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Professional Planning Since 1973

MEMO

To: Town of Fort Myers Beach Local Planning Agency
Date: October 5, 2010
Re: Constitutional Amendment 4

I was asked by the LPA to prepare a package of information on the pros and cons of the proposed constitutional Amendment 4 that is included on the November ballot. Amendment 4 states in part:

“ before a local government may adopt a new comprehensive land use plan, or amend a comprehensive land use plan, such proposed plan or amendment shall be subject to vote of the electors of the local government by referendum, following preparation by the local planning agency, consideration by the governing body as provided by general law and notice thereof in a local newspaper of general circulation.”

In my view, the impacts of this amendment will have far reaching negative impacts on comprehensive plan changes proposed by our Town government and those submitted by the public. It takes the ultimate decision-making power on land use cases, including comprehensive plan updates from the Town Council, to instead become a popularity contest, with accompanying signs, commercials, and perhaps jingles advocating one side and/or the other.

I have collected a series of materials that are attached here to give you a better sense of what this amendment means to us, our Town and its citizens. Since the amendment wording on the ballot sounds like “apple pie” or take away some of the “power of the government”, I believe that the amendment could well pass given the current political climate. It is therefore important that the public be made well aware of the implications and the mask of this issue.

If you read the materials carefully, some of which I have highlighted, you will have a good understanding of what this is all about.

Charter Member American Planning Association and American Institute of Certified Planners

Ballot Text

Of

AMENDMENT 4

No. 4
CONSTITUTIONAL AMENDMENT
ARTICLE II, SECTION 7
(Initiative)

Ballot Title:
REFERENDA REQUIRED FOR ADOPTION
AND AMENDMENT OF LOCAL
GOVERNMENT COMPREHENSIVE LAND
USE PLANS.

Ballot Summary:
Establishes that before a local government
may adopt a new comprehensive land use
plan, or amend a comprehensive land use
plan, the proposed plan or amendment
shall be subject to vote of the electors
of the local government by referendum,
following preparation by the local planning
agency, consideration by the governing
body and notice. Provides definitions.

Financial Impact Statement:
The amendment's impact on local govern-
ment expenditures cannot be estimated
precisely. Local governments will incur
additional costs due to the requirement to
conduct referenda in order to adopt com-
prehensive plans or amendments thereto.
The amount of such costs depends upon
the frequency, timing and method of the
referenda, and includes the costs of ballot
preparation, election administration, and
associated expenses. The impact on state
government expenditures will be insignifi-
cant.

Full Text:

ARTICLE II
GENERAL PROVISIONS

SECTION 7. Natural resources and scenic
beauty.--

Public participation in local government
comprehensive land use planning benefits
the conservation and protection of Florida's
natural resources and scenic beauty, and
the long-term quality of life of Floridians.
Therefore, before a local government may
adopt a new comprehensive land use plan,
or amend a comprehensive land use plan,
such proposed plan or plan amendment
shall be subject to vote of the electors
of the local government by referendum,
following preparation by the local planning
agency, consideration by the governing
body as provided by general law, and no-
tice thereof in a local newspaper of general
circulation. Notice and referendum will be
as provided by general law. This amend-
ment shall become effective immediately
upon approval by the electors of Florida.

For purposes of this subsection:

1. "Local government" means a county or
municipality.
2. "Local government comprehensive
land use plan" means a plan to guide and
control future land development in an area
under the jurisdiction of a local govern-
ment.
3. "Local planning agency" means the
agency of a local government that is
responsible for the preparation of a com-

prehensive land use plan and plan amend-
ments after public notice and hearings
and for making recommendations to the
governing body of the local government
regarding the adoption or amendment of a
comprehensive land use plan.

4. "Governing body" means the board
of county commissioner of a county, the
commission of a council of a municipal-
ity, or the chief of the elected governing
body of a county or municipality, however
designated.

PRO

AMENDMENT 4

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Daniel Indiviglio - Daniel Indiviglio is a staff editor at TheAtlantic.com, where he writes about credit markets, regulation, monetary & fiscal policy, taxes, banking, trade, emerging markets and technology. Prior to joining *The Atlantic*, he wrote for *Forbes*. He also worked as an investment banker and a consultant.

