Water and Land Conservation

Number: PETITION

Date: April 18, 2013

The Honorable Ricky Polston
Chief Justice, and Justices of
The Supreme Court of Florida
The Supreme Court Building
Tallahassee, Florida 32399-1925

Dear Chief Justice Polston and Justices:

In accordance with the provisions of Article IV, section 10, Florida Constitution, and section 16.061, Florida Statutes, it is the responsibility of the Attorney General to petition this Honorable Court for a written opinion as to the validity of an initiative petition circulated pursuant to Article XI, section 3, Florida Constitution.

On April 15, 2013, this office received from the Secretary of State an initiative petition seeking to amend the Florida Constitution. The proposed amendment would dedicate funds for the Land Acquisition Trust Fund to acquire and restore Florida conservation and recreation lands.

The full text of the proposed amendment, which adds a new section 28 to Article X of the Florida Constitution, states:

"SECTION 28. Land Acquisition Trust Fund.--
a) Effective on July 1 of the year following passage of this amendment by the voters, and for a period of 20 years after that effective date, the Land Acquisition Trust Fund shall receive no less than 33 percent of net revenues derived from the existing excise tax on documents, as defined in the statutes in effect on January 1, 2012, as amended from time to time, or any successor or replacement tax, after the Department of Revenue first deducts a service charge to pay the costs of the collection and enforcement of the excise tax on documents.
b) Funds in the Land Acquisition Trust Fund shall be expended only for the following purposes:
1) As provided by law, to finance or refinance: the acquisition and improvement of land, water areas, and related property interests, including conservation easements, and resources for conservation lands including wetlands, forests, and fish and wildlife habitat; wildlife management areas; lands that protect water resources and drinking water sources, including lands protecting the water quality and quantity of rivers, lakes, streams, springsheds, and lands providing recharge for groundwater and aquifer systems; lands in the Everglades Agricultural Area and the Everglades Protection Area, as defined in Article II, Section 7(b); beaches and shores; outdoor recreation lands, including recreational trails, parks, and urban open space; rural landscapes; working farms and ranches; historic or geologic sites; together with management, restoration of natural systems, and the enhancement of public access or recreational enjoyment of conservation lands.
2) To pay the debt service on bonds issued pursuant to Article VII, Section 11(e).
c) The moneys deposited into the Land Acquisition Trust Fund, as defined by the statutes in

effect on January 1, 2012, shall not be or become commingled with the General Revenue Fund of the state."

The ballot title for the proposed amendment is "Water and Land Conservation - Dedicates funds to acquire and restore Florida conservation and recreation lands." The ballot summary for the proposed amendment states:

"Funds the Land Acquisition Trust Fund to acquire, restore, improve, and manage conservation lands including wetlands and forests; fish and wildlife habitat; lands protecting water resources and drinking water sources, including the Everglades, and the water quality of rivers, lakes, and streams; beaches and shores; outdoor recreational lands; working farms and ranches; and historic or geologic sites, by dedicating 33 percent of net revenues from the existing excise tax on documents for 20 years."

Pursuant to Rule 9.510(b), Florida Rules of Appellate Procedure, a petition by this office must contain, in addition to the language of the initiative, the following information:

1. The name of the sponsor and address: The sponsor of the initiative is Florida's Water and Land Legacy, whose address is 316 Williams Street, Tallahassee, Florida 32303. Mr. William W. Abberger is the Chairperson.

2. The name and address of the sponsor's attorney, if the sponsor is represented: Mr. Jon L. Mills, Boies, Schiller & Flexner, LLP, 100 Southeast 2nd Street, Suite 2800, Miami, Florida 33131.

3. A statement as to whether the sponsor has obtained the requisite number of signatures to have the initiative placed on the ballot: As of April 3, 2013, the sponsor had not obtained the necessary number of signatures to place the initiative on the ballot.

4. The current status of the signature collection process: The Secretary of State in his April 4, 2013, letter states that the Supervisors of Elections have certified a total of 69,562 valid petition signatures to the Division of Elections in the Department of State.

5. The date of the election during which the sponsor is planning to submit the proposed amendment: The initiative itself does not specify the date of the election although the Department of State's website indicates the 2014 election: http://election.dos.state.fl.us/initiatives/initdetail.asp?account=59894&seqnum=1.

6. The last possible date that the ballot for the target election can be printed in order to be ready for the election: The Secretary of State's Office has advised the Attorney General's Office that this date is August 21, 2014, for the 2014 general election.

7. A statement identifying the date by which the Financial Impact Statement will be filed, if the Financial Impact Statement is not filed concurrently with the request: The Attorney General's Office has been advised that the Financial Impact Estimating Conference intends to file the financial impact statement no later than May 24, 2013.

8. The names and complete mailing addresses of all of the parties who are to be served:

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Chair, Florida's Water and Boies, Schiller & Flexner, LLP
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The Honorable Rick Scott Mr. Ken Detzner, Secretary
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The Honorable Don Gaetz The Honorable Will Weatherford
President, Florida Senate Speaker, Florida House of Representatives
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Financial Impact Estimating Department of State, Division of Elections
Conference Director's Office
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In accordance with the provisions of Article IV, section 10, Florida Constitution, I respectfully request this Honorable Court's opinion as to whether the proposed amendment complies with the single-subject requirement of Article XI, section 3, Florida Constitution, and whether the ballot title and summary of the proposed constitutional amendment comply with section 101.161(1), Florida Statutes, setting forth substantive and technical requirements for the ballot title and summary.

Respectfully submitted,

Pamela Jo Bondi
Attorney General