

By Senator Joyner

19-00170-14

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1 A bill to be entitled
2 An act relating to impact statements; creating s.
3 11.52, F.S.; providing definitions; requiring that,
4 upon the request of a member of the Legislature, the
5 Office of Program Policy Analysis and Government
6 Accountability prepare a racial and ethnic impact
7 statement describing the anticipated effects of
8 proposed legislation or a proposed amendment to the
9 State Constitution on certain minority persons;
10 providing requirements for the statement; requiring
11 the office to file a statement relating to a proposed
12 amendment to the State Constitution with the Secretary
13 of State by a certain date; requiring the secretary to
14 hold a hearing to solicit suggestions for changes to
15 the statement and file such statement by a certain
16 date; requiring that the statement be made available
17 to the public; providing that a failure to file a
18 statement does not prevent the inclusion of the
19 measure on the ballot; amending s. 101.161, F.S.;
20 requiring a ballot to include a racial and ethnic
21 impact statement under certain circumstances; creating
22 s. 120.90, F.S.; providing a definition; requiring an
23 agency that awards grants to require each grant
24 application to include a racial and ethnic impact
25 statement; providing requirements for the statement;
26 requiring the Department of Management Services to
27 create a racial and ethnic impact statement form and
28 distribute it to state agencies; providing an
29 effective date.

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31 Be It Enacted by the Legislature of the State of Florida:

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33 Section 1. Section 11.52, Florida Statutes, is created to
34 read:

35 11.52 Racial and ethnic impact statements.—

36 (1) As used in this section, the term:

37 (a) "Criminal offender population" means all persons who
38 are convicted of a crime or adjudicated for an act that, if
39 committed by an adult, would constitute a crime.

40 (b) "Minority person" means a person who is:

41 1. An African American and has origins in any of the black
42 racial groups of the African Diaspora, regardless of cultural
43 origin.

44 2. A Hispanic American of Spanish or Portuguese culture and
45 has origins in Spain, Portugal, Mexico, South America, Central
46 America, or the Caribbean, regardless of race.

47 3. An Asian American and has origins in any of the original
48 peoples of the Far East, Southeast Asia, the Indian
49 Subcontinent, or the Pacific Islands, including the Hawaiian
50 Islands before 1778.

51 4. A Native American who has origins in any of the Indian
52 Tribes of North America before 1835, upon presentation of proper
53 documentation as specified by rule of the Department of
54 Management Services.

55 5. An American woman.

56 (c) "Office" means the Office of Program Policy Analysis
57 and Government Accountability.

58 (d) "Recipients of human services" means persons who are

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59 found to be within the jurisdiction of the juvenile court under
60 chapter 985 or who receive child welfare services under chapter
61 39.

62 (2) At the request of a member of the Legislature, the
63 office shall prepare a racial and ethnic impact statement for
64 proposed legislation or a proposed amendment to the State
65 Constitution. The racial and ethnic impact statement must be
66 impartial, simple, and understandable and, for racial and ethnic
67 groups for which data are available, include the following:

68 (a) A description of the anticipated effects of proposed
69 legislation or a proposed amendment to the State Constitution on
70 the racial and ethnic composition of the criminal offender
71 population or recipients of human services.

72 (b) An estimate of how the proposed legislation would
73 change the racial and ethnic composition of the criminal
74 offender population or recipients of human services.

75 (c) If the racial and ethnic impact statement addresses the
76 effect of proposed legislation on the criminal offender
77 population, an estimate of the racial and ethnic composition of
78 the crime victims who may be affected by the proposed
79 legislation.

80 (d) A statement of the methodologies and assumptions used
81 in preparing the estimates under paragraphs (b) and (c).

82 (3) If the office has prepared a racial and ethnic impact
83 statement for a proposed amendment to the State Constitution,
84 the office shall file the statement with the Secretary of State
85 by the 99th day before a special election held on the date of a
86 primary election or any general election at which the proposed
87 amendment to the State Constitution is to be submitted to the

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88 people.

89 (a) By the 95th day before such election, the Secretary of
90 State shall hold a public hearing with notice pursuant to s.
91 120.525 to receive suggestions for changes to the statement or
92 other relevant information. At the hearing, any person may
93 submit suggested changes to the statement or other information
94 relevant to the statement orally or in writing. Written
95 suggestions for changes to the statement and any other
96 information relevant to the statement also may be submitted at
97 any time before the hearing.

98 (b) The office shall consider suggestions and any other
99 information submitted under paragraph (a) and may file a revised
100 statement with the Secretary of State, and the Secretary of
101 State shall certify such statement by the 90th day before the
102 election.

103 (c) All racial and ethnic impact statements made under this
104 subsection shall be made available to the public.

105 (d) Failure to prepare, file, or certify a racial and
106 ethnic impact statement pursuant to this section does not
107 prevent inclusion of the proposed amendment to the State
108 Constitution on the ballot.

109 Section 2. Subsection (5) is added to section 101.161,
110 Florida Statutes, to read:

111 101.161 Referenda; ballots.—

112 (5) If a racial and ethnic impact statement has been
113 requested and prepared pursuant to s. 11.52, the ballot must
114 include such statement following the ballot summary.

115 Section 3. Section 120.90, Florida Statutes, is created to
116 read:

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117 120.90 Impact statements for grant applications.-

118 (1) As used in this section, the term "minority person"
119 means a person who is:

120 (a) An African American and has origins in any of the black
121 racial groups of the African Diaspora, regardless of cultural
122 origin.

123 (b) A Hispanic American of Spanish or Portuguese culture
124 and has origins in Spain, Portugal, Mexico, South America,
125 Central America, or the Caribbean, regardless of race.

126 (c) An Asian American and has origins in any of the
127 original peoples of the Far East, Southeast Asia, the Indian
128 Subcontinent, or the Pacific Islands, including the Hawaiian
129 Islands before 1778.

130 (d) A Native American and has origins in any of the Indian
131 Tribes of North America before 1835, upon presentation of proper
132 documentation as specified by rule of the Department of
133 Management Services.

134 (e) An American woman.

135 (2) An agency that awards grants shall require that, for
136 informational purposes, each grant application include a racial
137 and ethnic impact statement, which must include, for racial and
138 ethnic groups for which data are available, the following:

139 (a) Any disproportionate or unique effect of proposed
140 policies or programs funded by the grant on minority persons in
141 this state.

142 (b) A rationale for the existence of policies or programs
143 funded by the grant which have a disproportionate or unique
144 effect on minority persons in this state.

145 (c) Evidence of consultation with representatives of

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146 minority persons in cases in which a proposed policy or program
147 funded by the grant has a disproportionate or unique effect on
148 minority persons in this state.

149 (3) The Department of Management Services shall create and
150 distribute a racial and ethnic impact statement form for state
151 agencies and shall ensure that the statement is included in
152 applications for grants awarded by state agencies.

153 Section 4. This act shall take effect July 1, 2014.