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Daniel Indiviglio is a blogger and editor for the Atlantic Business Channel, where he provides insight, analysis and opinion on the intersection of business, finance, economics, and politics. Some of his specific writing interests include: credit markets, regulation, monetary & fiscal policy, taxes, banking, trade, emerging markets and technology. Prior to joining The Atlantic, he wrote for Forbes. Before journalism, Daniel spent several years as an investment banker and consultant for financial services firms. Before that, he graduated from Cornell where he triple majored in economics, philosophy and physics. He resides in the Washington, D.C., metro area.

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Florida's 'Amendment 4' Would Give Voters Say on Overbuilding

Sep 28 2010, 6:19 PM ET | [Comments \(9\)](#)

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Florida was one of the states hit hardest by the collapse of the housing market. In August it had the fourth highest density of homes repossessed by banks. Its real estate prices continue to struggle as inventory grows. To make matters worse, however, builders continue producing more and more houses and condos. But a new referendum called "Amendment 4" that will be voted on in November might help Floridians to have a say on at least that part of the problem.

How the Amendment Would Help

Why do developers continue to build homes even though there's weak buyer demand and an already bloated inventory? The local governments continue to cooperate with them, providing incentives to allow them to build, and blindly approving land use changes so they can create more excess housing and commercial space. Amendment 4 would allow Florida residents to restrain at least some of that overbuilding. It would require voter approval for land use changes. For examples, if a developer wants to convert a farm to a 50-story condominium, then voters must give the nod.

A New York Times article by Damien Cave on the amendment today explains just how serious the overbuilding problem is in Florida with some specific examples:

Even now, with about 300,000 residential units sitting empty around the state, the push to build continues. Since 2007, local governments have approved zoning and other land use changes that would add 550,000 residential units and 1.4 billion square feet of commercial space, state figures show.

A rural area like Jackson County has room for 996 years of residential growth at current rates, according to a 2009 state analysis. Charlotte County has 162 years of growth in its plan, while St. Lucie County has the capacity to house its growing population for the next 212 years.

So why are county commissioners and other local politicians approving these projects? The developers lobby hard and have deep pockets to help their campaigns. In a Miami Herald op-ed from earlier this week, a local attorney Tom Connick, who is in favor of the amendment, writes:

If Amendment 4 fails, it will mean that the same broken system that has hurt our quality of life because of overdevelopment will continue. The broken system is one in which local elected officials are influenced by developer money, and developer lobbyist money will continue to exclusively decide land-use changes, with citizens not having a vote.

And of course, overbuilding is precisely what led to Florida deep economic problems to begin with.

Criticisms

So what are some of the criticisms of Amendment 4? One opposition group website provides "frequently asked questions" containing several complaints. The first is that "this 'Vote on Everything' amendment would force Floridians - not the representatives they elect - to decide hundreds of technical comprehensive plan changes each year." Well, yes, that's kind of the point. Voters would definitely have to do the work, but they could also more directly affect their economic destiny. When a major vote comes up for a large new development that will further increase their housing inventory, they have the power to outweigh political lobbying by developers.

The next item on the web page dramatically states: "the Vote on Everything amendment would cause Florida's economy to permanently collapse." This is a pretty amusing claim, because there's no possible way to substantiate it. Even if it did cause a decline in economic activity, surely the economy would not "collapse" entirely, and obviously not "permanently." Less construction will direct some investment away from the real estate industry, but that money will instead move to growth industries that could produce sustainable jobs for Floridians -- unlike mindlessly building ad infinitum.

Another complaint is that the amendment will kill jobs -- as many as 267,247, according to a study that the

opposition group commissioned. First, in the short term, few construction jobs would be lost. Developers already have an approved pipeline of over 550,000 residential units at 1.4 billion square feet of commercial space, as the above NY Times excerpt says.

There may be fewer construction jobs in the medium-term with less building. Yet the cost of saving those jobs is too great. Even more jobs in other industries would ultimately be lost than saved in construction if developers continue to live in their false-dream of an unending real estate bubble. Additional inventory will drive down real estate values and cause higher taxes due to subsidies for developers and excessive infrastructure requirements. These consequences of overbuilding will further depresses the economy, giving its residents less money to spend and resulting in weaker sentiment, which will harm growth.

