

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, if it has prepared an impact statement, to  
12 file the statement relating to a proposed amendment to  
13 the State Constitution with the Secretary of State by  
14 a certain date; requiring the secretary to hold a  
15 hearing to receive suggestions for changes to the  
16 statement and file the statement by a certain date;  
17 requiring that the statement be made available to the  
18 public; providing that a failure to file a statement  
19 does not prevent the inclusion of the measure on the  
20 ballot; amending s. 101.161, F.S.; requiring a ballot  
21 to include a racial and ethnic impact statement under  
22 certain circumstances; creating s. 120.90, F.S.;  
23 defining the term "minority person"; requiring an  
24 agency that awards grants to require each grant  
25 application to include a racial and ethnic impact  
26 statement; providing requirements for the statement;

27 requiring the Department of Management Services to  
 28 create a racial and ethnic impact statement form and  
 29 distribute it to state agencies for inclusion in  
 30 applications for grant awards; providing an effective  
 31 date.

32  
 33 Be It Enacted by the Legislature of the State of Florida:

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

37 11.52 Racial and ethnic impact statements.-

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

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

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

43 1. An African American who has origins in any of the black  
 44 racial groups of the African Diaspora, regardless of cultural  
 45 origin.

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

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

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

57 5. An American woman.

58 (c) "Office" means the Office of Program Policy Analysis  
59 and Government Accountability.

60 (d) "Recipients of human services" means persons who are  
61 found to be within the jurisdiction of the juvenile court under  
62 chapter 985 or who receive child welfare services under chapter  
63 39.

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

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

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

77 (c) If the racial and ethnic impact statement addresses  
78 the effect of proposed legislation on the criminal offender

79 population, an estimate of the racial and ethnic composition of  
80 the crime victims who may be affected by the proposed  
81 legislation.

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

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

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

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

103 (c) All racial and ethnic impact statements made under  
104 this 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 the statement following the ballot summary.

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

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 who has origins in any of the  
 121 black racial groups of the African Diaspora, regardless of  
 122 cultural origin.

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

126 (c) An Asian American who 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 who 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 that have a disproportionate or unique  
144 effect on minority persons in this state.

145 (c) Evidence of consultation with representatives of  
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.