

TALKING POINTS for AMENDMENT # 4

At the November 2010 election: Give yourself a vote on growth !

This is what Amendment # 4 (Florida Hometown Democracy) will look like on the November 2010 ballot:

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.

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FALSEHOODS V. FACTS ABOUT AMENDMENT 4 (Florida Hometown Democracy)

The Topic	The Falsehoods	The Facts about Florida Hometown Democracy's Amendment 4
<p>1. Growth, Jobs, and the Economy</p>	<p>A4 will stop all growth, cost jobs, and harm the economy.</p>	<p>Current land-use plans already allow development for over 100 million people in Florida, more than 5 times the current State population of 18 million, even if not one more land-use plan change is approved. There will be plenty of construction, and construction jobs, even if A4 causes some new plan amendments to be rejected by the voters.</p> <p>A4 gives the voters the <u>final</u> say on what development is (or is not) in the public interest, as it is required to be.</p> <p>More rational control of development will help the economy, not harm it, including our State's mainstays of agriculture and tourism. Overdevelopment paves over productive farmlands and ranchland, and creates traffic congestion unattractive to businesses considering relocating to Florida. Continued overdevelopment and sprawl will chase away Florida's 80 million annual tourists, who are uninterested in coming here to see housing tracts and shopping centers, sit in traffic jams, and bemoan, with us, Florida's environmental degradation.</p> <p>Over-reliance on the boom-and-bust cycle of development has helped put our economy in the sad shape it's in. Better control of development will encourage a stronger, more diversified economy based on permanent, productive jobs.</p>
<p>2. Elections</p>	<p>2a. Too many and costly elections</p>	<p>A4 provides referenda only (a) for local land-use plan changes (b) <u>after</u> they are approved by a resident's local council or commission. A4 has nothing to do with zoning. Referenda will appear at our regularly scheduled general elections, at virtually no added cost. If a developer wants a special election, the developer can</p>

		be required to pay for it.
	2b. Voters are incapable of voting on land-use matters.	Voters already vote on complex tax and other issues. Direct democracy is an important and much needed check-and-balance provided for by our Founding Fathers, and upheld by the highest courts in the land.
	2c. We already elect representatives to do the job.	Amendment 4 is a popular movement that grew out of Floridians' frustration with the level of control that developers were exerting on our elected representatives, in order to pass the land-use changes that are crowding our roads and schools, increasing our taxes, and decreasing our property values and quality of life.
	2d. We'll be voting on everything.	No, we'll only vote on comp plan changes that our local governments have already approved. If a local council or commission denies a change, it does not go to a citizen vote. Residents of a community will thus have a veto power if we find these developments are not in the public interest. Of course, if the developer chooses to develop the land in a way that's compatible with the local land-use plan, there need be no citizen vote. That's of course the way the original process was intended to work.
3. Who benefits	3a. A4 supporters are a "special interest."	Supporters of A4 are the citizens of Florida, from all walks of life. Opponents of A4, including Floridians for Smarter Growth, are a "special interest," representing developers and allied industries, plus a number of local government bodies in apparent violation of State law.
	3b. Housing developments add to the tax base.	False – new housing costs more than it provides in tax revenue. Municipalities have to increase residents' taxes in order to provide the new infrastructure and additional services for these new homes. Tax increases are especially high for "sprawl" development away from the urban service area.
	3c. Plans are meant to be flexible, changed.	The Growth Management Act provides for regular review and approval of our local Comprehensive Land-Use Plans. A Plan is not a plan if it is changed all the time and willy-nilly. . . and for the personal gain of "special interests."

4. St Pete Beach	A4 will cause St. Pete Beach-type litigation.	No, Amendment 4 has nothing to do with SPB, where elected officials illegally eliminated the various public input stages of the process. A4 retains all of the reviews and hearings mandated by the State’s Growth Management Act, and then provides a veto power to local registered voters.
5. Property Rights	5a. A4 infringes on my property rights.	A4 protects everyone’s property rights by enforcing the publicly approved local Comprehensive Land-Use Plan. Residents, in particular, will not have to continually and repeatedly fight off inappropriate development next door to their homes, and in their neighborhoods and communities. A4 has nothing to do with zoning.
	5b. A4 infringes on minority interests.	No. Developers, as a minority, already know what they are permitted to do with their land. They are required to prove to the public that changes they want to make are in the public interest. No other ‘minority’ is affected – this is a bogus claim.
6. The Bottom Line	Defeat A4 to save Florida.	Pass A4 to <ul style="list-style-type: none"> ✓ save Florida from the boom-bust housing cycle and from natural resource destruction and overuse; and ✓ restore government of, by, and for the people. See www.FloridaHometownDemocracy.com for further details.

AMENDMENT 4 (Florida Hometown Democracy)

A. WHAT IS AMENDMENT 4?

Amendment 4 on the November 2010 ballot will let voters decide whether their city or county Comprehensive Land-Use Plan will be changed. These land-use changes determine the destiny of their communities for generations to come. Currently, local governments (city councils and county commissions) make those decisions.

This is what Amendment 4 (Florida Hometown Democracy) will look like on the ballot:

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.