Even if Amendment 4 is not a perfect solution, it does offer an alternative to the status quo, which obviously has not served Florida well. In August it had the fifth highest state unemployment in the U.S. at 11.7%, well above the national average. Nonsensical overbuilding is a failed approach for the state's economy, but as long as the local governments rubberstamp all developer requests, nothing will change.

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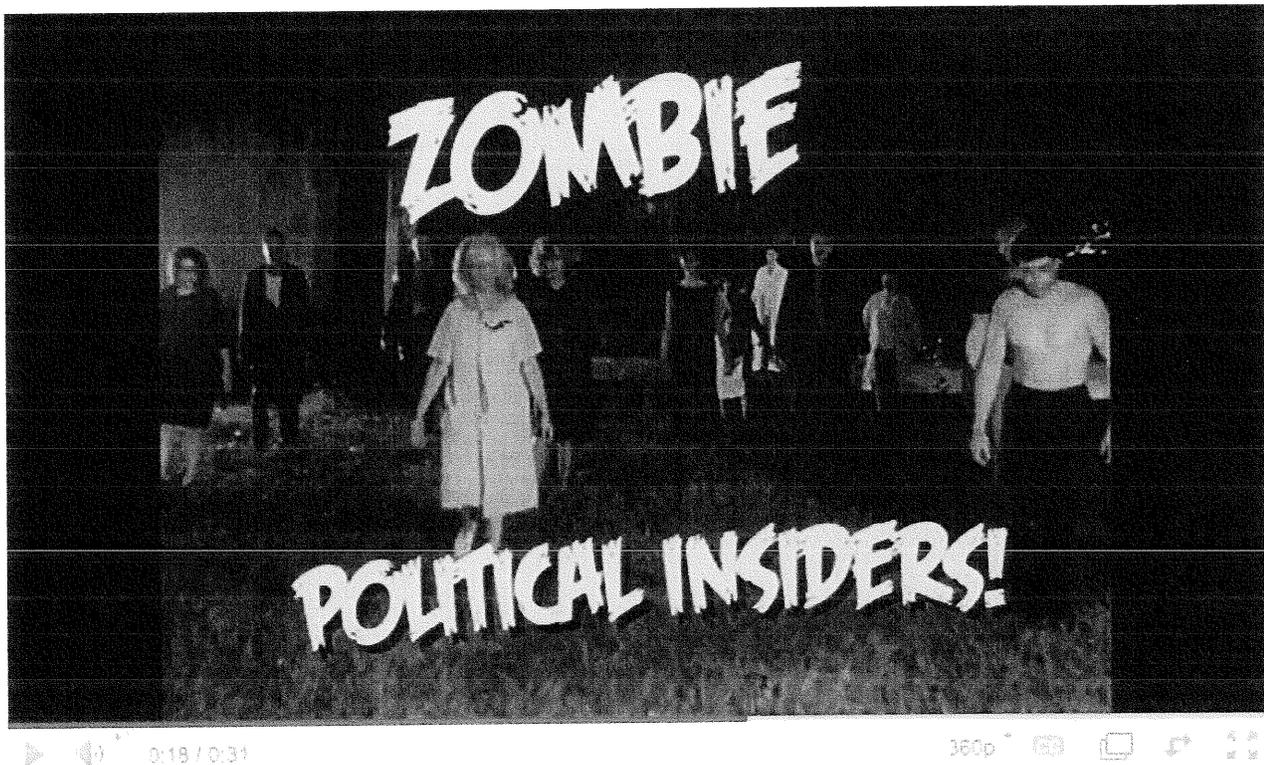
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Subj: **Video: Florida's scary development monsters in Yes on 4's latest TV ad**
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To: carleton819@aol.com



Vote Yes  **FLORIDA HOMETOWN DEMOCRACY**
Our Homes, Our Community, Our Vote



Greetings Supporters!

The Yes on 4 campaign today released our latest video, "Monsters," which starts airing in key Florida markets this week.

