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VIA ~~922-6436~~ *Hand Delivery*

July 25, 2007

Financial Impact Estimating Conference c/o
The Florida Legislature
Office of Economic and Demographic Research
111 West Madison, Suite 574
Tallahassee, Florida 32399

RE: Financial Impact Statement - Referenda Required for
Adoption and Amendment of Local Government Comprehensive
Land Use Plans - Corrected comments

Dear Conference Members:

Thank you for the opportunity to appear before you last
week on behalf of Florida Hometown Democracy, Inc., to
offer verbal comments on the revision to the financial
impact statement (FIS) on this important citizen's
initiative.

As I mentioned, the text of the current petition (serial
number 05-18) is identical to the text of Florida Hometown
Democracy's prior initiative petition (serial number 03-
23). Only the summary was changed to delete one sentence
from the 2003 petition. Your records will confirm that on
August 9, 2004, the Financial Impact Estimating Conference
sent the Attorney General a FIS on the 2003 petition that
stated:

The overall financial impact of this amendment on
state and local governments cannot be determined.
Additional costs will be incurred by local
governments and will vary depending upon future
statutory changes and on the processes employed
by cities and counties in obtaining approval for
changes to comprehensive land use plans. The

impact on state government will be minimal under current law.

Accordingly, one would think that a financial impact analysis of identical text performed two years later would reach a similar conclusion absent some rational explanation to the contrary.

On behalf of Florida Hometown Democracy, and myself as an individual Floridian, I suggest that your revised FIS provide: "The financial impact of this measure, if any, cannot be determined at this time."

Since the Florida Supreme Court rejected the second sentence of the 2005 FIS, it must be revised at a minimum. I suggested that you contact each of Florida's 67 Supervisors of Elections to determine the number of "off cycle" (other than the general election every two years) in recent years. As I stated, a brief internet search of Leon, Duval, Miami Dade and Hillsborough counties indicated that "off cycle" elections are held fairly often both countywide and in some municipalities. In addition, special elections are not unusual for Legislative seats which may include all or portions of more than one county or city. The cost of conducting a referendum is less when it is held in conjunction with another election.

I am not aware of any Constitutional authority that dictates the timing of a referendum election on a land use plan or plan amendment, however, by statute, the Legislature has given local governments either 60 or 120 days after receipt of the Department of Community Affairs' comments on a proposal to adopt, adopt with modifications or decide not to adopt an amendment. Section 163.3184(7), Fla. Stat.

In that regard, I noted that given Florida's current effort to cut back local government taxation, that one might reasonably expect an increased reliance on municipal services taxing units (MSTU) and municipal service benefit units (MSBU), which require elections in the affected areas. See, Article VII, section 9, Fla. Const. & Section 125.01(5)(c), Fla. Stat.

A lawyer/representative for "Floridians for Smarter Growth" verbally disputed this point during last week's appearance before you. However, I invite you to check the facts as to my testimony that use of MSTU and MSBU funding mechanisms can reasonably be expected to increase, thus increasing the frequency of elections. According to Florida Tax Watch's December 2006 Research Report -- "Controlling Escalating Property Taxation and Local Government Spending and Revenue" (see pp. 4-5):

While still a fairly small component of local governments' total revenues, special assessments are growing rapidly. From 1994-2004, special assessments levied by all Florida counties, cities, and special districts have almost tripled, increasing 171%.

I also noted that our Federal courts have implemented an electronic filing for legal documents, that Florida courts are moving in that direction, and that in the near future, Florida may be able to reduce election costs by offering electronic voting opportunities. Presumably, that will reduce election costs. See, Section 101.697, Fla. Stat.

As to the frequency of plan land use plan amendments and new plans, one can reasonably expect the frequency to be reduced by the referendum requirement. The Florida Supreme Court noted as much on page nine of its recent opinion on the 2005 FIS for FHD's initiative. (Case No. SC06-521).

I also noted that the use of the phrase "in obtaining approval by voters" in the third sentence of your 2005 FIS is misleading since it presumes that the outcome of a land use plan/amendment referendum would be favorable; voters could be expected to reject some land use referendum questions during elections. Without waiver of the suggested "undetermined impact" FIS, any similar statement should be content neutral and refer to "conducting referenda on land use plans/amendments."

