

March 27, 2006

The Honorable Barbara J. Pariente  
Chief Justice, and Justices of  
The Supreme Court of Florida  
The Supreme Court Building  
Tallahassee, Florida 32399-1925

RE: Referenda Required for Adoption and Amendment of Local Government  
Comprehensive Land Use Plans

Dear Chief Justice Pariente and Justices:

On February 1, 2006, in accordance with the provisions of Article IV, section 10, Florida Constitution, and section 16.061, Florida Statutes, I petitioned this Honorable Court for an advisory opinion on the initiative petition seeking to amend the Florida Constitution to require local governments to put a new comprehensive land-use plan or an amendment to an existing comprehensive land-use plan to a vote by referendum prior to adoption.

On March 10, 2006, the Financial Impact Estimating Conference, in accordance with the provisions of section 100.371(6)(a), Florida Statutes, forwarded to this office a financial impact statement, dated March 7, 2006, on the initiative petition.

Therefore, I respectfully request this Honorable Court's opinion as to whether the financial impact statement prepared by the Financial Impact Estimating Conference on the constitutional amendment, proposed by initiative petition, entitled "REFERENDA REQUIRED FOR ADOPTION AND AMENDMENT OF LOCAL GOVERNMENT COMPREHENSIVE LAND USE PLANS" (a copy of which is attached) is in accordance with section 100.371, Florida Statutes.

Sincerely,

Charlie Crist  
Attorney General

The Honorable Barbara J. Pariente  
Page Two

cc: Ms. Susan M. Cobb  
Secretary of State

The Honorable Jeb Bush  
Governor, State of Florida

The Honorable Tom Lee  
President, Florida Senate

The Honorable Allan G. Bense  
Speaker, Florida House of Representatives

Director's Office  
Division of Elections

Ms. Lesley G. Blackner  
Chair, Florida Hometown Democracy, Inc., PAC

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been furnished by U.S. Mail delivery this 27th day of March, 2006, to the following:

Ms. Lesley G. Blackner  
Chair, Florida Hometown Democracy, Inc., PAC  
Post Office Box 636  
New Smyrna Beach, FL 32170-.636

I hereby certify that a true and correct copy of the foregoing has been furnished via interoffice mail delivery this *20th day of October, 2006*, to the following:

Ms. Susan M. Cobb, Secretary of State  
attn: General Counsel

The Honorable Jeb Bush, Governor, State of Florida  
attn: General Counsel

The Honorable Tom Lee, President, Florida Senate  
attn: General Counsel

The Honorable Allan G. Bense, Speaker, Florida House of Representatives  
attn: General Counsel

Director, Division of Elections

---

Joslyn Wilson  
Assistant Attorney General

TOM LEE  
President



ALLAN BENSE  
Speaker



THE FLORIDA LEGISLATURE

OFFICE OF ECONOMIC AND DEMOGRAPHIC RESEARCH

March 7, 2006

The Honorable Charlie Crist  
Attorney General  
State of Florida  
PL-01 The Capitol  
Tallahassee, FL 32399-1050

Dear Attorney General Crist,

Section 100.371, Florida Statutes, instructs the Financial Impact Estimating Conference to submit to the Attorney General a financial impact statement within 45 days of receipt of an initiative petition from the Secretary of State.

By this letter, the Financial Impact Estimating Conference is submitting to you the attached financial impact statement for the initiative petition entitled "Referenda Required for Adoption and Amendment of Local Government Comprehensive Land Use Plans", Serial Number 05-18."

Handwritten signature of Amy J. Baker in cursive.

Amy J. Baker, Coordinator  
Office of Economic and Demographic Research

Handwritten signature of Teresa Tinker in cursive.

Teresa Tinker, Policy Coordinator  
Executive Office of the Governor

Handwritten signature of Cynthia Kelly in cursive.

Cynthia Kelly, Council Director  
House Fiscal Council

Handwritten signature of David Coburn in cursive.

David Coburn, Chief Staff Director  
Senate Committee on Ways and Means

FINANCIAL IMPACT ESTIMATING CONFERENCE

FINANCIAL IMPACT STATEMENT

REFERENDA REQUIRED FOR ADOPTION AND AMENDMENT OF LOCAL  
GOVERNMENT COMPREHENSIVE LAND USE PLANS, #05-18

The direct impact of this amendment on local government expenditures cannot be determined precisely. Over each two year election cycle, local governments cumulatively will incur significant costs (millions of dollars statewide). Costs will vary depending on the processes employed by cities and counties in obtaining approval for plan amendments. The direct impact on state government expenditures will be insignificant. There will be no direct impact on government revenues.

## FINANCIAL INFORMATION STATEMENT

### REFERENDA REQUIRED FOR ADOPTION AND AMENDMENT OF LOCAL GOVERNMENT COMPREHENSIVE LAND USE PLANS, #05-18

Florida law requires each local government to adopt a comprehensive plan. Comprehensive plans may be amended twice per year, or more often, as provided by law. Under current law and practice, local governments typically “package” a number of individual amendments in each biannual update. The proposed constitutional amendment requires local governments to conduct a vote, by referendum, before adopting any new comprehensive plan, or amendments to the comprehensive plan. The vote would be conducted after preparation of the plan or amendment by the local planning agency and consideration by the governing body.

Based on information provided through public workshops and collected through staff research, the Financial Impact Estimating Conference principals determined that local governments cumulatively will incur significant costs (millions of dollars statewide) related to the referendum requirement. Nevertheless, the fiscal impact is indeterminate. The proposed amendment is expected to have the following impacts.

- The proposed constitutional amendment does not specify how or if local governments would group amendments on the ballot or the specifics of the process that would be used for approval of each amendment. Survey responses from local government planners and county supervisors vary regarding how amendments might be grouped and presented to the voters. At a minimum, costs will include printing ballots, and such costs will vary depending on the election method selected. Additionally, costs will likely include noticing and advertising the ballot information.
- The survey responses indicate the majority of local governments anticipate the volume of proposed plan amendments would remain the same. Therefore, any fiscal impact related to increased or decreased volume of amendments would be insignificant.
- Election costs will be impacted regardless of the method by which local governments choose to conduct the vote – special or general election, whether by mail ballot or at the polls. It is expected that all methods will be used. Over each two year election cycle, assuming local governments continue to amend their plans at least twice per year, special elections will probably be necessary at least three times. Survey responses vary regarding the frequency of such elections and associated costs.
- The impact on state government expenditures will be insignificant under current law. While implementation of this amendment will not require statutory changes, some changes may be desirable. In addition, the Department of Community Affairs must amend its procedural rule.
- There are no state or local revenue sources that will be increased or decreased directly as a result of this amendment. Should behavior change such that fewer amendments result in economic development activity, then revenues may be indirectly suppressed. Conversely, if the proportion of approved amendments leads to planned developments that are more sustainable, revenues may be indirectly increased. Moreover, secondary effects on land values and taxable development activity are highly speculative and may

lead to both increasing and decreasing revenue impacts over time. None of these impacts can be estimated with any degree of certainty.