Unlike movie monsters, the scary corporate vampires, zombies and giant lizards trying to block your right to vote on development issues are very real. They will do and say anything to keep their hold on power, including changing the state Constitution to require a 60 percent majority vote for Amendment 4 and donating millions of dollars to the opposition after getting millions of dollars in a federal bailout.

This is one Halloween story that is not suitable for children!!! Or least children who

care about what their Florida will look like in 20 years if the scary monsters aren't stopped now.

But we can vanquish Florida's scary monsters with the power of Amendment 4.

You can view the video at: <http://floridahometowndemocracy.com/yes-on-4s-newest-tv-ad-monsters>

It is crucial that you share this video and its message with your circle of friends, family, neighbors and colleagues. You can do this easily by linking to the video on your Facebook page and joining our [Facebook](#) page, or by forwarding the link above to your e-mail friends. Polls are consistently showing 20-24 percent of the voters undecided on Amendment 4, and we have to reach those people to educate them about the power of this historic change.

Because voters deserve a seat at the table. Not the scary monsters.

Yes on 4's website address is www.floridahometowndemocracy.com.

Pd. Pol. Adv. By FloridaHometownDemocracy, Inc. PAC, P.O. Box 636, New Smyrna Beach, FL.

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AMENDMENT 4

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APA Florida's Opposition to Amendment 4 (Proposed Constitutional Amendment)

- [What is Amendment 4?](#)
- [Why does APA Florida Oppose Amendment 4?](#)
- [Recommendations for Action](#)
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The Florida Chapter of the American Planning Association (APA Florida) provides statewide leadership in the development of sustainable communities by advocating excellence in planning, and working to protect and enhance the natural and built environments. Our members come from both the public and private sectors, and include government planners, consultants, attorneys and interested citizens. Many belong to other organizations, ranging from environmental to economic development. APA Florida advocates for good planning and good communities, which includes meaningful citizen participation. Amendment 4 will not ensure good planning and will not ensure meaningful public participation. Amendment 4 is presented as a single solution to shortcomings in Florida's growth management process. However, the proposed constitutional amendment is not the best or most effective solution to address these concerns, and will have numerous unintended consequences. As described in more detail below, APA Florida does not support the Amendment 4 and advocates that people do not vote for this constitutional amendment.

What is Amendment 4?

Amendment 4 is a proposed amendment to the Florida Constitution that voters will consider in the general election to be held on November 2, 2010. The proposed amendment, sometimes known as "Hometown Democracy," will be listed as the fourth constitutional amendment on the ballot and will bear the title: "Referenda Required for Adoption and Amendment of Local Government Comprehensive Land Use Plans." If Amendment 4 is approved, local government comprehensive plans and comprehensive plan amendments will be subject to approval by both the governing body and the voters of the local government having jurisdiction. The proposed amendment, Referenda Required for Adoption and Amendment of Local

Government Comprehensive Land Use Plans, can be viewed on the Department of State, Division of Elections website.

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Why does APA Florida Oppose Amendment 4?

(see adopted APA Florida Position Paper)

It appears that Amendment 4 is a punitive reaction to rapid, statewide growth and a loss of trust in local government's ability to manage that growth. Our population is aging, capital costs of infrastructure are increasing, and communities have expanded and grown together into continuous regions that are intrinsically connected. Amendment 4 will encourage parochial and potentially short-sighted decisions. Decisions should be made within the context of regional realities to best protect the environment and provide for the community's quality of life.

APA Florida recognizes that Amendment 4 is a reaction to the shortcomings of the current growth management planning process and a mistrust of local government. However, public referenda are not the best or proper solution to those problems. APA Florida believes that the proposed amendment will: (1) lead to decisions that impede the implementation of policies that were adopted by local governments to achieve the vision set forth in their comprehensive plans; (2) lead to plans that over-allocate development rights; (3) lead to an over-simplification of otherwise complex land use planning issues; and (4) result in the inability of a local government to provide essential community services. In other words, the proposed amendment would hinder good planning and increase community costs.

This approach is not the answer. Public referenda are not the best or proper solution to growth management problems. Amendment 4 proposes a single solution to a complex and important set of issues that face communities on a daily basis. This simplistic approach will have numerous unintended consequences.

