



**Gulf Consortium, Committee of Eight
Disproportionately Affected Counties Agenda
April 29, 2013 1:00 p.m.-2:30 pm (EDT)**

The Florida State Capitol Building
Cabinet Meeting Room LL 03
400 South Monroe St.
Tallahassee, FL

1. Call to Order
2. Pledge of Allegiance
3. Motion to Declare an Emergency
4. Minutes Approval from December 3, 2012
5. Discussion on Legislative actions
6. New Business
7. Public Comment
8. Motion to Adjourn

**Gulf Consortium Committee of Eight Disproportionately Affected Counties
April 29, 2013 Meeting**

**Agenda Item # 3 re Motion to Ratify Chairman's Determination of an
Emergency and Ratifying Meeting on Less than Seven Day Notice**

Statement of Issue or Executive Summary: The Florida Legislature is considering legislation that redirects RESTORE Act funds from the Eight Disproportionately Affected Counties and to Triumph, a quasi-governmental entity created in SB 1024. The Chairman of the Committee of the Eight Disproportionately Affected Counties declared an emergency and called a meeting of the Committee on less than seven days notice. This issue proposes a motion to affirm the Chairman's actions.

Background: The Florida Legislature is currently in its annual 60 day Regular Session that is scheduled to end on May 3, 2013. On Friday, April 19, at the end of the day, Senator Gardiner filed amendment 317422 to SB 1024, which is titled as an act relating to the Department of Economic Opportunity. The Gardiner amendment addresses numerous issues, including the creation of several new sections of Florida Statutes that establish a quasi-governmental entity, Triumph Gulf Coast, Inc. ("Triumph"). Among other things, the Gardiner amendment charges Triumph with the authority to expend certain RESTORE Act funds that the federal law appropriates directly to the Eight Disproportionately Affected Counties. If the amendment becomes law, the county governments represented by the Committee of Eight Disproportionately Affected Counties will lose control over a large amount of federal funds or be required to pursue litigation to challenge the law creating Triumph.

On Monday, April 22, 2013, SB 1024 and the Gardiner amendment was heard by the Committee on Appropriations. The Gardiner amendment was further amended by amendment 699348, but the redirection of RESTORE Act funds remained a component of the Gardiner amendment. The Gardiner amendment as amended was adopted to SB 1024 in the Committee.

The Interlocal Agreement creating the Gulf Consortium requires at least seven days notice for all meetings, except that a meeting can be called with 24 hours written notice if an emergency exists.

After analyzing the legislation, on Wednesday, April 24, 2013, the Chairman of the Committee of Eight Disproportionately Affected Counties determined that the Legislature's actions in advancing SB 1024 as amended constituted an emergency and warranted a meeting of the Committee of Eight Disproportionately Affected Counties with expedited notice. On April 25, the

Consortium's Interim General Counsel prepared and forward to the Florida Administrative Register ("FAR") the notice of the meeting of the Committee of the Eight. The notice was published in FAR on April 26, 2013 in Volume 39/82. The notice of the committee meeting had already been published on the FACRESTORE.com website.

Analysis: If the Gardiner amendment becomes law, the eight counties represented by the Committee of the Eight Disproportionately Affected Counties will stand to lose substantial amounts of federal RESTORE Act funds or be forced to litigate for control of them.

Options:

- 1) Approve a motion to declare an emergency and ratify the less than seven day notice of the meeting.
- 2) Provide other direction.

Fiscal Impact: The passage of SB 1024 into law will have a huge fiscal impact on the counties who are represented on the Committee of Committee of Eight Disproportionately Affected Counties, as the bill transfers the power to expend the funds from the Eight Counties and to Triumph Gulf Coast Inc., a quasi-governmental entity with an unelected board of directors appointed by the legislature, the Governor, the Attorney General and the Chief Financial Officer.

Recommendation:

Approve a motion that ratifies the Chairman's determination that an emergency exists and calling the Committee meeting with expedited notice as detailed in this document.

Prepared by: Sarah M. Bleakley, Esq., Nabors, Giblin & Nickerson, P.A., Interim General Counsel.

Moved _____; Seconded_____.

Action: Approved____; Approved as amended____; Defeated_____

**Gulf Consortium Committee of Eight Disproportionately Affected
Counties Agenda Item Cover Sheet**

April 29, 2013

Agenda Item # 4

Statement of Issue or Executive Summary: The Gulf Consortium, Committee of Eight Disproportionately Affected Counties, is a public entity under Chapter 119, Florida Statutes (F.S.) and as such, meetings are required to have minutes.

Background: The attached minutes summarize actions taken at the last Committee of Eight Disproportionately Affected Counties Meeting held December 7, 2012, 12:00-1:00 p.m. CST at Walton County Coastal Branch Library, 437 Greenway Trail, Santa Rosa Beach, FL.

Analysis: The attached accurately reflects Committee actions.

Options:

- 1) Approve a motion to accept minutes as presented.
- 2) Amend minutes.

Fiscal Impact: None.

Recommendation:

Approve a motion that approves minutes.

Division and Staff Person's Name: Doug Darling, Interim Manager, Gulf Consortium

Moved _____; Seconded_____.

Action: Approved____; Approved as amended____; Defeated_____.

