

By Senator Bracy

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1 A bill to be entitled
2 An act relating to racial and ethnic impact
3 statements; creating s. 11.52, F.S.; defining terms;
4 requiring that, upon the request of a member of the
5 Legislature, the Office of Program Policy Analysis and
6 Government Accountability prepare a racial and ethnic
7 impact 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.; defining the term "minority person";
23 requiring an agency that awards grants to require each
24 grant application to include a racial and ethnic
25 impact statement; providing requirements for the
26 statement; requiring the Department of Management
27 Services to create a racial and ethnic impact
28 statement form for distribution to state agencies;
29 providing an 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 who 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 who
45 has origins in Spain, Portugal, Mexico, Central America, South
46 America, or the Caribbean, regardless of race;

47 3. An Asian American who 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; or

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 groups of
67 minority persons for which data are available, include the
68 following:

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

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

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

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

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

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88 amendment to the State Constitution is to be submitted to the
89 people.

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

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

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

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

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

112 101.161 Referenda; ballots.—

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

116 Section 3. Section 120.90, Florida Statutes, is created to

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117 read:

118 120.90 Impact statements for grant applications.-119 (1) As used in this section, the term "minority person"120 means a person who is:121 (a) An African American who has origins in any of the black
122 racial groups of the African Diaspora, regardless of cultural
123 origin;124 (b) A Hispanic American of Spanish or Portuguese culture
125 who has origins in Spain, Portugal, Mexico, Central America,
126 South America, or the Caribbean, regardless of race;127 (c) An Asian American who has origins in any of the
128 original peoples of the Far East, Southeast Asia, the Indian
129 Subcontinent, or the Pacific Islands, including the Hawaiian
130 Islands before 1778;131 (d) A Native American who has origins in any of the Indian
132 Tribes of North America before 1835, upon presentation of proper
133 documentation as specified by rule of the Department of
134 Management Services; or135 (e) An American woman.136 (2) An agency that awards grants shall require that, for
137 informational purposes, each grant application include a racial
138 and ethnic impact statement, which must include, for racial and
139 ethnic groups for which data are available, the following:140 (a) Any disproportionate or unique effect of proposed
141 policies or programs funded by the grant on minority persons in
142 this state.143 (b) A rationale for the existence of policies or programs
144 funded by the grant which have a disproportionate or unique
145 effect on minority persons in this state.

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146 (c) Evidence of consultation with representatives of
147 minority persons in cases in which a proposed policy or program
148 funded by the grant has a disproportionate or unique effect on
149 minority persons in this state.

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

154 Section 4. This act shall take effect July 1, 2017.