- It will encourage parochial and potentially short-sighted decisions.
- It will lead to an over-simplification of otherwise complex land use planning issues, as they will necessarily have to be reduced to short statements on a ballot.
- It could actually increase the influence of special interests by encouraging aggressive public relations and media campaigns to sway the electorate.
- It could reduce the accountability of elected officials.
- It will cause growth issues to be addressed on a piecemeal

basis, without consideration of the number of factors that go to supporting sustainable economies which conserve and enrich property values in the long term.

- It does nothing to protect Florida's scenic beauty or sensitive natural areas, despite its proposed placement in Article II, Section 7 of the Florida Constitution.
- It could inhibit a local government's ability to provide essential services and facilities through the addition of expense, delay and uncertainty associated with requiring a referendum.
- It cannot guarantee better land use planning.
- It may actually dismantle successful participation processes, as the use of referenda will not guarantee meaningful public participation in the comprehensive planning process.

Amendment 4 is not the answer. Local comprehensive plans are intended to evolve over time as a community grows and matures.

Amendment 4 encourages the status quo, which in many communities and counties may mean a low density, sprawling pattern of development. We need to make it easier to identify and give people what they really want -- environmental protection, open space, community amenities, neighborhood identity, and an advanced transportation network. Amendment 4 does the opposite by making it nearly impossible to change plans to accommodate the features that people want most.

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Recommendations for Action

Citizens have the right and the responsibility to participate in their government. Florida's current laws allow and encourage citizen participation in the comprehensive planning process, including requirements for public notice and opportunities to speak at public hearings. Can public participation opportunities be improved? Of course -- no system is perfect and despite Florida's reputation for having some of the strongest open government and citizen participation laws in the U.S., there is always room for improvement.

APA Florida supports efforts to educate the public concerning the planning process and opportunities to participate in that process. APA Florida also supports developing more meaningful ways to ensure citizen participation and improve citizen involvement in the comprehensive planning process through local planning initiatives and legislative changes to Florida's growth management framework. APA recognizes that the growth management process is in many

ways a "work in progress" that needs continual monitoring and adjustment for better effectiveness.

Actions to Ensure Citizen Participation and Improve Citizen Involvement in the Comprehensive Planning Process

To address the concerns that led to the Amendment 4 proposal, APA Florida recommends the following actions be taken by state and local government agencies:

- Public involvement processes should be strengthened through legislation and practice at the state and local levels.
- The State should appropriately fund the implementation and administration of Florida's growth management system.
- Since comprehensive plan amendments often have larger than local impacts, meaningful public participation opportunities should be ensured at all levels of government review.
- A more aggressive approach to community workshops should be required as a way of educating citizens and gathering citizen input earlier in the project development process, making it easier to meaningfully respond to citizen concerns and suggestions.
- Where the local elected body has designated itself as the local planning agency, an additional and independent citizen's advisory board should be required, tasked with reviewing proposed plan amendments making recommendations to the local Commission or Council.
- Local governments should establish a process for notifying neighborhood groups, community councils, neighborhood zoning boards, etc. that an amendment has been filed.
- The Department of Community Affairs should create a model "neighborhood or citizens bill of rights."
- Local governments should be required to hold a neighborhood meeting before an amendment goes before the decision-making body.
- The state or local government should develop a citizen participation guide and make it readily available.
- The Department of Community Affairs should provide training for local government staff in public participation techniques.
- A Governor's Citizen Advisory Committee should be established to develop minimum public participation requirements and recommend a best practices process.
- The use of new technologies, such as internet techniques, should be fully explored to enable citizens to easily obtain information and provide input in multiple ways.

- The Department of Community Affairs should compile existing success stories in citizen participation and market their use to local governments.

Actions to Help Citizens Understand Unintended Consequences of the Amendment

APA Florida believes that Florida's citizens should be informed of the issues related to the unintended consequences described herein in order to make an informed decision in the election booth next year. As planners, we have a responsibility to add to the public knowledge. Below are several actions that APA Florida members can undertake at the community level:

- Distribute the "Myths and Reality" portion of this paper to community-wide organizations, neighborhood associations or service groups, and offer to come to a meeting to discuss them.
- Contact major employers in your area and provide copies of this paper for distribution.
- Educate and advise employees at local businesses by giving "employee briefings."
- Meet with local editorial boards and provide copies of the "Myths and Reality" portion of this paper.
- Collaborate with other organizations or entities on appropriate strategies and venues for getting information about Amendment 4 out to the community.