**Gulf Consortium Committee of Eight Disproportionately
Affected Counties Meeting**

December 7, 2012 12:00-1:00 a.m. (CST)

Walton County Coastal Branch Library,

437 Greenway Trail, Santa Rosa Beach, FL 32459

Directors / Alternates in Attendance:

Commissioner Thomas (Bay), Commissioner Robinson (Escambia), Commissioner Sanders (Franklin), Commissioner Yeager (Gulf), Commissioner Parisot (Okaloosa), Commissioner Lynchard (Santa Rosa), Administrator Edwards (Wakulla), Commissioner Comander (Walton). Since Franklin County was not yet a member of the Gulf Consortium, Commissioner Sanders chose not to vote on any item to come before the Committee.

Agenda Item #1 – Call to Order

Mr. Doug Darling, Interim Manager, Gulf Consortium, called the meeting to order and took attendance. All Eight Disproportionately Affected Counties were represented.

Agenda Item # 2 – Election of Chair and Vice Chair of Committee of Eight Disproportionately Affect Counties

Mr. Doug Darling, FAC Consultant, opened the floor for nominations for Chair and Vice Chair. Administrator Edwards (Wakulla) nominated Commissioner Yeager (Gulf) as Chair of the Committee. It was seconded by Commissioner Comander (Walton).

Action: Passed 7-0, Franklin County abstained

Mr. Darling turned over the meeting to Chair Yeager who opened the nominations for Vice Chair. Commissioner Parisot (Okaloosa) nominated Commissioner Robinson (Escambia) and it was seconded by Commissioner Lynchard (Santa Rosa).

Action: Passed 7-0, Franklin County abstained

Agenda Item #3 – Discussion of Proposed Allocation Formula

Mr. Darling and Mr. John Wayne Smith gave overviews of options for formulas to allocate moneys specified in the RESTORE Act required to go directly to the disproportionately affected counties. They discussed how the formulas were developed and the options. After discussion, Commissioner Thomas (Bay) made a motion to approve Tab #4 as the allocation formula. It was seconded by Commissioner Parisot (Okaloosa). During debate, it was determined that to ensure clarity, the Directors should vote on the actual percentages resulting from the formula, not the formula itself.

Commissioner Thomas (Bay) amended his motion to approve the percentages on Tab #4 and was seconded again by Commissioner Parisot (Okaloosa).

Action: Passed 7-0, Franklin County abstained

After the approval of the percentages, Commissioner Parisot (Okaloosa) inquired if each board of county commission needed to adopt a new resolution to reflect the agreement on the formula. Ms. Sarah Bleakley, Gulf Consortium Interim General Counsel, stated that each county would need to adopt a new resolution and that she would provide that document to each of the counties' attorney. For the record, the percentages approved were:

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%

Agenda Item #4 – Next Meeting

Chair Yeager stated for the foreseeable future, there would probably not be a requirement for additional meetings of the Committee of Eight Disproportionately Affected Counties. Hearing no concerns or objections, Commissioner Parisot (Okaloosa) moved to adjourn, seconded by Administrator Edwards (Wakulla).

ACTION: Action: Passed 7-0, Franklin County abstained

Update on SB 1024 re B.P. Oil & RESTORE Act Funds

April 28, 2013

SB 1024 is on the agenda to be heard on the Senate Floor Monday afternoon. Twelve amendments have been filed to the 100 page bill, which covers a myriad of topics. Three filed amendments address RESTORE Act funds. Senators Latvala, Montford and Evers have filed two amendments which, taken together, effectively remove all references to the RESTORE Act from the bill. Amendment 953658 removes the provision allocating the RESTORE Act funds to the Triumph Gulf Coast Inc. Amendment 643260 removes the provision directing Triumph in how to spend the funds. If those two amendments are adopted, the bill will no longer covers RESTORE Act funds.

A third amendment, 762914 by Senator Detert, imposes additional audit requirements on local government entities that receive or expend funds from the RESTORE Act or from Triumph Gulf Coast Inc.

Other provisions in SB 1024 direct 75 percent of the revenues recovered by the Attorney General for economic damages from the oil spill to be expended by Triumph Gulf Coast Inc., a quasi-governmental body. Triumph's board of directors is composed of five members, one each appointed by the Governor, Attorney General, Chief Financial Officer, President of the Senate, and Speaker of the House. SB 1024 directs Triumph to expend the funds recovered by the Attorney General on projects or programs that meet the priorities for economic recovery, diversification, and enhancement of the disproportionately affected counties. The bill contains a list of the uses for the Triumph awards beginning on line 2749 on page 95.

Attached are copies of the relevant provisions of SB 1024, and the three amendments referenced above.

At this point, the House has not filed any legislation related to the RESTORE Act.

The Session is scheduled to adjourn its 60 day Regular Session on May 3, 2013.

Link to CS for CS for SB 1024 (Pages 85-100):

<http://www.flsenate.gov/Session/Bill/2013/1024/BillText/c2/PDF>

Link to Senators Latvala/Evers/Montford Amendment 953658:

<http://www.flsenate.gov/Session/Bill/2013/1024/Amendment/953658/PDF>

Link to Senators Latvala/Evers/Montford Amendment 643260:

<http://www.flsenate.gov/Session/Bill/2013/1024/Amendment/643260/PDF>

Link to Senator Detert Amendment 762914:

<http://www.flsenate.gov/Session/Bill/2013/1024/Amendment/762914/PDF>