

Workgroup to Develop Strategies for Public Sector Recovery of Damages
Florida House of Representatives
Representatives Hudson (Lead), Jones, Patronis, Stargel, Waldman and Workman

Questions for Local Governments, Including
Counties, Municipalities, Special Districts
and School Districts

This questionnaire was prepared by the staff of the Florida House of Representatives' Workgroup to Develop Strategies for Public Sector Recovery of Damages related to the Deep Water Horizon well blowout.

One of the tasks assigned to the Workgroup is to evaluate whether current data collection efforts are sufficient to ensure full compensation to state and local governments and recommend improvements, if any.

Another task is to identify potential negative effects of the state pursuing local government claims under the applicable federal law – The Oil Pollution Act of 1990.

Finally, the Workgroup is interested in receiving ideas regarding how the Legislature and state government can assist local governments receive full compensation for the damages caused by the event.

1. Has your local government incurred expenses, had property damaged, or experienced a loss of revenue related to the event? *If you answer "yes," please complete questions 2-7. If you answer "no," please go to question 8.*

2. The federal Oil Pollution Act of 1990¹ provides for the following types of damage claims:

- Removal costs
- Damage to real and personal property
- Loss of subsistence use of natural resources
- Loss of government revenues
- Loss of profits and earning capacity
- Increased cost of providing public services
- Natural resource damages (may only be claimed by the state)

¹ Codified in 33 U.S.C. 2701 - 2718. The act sets forth a brief description of each category of claim. The *Claimant's Guide for Submitting Claims Under the Oil Pollution Act of 1990* (Claimant's Guide) provides additional information. The Claimant's Guide is published by the National Pollution Funds Center and is available at: <http://www.uscg.mil/ccs/npsc/docs/PDFs/urg/Ch6/NPFCClaimantGuide.pdf>. The Claimant's Guide is intended for use in submitting claims to the Coast Guard when the responsible party (BP in this case) fails to pay a claim. However, it is instructive of the type of information that is needed to support a claim.

2A. Has your local government made any claims related to the BP event? For each claim, briefly describe the type of claim, the amount, and its status.

2B. Does your local government anticipate making claims in the future? For each potential claim, briefly describe the type of claim.

3. If applicable, is the local government confident that it has the capability to document the expenses incurred due to the event in order to be fully compensated?²

4. If applicable, is the local government confident that it has the capability to document the extent of property damage caused by the event to be fully compensated?

5. If applicable, is the local government confident that it has the capability to document the loss of revenues caused by the event to be fully compensated?³

6. Do you have any suggestions for ways the Legislature or state government can assist your local government seek compensation for damages caused by the event? If so, please briefly describe each suggestion.

7. Are you aware of any impediments to the state pursuing claims on behalf of local governments?

8. Name of local government responding to the questionnaire.

9. Name and contact information of person(s) who may be contacted regarding the responses.

² Recoverable expenses are not just additional expenses, but include expenses related to shifting personnel and activities to perform tasks necessitated by the event while “normal activities” are not being performed.

³ Loss of revenues may include, where applicable: local option sales taxes, tourist development taxes, amount of taxes the state shares with local governments, property taxes, park entrance fees, admission fees, concession revenues, utility revenues, local business taxes, permit fees, utility taxes, other fees, fines and penalties.