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Learn More about Amendment 4 (Hometown Democracy)

Please use the following links to learn more about the Amendment 4 issue:

- Secretary Tom Pelham, Florida Department of Community Affairs
[Daytona Beach News-Journal, September 13, 2007](#)
- Finance Impact Estimating Conference, Complete Financial Information Statement (**Revised**)
- [APA Florida's Position on Amendment 4](#)
- [1000 Friends of Florida Opposes Hometown Democracy](#)
- [An Economic Brief of the Proposed Amendment 4 on the Economic Development of Florida, The Washington Economics Group, Inc.](#)
- [Growth expert critical of Amendment 4 on November Ballot](#)
Nathan Crabbe, Staff Writer, *Gainesville Sun*, February 10, 2010

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Links to Related Information

- Citizens for Lower Taxes and a Stronger Economy – Vote No on 4
- “The tyranny of the majority,” *The Economist*, December 19, 2009
- “Exploring The Impacts Of Ballot Box Land Use Measures On Affordable Housing” by Lucy Acquaye, Joseli Macedo, Rhonda Phillips, and Douglas White; *Housing and Society*, Vol 34, No 1, 2007, pp. 45-64.
- BACK TO BALLOT FOR THE BAY AREA GROWTH: East Bay voters open land to thousands of homes **San Francisco Chronicle**, Wednesday, November 9, 2005
- Office of Economic and Demographic Research
- Florida Department of State, Division of Elections, Initiatives/Amendments/Revisions
- Official Site of Florida Hometown Democracy, Inc. (Originator of Ballot Initiative)
- Local Comprehensive Plans –Information, Requirements, Roles, Amendment Process
- Florida Hometown Democracy Offers a Roadblock to Growth and Opportunity Tallahassee Democrat, June 4, 2007

Amendment 4 Editorial by David H. Farmer



David H. Farmer

As I write this editorial the November 2nd election is just over 4 weeks away. Amendment 4 aka "Hometown Democracy" is really not about development. If the amendment passes development will still take place and construction of homes and businesses will continue seemingly undeterred. What will grind to a halt are Comprehensive Land Use changes. Some very vocal people claim the problem in Florida is there are too many changes in

land use and inappropriate uses of land being approved. It would be wonderful if everyone knew exactly how much land we would need for every conceivable use but the fact is we just cannot see that far into the future.

Amendment 4 is really about taking land use decision making from our elected officials and sharing it with the voters, Let's be honest here, campaign managers and public relation firms. Yes I know there are a few people that feel the public is disenfranchised from deciding what is developed near their homes. An election is not a very good way of controlling or deciding what happens in your neighborhood. If you are unhappy with a land use decision by your elected official(s) you can vote them out of office. If you are unhappy with an election result, well you are stuck with it and as far as I can tell there is no way to appeal the election result.

I am in favor of neighborhood meetings where the elected official must attend to hear the concerns of the affected residents and see the reaction to the project outside of a public hearing. Many times I have witnessed a neighborhood cry foul when *any* land use change is proposed nearby. I have seen firsthand how neighbors distort the reality of "unintended consequences" if the use is approved. If the amendment is passed regular citizens will lose their voice and effectiveness in shaping a land use change. Instead, a public war will erupt with ads, signs and commercials culminating in a municipal wide popularity contest. Does that sound like democracy? If you think it is bad having 5-9 elected officials vote on a change near you wait until 150,000 vote to have the landfill in your backyard. **-David Farmer, PE, AICP is the Managing Principal of Keystone Development Advisors, a Land Development Consulting Company.**

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A RESOLUTION OF THE FLORIDA LEAGUE OF CITIES, INC. OPPOSING AMENDMENT 4 ON THE 2010 GENERAL ELECTION BALLOT, WHICH PROPOSES AN AMENDMENT TO THE FLORIDA CONSTITUTION REQUIRING THAT EVERY AMENDMENT TO A CITY'S OR COUNTY'S COMPREHENSIVE PLAN BE SUBJECT TO A VOTE OF THE RESPECTIVE CITY'S OR COUNTY'S ELECTORATE.

