AND DULY ADOPTED at a meeting of the Board of County Commissioners of Wakulla County on the _____ day of _____, 201__.

Randy Merritt,
Chairman

Brent X. Thurmond,
Clerk of the Circuit County,
Ex officio, Clerk of the Board of County Commissioners

Reviewed for Legal Form
And Sufficiency

Heather J. Encinosa,
County Attorney

**SIGNATURE PAGE TO THE JOINT RESOLUTION
ESTABLISHING A FORMULA FOR THE DISTRIBUTION
OF THE 75 PERCENT SHARE AMONG THE
DISPROPORTIONATELY AFFECTED COUNTIES**

PASSED AND DULY ADOPTED at a meeting of the Board of County Commissioners of Walton County on the _____ day of _____, 201__.

Kenneth S. Pridgen,
Chairman

Martha Ingle,
Clerk of the Circuit County,
Ex officio, Clerk of the Board of County Commissioners

Reviewed for Legal Form
And Sufficiency

Toni Craig,
County Attorney