

The statement which appears on the ballot in accordance with Section 100.371, Florida Statutes, should read as follows:

“There is no probable fiscal impact that can be determined”.

Three reasons support this conclusion: The requirements of the statute, the opinion of the court and the dictates of logic.

The Statute

The statute requires a notification of the public of probable costs. The public would be misinformed by speculative conclusions.

The Court

The court says :“...it is clear that the amendments would have no additional financial impact above the basic costs of reapportionment which are incurred during each decennial period.” This statement explicitly finds that there is no fiscal impact. To find otherwise, the court says would be “dubious and highly speculative” and that “the prediction of increased litigation is premised on the unsupported assumption that the Legislature will fail to adhere to the guidelines and fail to fulfill its constitutional duty.”

Logic

To state there are costs associated with this amendment requires not only speculation but three different conclusions, each of which is speculative. First , litigation must be assumed. That might not be an irrational assumption. However, litigation arises after the Legislature acts or fails to act and is not dependent of the proposal. It is the next two steps which make the conclusion of costs irrational. Second, there must be an assumption that any litigation that occurs will cost more than any previous litigation. How is it possible to state this with any probability? Where is the evidence it will cost more? Finally, there must be an assumption that any additional cost is because of THIS particular amendment. [not new data, not increased attorneys fees etc] This is surely the most unsupportable leap of all.

In sum, any statement of costs in a fiscal impact statement is misleading to the public and highly speculative.