WHEREAS, a proposed constitutional amendment sponsored by Florida Hometown Democracy, Inc. will be placed on the 2010 general election ballot as "Amendment 4"; and

WHEREAS, this proposed constitutional change would subject every amendment to a city's or county's comprehensive plan to a vote of the local government's electors; and

WHEREAS, planning and growth management decisions in Florida's municipalities are presently made through a representative form of democracy in which elected governing bodies are entrusted to make policy decisions on behalf of their constituents; and

WHEREAS, in 1985, the Florida Legislature enacted Chapter 163, Part II, Florida Statutes, the "Local Government Comprehensive Planning and Land Development Regulation Act," mandating that each municipality adopt a comprehensive plan to manage and guide the use and development of property within the municipality; and

WHEREAS, the intent of the act is to empower local governments, including municipalities, to preserve, promote, protect and improve the public health, safety, comfort, good order, appearance, convenience, law enforcement, fire prevention and general welfare; to prevent the overcrowding of land and avoid undue concentration of population; to facilitate the adequate and efficient provision of transportation, water supply, sewer treatment, schools, parks, recreational facilities, housing and other services; and to conserve, develop and protect natural resources within their jurisdictions; and

WHEREAS, the act requires extraordinary public notice, review, comment and hearings before a comprehensive plan may be adopted or amended by a municipality; and

WHEREAS, municipal comprehensive plans are adopted and amended by a municipal governing body only after significant review and input from the public, professional planners and municipal staff; and

WHEREAS, the elected body's decision to amend, or the manner in which to amend, a comprehensive plan is based upon legal requirements as well as policy issues that require a balancing of the needs and desires of the overall community; and

WHEREAS, the Florida League of Cities, Inc. finds that the Hometown Democracy amendment will trample minority interests and ignore the community's long-term planning needs and goals, including affordable housing measures, urban infill measures, redevelopment initiatives and the development of essential infrastructure; and

WHEREAS, the Florida League of Cities, Inc. finds that the Hometown Democracy amendment will subject important planning and policy decisions to potentially misleading and inflammatory media campaigns; and

WHEREAS, the Florida League of Cities, Inc. finds that the Hometown Democracy amendment will require the unnecessary expenditure of additional municipal revenues to fund numerous elections on comprehensive plan referenda; and

WHEREAS, the Florida League of Cities, Inc. finds that the Hometown Democracy amendment will require the unnecessary expenditure of additional municipal revenue to fund the defense of lawsuits filed by persons aggrieved by the outcome of comprehensive plan amendment elections; and

WHEREAS, these unnecessary costs will be borne by the citizens of Florida's cities and counties either through increased taxes or decreased municipal services.

NOW, THEREFORE, BE IT RESOLVED BY THE FLORIDA LEAGUE OF CITIES, INC.:

Section 1. That the Florida League of Cities, Inc. urges Floridians to carefully consider the potential adverse consequences of Amendment 4 before voting in the 2010 general election.

Section 2. That the Florida League of Cities, Inc. urges Florida's municipal residents to exercise their existing rights to influence the quality of life in their city by participating in the development and amendment of its comprehensive plan.

Section 3. That the Florida League of Cities, Inc. urges Florida's residents to regularly attend public hearings, workshops and meetings and otherwise take an active role in shaping local policies that affect growth within their communities.

Section 4. That a copy of this resolution be provided to the membership of the Florida League of Cities, Inc. and other interested parties.

PASSED AND ADOPTED by the Florida League of Cities, Inc., in conference assembled at the League's 84th Annual Conference, at the Westin Diplomat, Hollywood, Florida, this 21st Day of August 2010.