The cost of notice for referenda on owner/developer/citizen sponsored land use plan amendments can be passed on by the local government to the applicant. See, Section 163.3187(5), Fla. Stat. Many of the plan amendments adopted by local governments, especially "small scale" amendments, originate from the private sector and not the local government planners. Arguably, local governments

could seek to pass along the election costs as well, unless prohibited by general law.

Finally, the cost of advertising referenda elections would be insignificant, since the required advertising is minimal and need not include the text. Section 100.342, Fla. Stat.

Thank you for your consideration. Please send myself, and Ms. Lesley Blackner a copy of your revised FIS.

Sincerely,

A handwritten signature in black ink, appearing to read "Ross Stafford Burnaman". The signature is stylized with a large initial "R" and a long horizontal line extending to the right.

Ross Stafford Burnaman

Encl.

Cc w/o encl. Lesley Blackner, Esquire



STATE OF FLORIDA

CHARLIE CRIST
ATTORNEY GENERAL

August 11, 2004

FILED
JUL 13 2004

2004 JUL 11 P 4:42

CITY, SUPREME COURT

RECEIVED

SC04-1479

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 July 13, 2004, 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 referenda for the adoption and repeal of local government comprehensive land use plans.

On August 9, 2004, the Financial Impact Estimating Conference, in accordance with the provisions of Chapter 04-33, Laws of Florida, forwarded to this office a financial impact statement on the Referenda Required for Adoption and Amendment of Local Government Comprehensive Land Use Plans initiative petition. Chapter 04-33 provides for this Honorable Court to review the fiscal impact statement to determine whether it is in accordance with section 100.371, Florida Statutes.

Therefore, I respectfully request this Honorable Court's opinion as to whether the financial impact statement prepared by the Financial Impact Estimating Conference (a copy of which is attached) on the constitutional amendment, proposed by initiative petition, entitled "Referenda Required for Adoption and Amendment of Local Government Comprehensive Land Use Plans" is in accordance with 100.371, Florida Statutes.

Sincerely,

Charlie Crist
Attorney General

The Honorable Barbara J. Pariente
Page Two

cc: Ms. Glenda Hood
Secretary of State

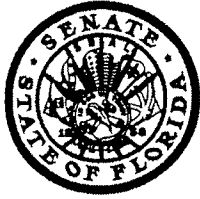
The Honorable Jeb Bush
Governor, State of Florida

The Honorable James E. "Jim" King
President, Florida Senate

The Honorable Johnnie Byrd
Speaker, Florida House of Representatives

Financial Impact Estimating Conference

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



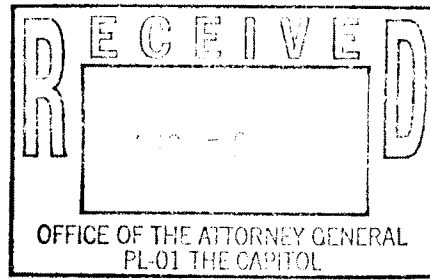
THE FLORIDA LEGISLATURE

OFFICE OF ECONOMIC AND DEMOGRAPHIC RESEARCH



August 9, 2004

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



2004 AUG 11 P 4:42
OFFICE OF THE ATTORNEY GENERAL

Dear Attorney General Crist,

Chapter 2004-33, Laws of Florida, 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 03-23.

James LaCrosse, Acting Coordinator
Office of Economic and Demographic Research

Teresa Tinker, Policy Coordinator
Executive Office of the Governor

Amy Baker, Staff Director
House Committee on Appropriations

David Coburn, Staff Director
Senate Committee on Appropriations

FINANCIAL IMPACT ESTIMATING CONFERENCE

FINANCIAL IMPACT STATEMENT

FILED TO
TERRY J. HALL

2004 AUG 11 P 4:42

CLERK, SHERIFFS COUNTY

REFERENDA REQUIRED FOR ADOPTION AND AMENDMENT OF
LOCAL GOVERNMENT COMPREHENSIVE LAND USE PLANS,
SERIAL NUMBER 03-23

The overall financial impact of this amendment on state and local governments cannot be determined. Additional costs will be incurred by local governments and will vary depending upon future statutory changes and on the processes employed by cities and counties in obtaining approval for changes to comprehensive land use plans. The impact on state government will be minimal under current law.