

STATE OF FLORIDA

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER NUMBER 10-169

(Authorizing Property Appraisers to provide interim assessment of properties affected by the Deepwater Horizon oil spill disaster)

WHEREAS, on April 30, 2010, I issued Executive Order 10-99 declaring a state of emergency due to the threat that the oil spill created by the Deepwater Horizon drilling platform explosion poses to the State of Florida; and

WHEREAS, I found that this event threatens the State of Florida with a major disaster and proclaimed a state of emergency exists for the counties included in Executive Order 10-99, as amended by Executive Orders 10-100 and 10-106 and extended by Executive Order 10-132; and

WHEREAS, oil and tar from the spill has reached certain Florida waters and washed ashore on the State's beaches; and

WHEREAS, because all efforts to stop the discharge, until recently, have either failed entirely or have only marginally abated the flow, the success of efforts to stop the discharge cannot be accurately predicted at this time, and the magnitude of this event is historic and its ultimate scope is presently undeterminable, it is likely that greater portions of the coastline and Florida waters will continue to be threatened by direct contact with oil and tar; and

WHEREAS, the affected counties are heavily dependent on tourism, boating, seafood, and other industries vulnerable to the effects of the spill, and the actual and threatened effect of the oil spill has impacted those economies, likely resulting in injury to

real property in the form of declines in real property values beyond normal market conditions; and

WHEREAS, damages for injury to real property should constitute a recoverable loss against the responsible parties; and

WHEREAS, under Florida law, real property is assessed for tax purposes on January 1 each year, leaving affected property owners unable to substantiate claims without incurring substantial costs in obtaining private appraisals of real property to document claims arising immediately from the decreased value of their real property; and

WHEREAS, property owners are liable for property taxes in 2010 on their January 1, 2010 value despite being disproportionately impacted by conditions created by the oil spill disaster that are beyond normal market conditions impacting all property owners; and

WHEREAS, as Governor, I am responsible to meet the dangers presented to this State and its people by this emergency.

NOW, THEREFORE, I, CHARLIE CRIST, as Governor of Florida, in obedience to my solemn constitutional duty to take care that the laws be faithfully executed, and pursuant to the Constitution and laws of the State of Florida, and by virtue of the authority vested in me by article IV, section 1 (a) of the Florida Constitution and by the State Emergency Management Act (Chapter 252, Florida Statutes), and all other applicable laws, I do hereby issue the following Executive Order, to take immediate effect:

Section 1. Pursuant to chapters 192 and 193, Florida Statutes, property appraisers are required to assess real property according to its just value on January 1 of each year.

Pursuant to chapter 252, Florida Statutes, and Executive Order 10-99, as amended by Executive Orders 10-100, 10-106, 10-115, 10-131, and 10-132, all property appraisers in the affected counties are authorized to provide interim assessments of any real property in the

affected counties that may have suffered a loss in value as a result of the Deepwater Horizon oil spill according to its just value on any date after the oil spill affected the respective county during 2010, for the purpose of documenting current year claims against British Petroleum and any of its agents or subsidiaries responsible for the disaster (collectively “BP”) and other responsible parties. Property appraisers are encouraged to make available to affected property owners such interim assessments to be used as documentation of any loss in real property value sustained as a result of the Deepwater Horizon oil leak in the estimation of the property appraiser. The documentation provided by property appraisers’ interim assessment of adversely affected property may be utilized by property owners to substantiate claims against BP and other responsible parties relating to the loss in value of the property. The documentation may also be used to substantiate claims for the economic loss resulting from liability for property taxes, which are based on the January 1, 2010 values despite a disproportionate reduction in the value of real property caused by the oil spill.

Section 2. Pursuant to chapters 192 and 193, Florida Statutes, property appraisers are required to assess all property located within the county, whether such property is taxable or wholly or partially exempt, according to its just value on January 1 of each year. Pursuant to chapter 252, Florida Statutes, and Executive Order 10-99, as amended by Executive Orders 10-100, 10-106, 10-115, 10-131, and 10-132, all property appraisers in the affected counties are authorized to provide interim assessments of any real property in the affected counties that is owned by the State or any of its subdivisions that may have suffered a loss in value as a result of the Deepwater Horizon oil spill according to its just value on any date after the oil spill affected the respective county during 2010, for the purpose of substantiating claims against BP and any other responsible parties. Property appraisers are encouraged to alert the affected property owners and provide them with documentation substantiating any loss in

value of any property sustained as a result of the Deepwater Horizon oil leak in the estimation of the property appraiser.

Section 3. Nothing herein limits a property owner in any way from using other methods or means for establishing losses to real property.

Section 4. Property appraisers are authorized and encouraged to track and document any costs associated with assessing these damages for separate claims against and reimbursement from BP and other responsible parties.

Section 5. Except as amended herein, Executive Order 10-99, as amended by Executive Orders 10-100, 10-106, 10-115, 10-131, and 10-132, is ratified and reaffirmed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 21 day of July, 2010.



GOVERNOR

ATTEST:

SECRETARY OF STATE

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA
2010 JUL 21 PM 1:55

FILED