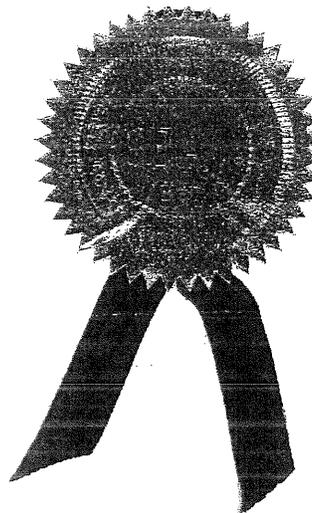


John Marks, President
Florida League of Cities, Inc.
Mayor, Tallahassee

ATTEST:



Michael Sittig, Executive Director
Florida League of Cities, Inc.



What if Amendment 4 is Passed? *by Alexis V. Crespo*

Amendment 4, commonly referred to as "Hometown Democracy," (HD) is by no means a new topic of discussion for development and construction-industry professionals across the State of Florida. Florida Hometown Democracy, the chief proponents of the "vote on everything" amendment to the Growth Management Act, failed to collect enough signatures to reach the ballot in 2004, 2006 and 2008, but in June 2009, the Secretary of State certified that they achieved enough signatures to appear on the 2010 ballot as "Amendment 4". This controversial issue will be facing the voting public in just five months time.

Amendment 4 will require any change to local Comprehensive Plans to undergo final approval through voter referendum. The emergence of HD is largely due to some Floridians' frustration with the perceived corruption of elected officials. Proponents of the amendment feel that county and city commissions "rubberstamp" land use changes, rather than serve the public interest. In a recent debate in Collier County, Lesley Blackner, one of the land use attorneys that founded the movement, stated, "Some jurisdictions hand out (comprehensive) plan amendments like it is Halloween candy." Perhaps one of the greatest strengths of the HD movement is the clever selection of their name - the term alone sparks images of Lady Liberty and the preservation of small town America.

Most professionals in the development industry have a much different opinion of the current comprehensive plan amendment process, and are well aware of the considerable amount of time and money involved in preparing and processing these amendments. Consultants and developers alike are also aware of the lengthy review conducted by local, regional, and state agencies to ensure the proposed amendment is appropriate and will not negatively impact public health, safety, and welfare. A key concern posed by the opponents of this sweeping amendment is that the majority of the general public may not be able to process the considerable amount of data involved in these amendments.

Unfortunately, understanding growth management law and the politics behind each land planning decision is not as simple as checking a box for "yes" or "no". Also HD provides the perfect platform for "no growers" to potentially shut down development in their jurisdictions. St. Pete Beach's former mayor, Ward Friszolowski, is outspoken on how their local version of "Hometown Democracy" was disastrous for the town and has virtually halted their ability to generate economic development. Mr.

Friszolowski has stated, "Elections were chaotic, uncertain, expensive and infrequent. Unable to update its comprehensive plan, the town soon fell out of compliance with state mandates."



Alexis Crespo

The Florida Chapter of the American Planning Association also opposes Amendment 4 due to their concerns that the amendment will pit neighborhoods, municipalities, and even counties against each other over controversial plan amendments. This scenario could result from a jurisdiction attempting to attract new industry over a neighboring county through political campaigning, or neighborhoods disputing over which will be adjacent to a new landfill, both of which could require amendments to the local comprehensive plan. The potential for aggressive public relations and media campaigns to sway the electorate is a question left unanswered by HD proponents and threatens relationships both locally and statewide.

"While HD is certainly a looming concern for the development industry, the negative impacts of this amendment can be mitigated through thorough due diligence at the outset of new projects."

While HD is certainly a looming concern for the development industry, the negative impacts of this amendment can be mitigated through thorough due diligence at the outset of new projects. Prior to the purchase of any property, it is integral to determine the underlying Future Land Use Designation and if that designation will accommodate the desired development program to avoid putting a project's success in the hands of the voting public. It is also important to determine whether the project will require any other changes to the Comprehensive Plan, such as amendments to the adopted Capital Improvements Element for roadway or utility expansions.

As we move forward towards the November elections education is essential. As consultants, developers or construction professionals we need to educate ourselves regarding existing entitlements and implications of new developments to the existing Comprehensive Plan. Equally important is taking an active role in the education of our relatives, neighbors, and friends about the impacts of HD, both short- and long-term.

-Alexis Crespo, AICP, LEED AP has joined EnSite, Inc. as a Principal Planner.