



Amendment 4 on the 2010 Florida Ballot

A group called Florida Hometown Democracy has received enough petitions for a proposed Florida Constitutional Amendment to appear on the 2010 Ballot. The proposed Amendment's title is *Referenda Required for Adoption and Amendment of Local Government Comprehensive Land Use Plans*. The ballot language states 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." The League of Women Voters of Florida is in the process of evaluating the impact of the proposed amendment, and is gathering information from local leagues and sources around the state.

Each city and county in Florida has a comprehensive land use plan that defines decisions about future land use. The plans are used to decide where industry should go; where the stores should go; where the homes should go; and where the parks and the green spaces should go. Amendment 4 basically says that elections will be used to make major growth decisions at the community level. If, for example, a builder wants to change the community's comprehensive plan the voters will have to say "yes". The amendment would not require voter approval for re-zonings, variances or building permits. But any zoning decision still has to obey the comprehensive plan and any plan changes will be placed on a ballot to be voted on during a regular election.

Governor Crist and the Florida Legislature recently eliminated many of the growth rules that were in place under the 1985 Growth Management Act by enacting the 2009 Community Renewal Act. The Act streamlines Florida's real estate development and concurrency processes, provides relief for stalled projects and encourages development in targeted areas that have been determined to be best suited for growth. It also exempts many projects from the Development of Regional Impact (DRI) review. This means that developers in "dense urban areas" which is defined as one with 1,000 residents per square mile can build without regard for the impact on local roads and other services. The proposed amendment has the potential to erode provisions of the Community Renewal Act.

Leaving the decision to make changes to the master comprehensive land use plans under the direct control of the citizens can be viewed as a good or a bad idea.

Those opposed to the Amendment state that the money to be made from construction in Florida over the coming decades is important to the state and see the Amendment as one of the greatest perils to Florida's prosperity and quality of life. Opponents say that because Amendment 4 would require any new or amended comprehensive land-use plans be approved by voters, this will create a bigger hurdle for developers to clear to get projects and land-use changes approved. Opponents also say that if adopted, the amendment would turn technical decisions into political decisions which in turn would clog the ballot. Furthermore,

making these technical decisions is why we have paid staff and elected commissioners with a state agency watching to make sure the process is fair and transparent.

Proponents of the Amendment say it will make the current land use system more accountable by giving the power over certain land use changes (i.e., comprehensive plan amendments) to the voters. Further, its adoption will break down the power of local politicians to say “yes” to development and developers will have to live within the parameters of the comprehensive plan. Supporters anticipate that once the Constitution is amended, the number of changes to the comprehensive land-use plan will drop as developers will know that it is the voters that will be the ultimate deciders.

What happens if the voters adopt Amendment 4? Applications to change comprehensive land use plans would still go before the county boards and committees, and if they are approved at that level, they would be scheduled for a public vote before they can be adopted as law. The Constitution will mandate referenda for comprehensive plan amendments approved by city and county commissions. Adopting the Amendment would mean that the voters, not city councils or county commissions, will have the final word about decisions affecting their community's future.

You can find more information about Amendment 4 on the Florida League's web-site www.lwvfla.org. This site will direct you to websites of those who oppose the Amendment such as the Florida League of Cities and those who support the Amendment such as Hometown Democracy. The Charlotte County League of Women Voters asks that you tell us your views through our website www.lwvccfl.com. All input will be shared with the Florida League of Women Voters to help inform their decision to oppose or support this Constitutional Amendment.