Amendment 4 reached the 2010 ballot thanks to a petition circulated among Florida's voters for the past 5 years that was signed by more than 1 million Floridians. The organization that researched and drew up the petition is Florida Hometown Democracy, a grassroots, volunteer movement among Florida residents unhappy about the State's continuing rapid pace of overdevelopment and sprawl – including governments that no longer represent the will of the people, a crashed economy, and spiraling taxes, along with decreasing property values and quality of life.

If 60% of voters say yes to Amendment 4, local politicians will continue to approve or deny developers' requests for plan changes as they do now. Amendment 4 adds a final step -- a check-and-balance -- to this all-too-faulty process, by giving voters a veto power over changes that elected officials have approved. Under Amendment 4, resident-voters will have the final say – as indeed they should in a democracy -- over how their communities will grow.

Florida's 1985 Growth Management Act encourages citizen participation in planning for the realization of the 'vision' they share for their community. Some citizens are active in local planning; many more do not participate in the process as it currently takes place. Amendment 4 will now guarantee local "ownership" of community plans at the ballot box.

By giving voters the final say, Amendment 4 will enable resident-voters to call a halt to land uses that cause such distressing and expensive problems as

- overcrowded schools
- gridlocked roads
- overwhelmed municipal services, like fire, police, garbage, sewage, hospitals
- higher taxes, fees, and utility costs
- loss of green space
- declining, polluted water supply
- eroded quality of life.

B. WHY IS AMENDMENT 4 NECESSARY?

Florida's decades-old Growth Management Act (1985) was intended to give citizens the ability to participate in major land-use decisions affecting their communities. The good news is that the local comprehensive land-use plan -- which each city or county is required to prepare -- contains adequate land-designation for any land use purpose. There is minimal need to amend or change that plan.

However, the Growth Management Act has not succeeded in its goal. Developers have sought thousands of changes to suit their needs to the detriment of local communities. The process for citizen participation is onerous and has generally proved non-productive, in part because of the lack of attention paid to their concerns by their local officials, who typically approve all developers' requests for Plan changes.

To illustrate: the few citizens who manage to take time off from work to make the trip to the government center to voice concerns about a proposed land-use change that will, for example, replace 20 acres designated for open space with 1,000 townhomes, must often (a) wait in the chambers for several hours while other matters are discussed, then (b) watch lengthy developer-orchestrated Powerpoint presentations extolling the proposed development. After all that, citizens are generally given 2 or 3 minutes each to express their concerns to the elected officials who will vote on the necessary change in how the land will be used. Despite citizen opposition, virtually all land-use-change proposals wind up approved by elected officials. In some cases, citizen input of this sort is dismissed (incorrectly) by government officials as not being "expert testimony."

Amendment 4 is necessary to restore to resident-voters the right to determine the future of their communities and the quality of life that they and their children will share. Amendment 4 allows resident-voters to decide at the ballot box whether their city or county Land-Use Plan should be changed to permit a different use for a major parcel of land -- say, from agricultural to residential, or from semi-rural to a high-density New Town -- than what their publicly-approved Plan permits.

It's well documented that developers are among the biggest campaign contributors to local politicians. The result has been predictable: many elected officials have never seen a development they wouldn't approve. They just can't say no to bad development proposals. Developers' requests for comp plan changes are rarely denied, even after major public objections have been presented to the officials.

Did you know that when your city or county representatives vote on a comprehensive plan change, those officials are exercising the people's power? When a city council or county commission votes to approve a land-use change, they are supposed to do so based on the grounds that the change will not harm the public interest. The public interest is defined very broadly to include all those concerns that make a place a good community: protection of public health, safety, quality of life, the beauty of a particular place, and the environment.

Too often local officials in Florida have defined the public interest as being the developers' economic return. Land use decisions affect people, their homes, and their communities more than almost any other governmental decision. Floridians are angry because the community's values -- quality of life, uncrowded schools, rational civic planning, clean water -- are not being given consideration, or else merely short shrift.

C. HOW WILL AMENDMENT 4 WORK?

State law requires each city and county to have a Comprehensive Land Use Plan in order to plan for and manage growth and development. This Plan designates areas for uses such as residential, commercial, industrial, agriculture, open space, etc., as well as appropriate height and density limitations. These boundaries balance everyone's interest by planning for growth

- (a) in appropriate places, and
- (b) around available services and resources.

Amendment 4 does not apply to development projects that comply with the local land-use Plan. Amendment 4 is limited in its approach, applying only to those development proposals that do not comply with the existing city or county land-use Plan and also have received approval, nonetheless, from local elected officials.

In instances where a developer wishes to build a project that violates the current local land-use plan (for example, proposing to build a shopping center in an area designated as "residential"), and if local officials approve the proposal, then Amendment 4 comes into action, providing voters with veto power at the next general election.

In summary, under Amendment 4, local politicians will continue to approve or deny developers' requests for Plan changes, but Amendment 4 adds a final step – a check-and-balance – by giving voters a veto power over Plan changes that that politicians approve. Amendment 4 thus guarantees, at the ballot box, residents' "ownership" of their local land-use plan.

D. WHY IS AMENDMENT 4 'CONTROVERSIAL'?

Under Amendment 4, the only person affected by a referendum on a land-use change is a developer who wants to build

- more than he is entitled to, or
- on land that the public has designated for some other purpose.

Developers need to play by a community's rules, or else they must be able to convince a majority of voters that the developer's desired change is in everyone's best interest.

Amendment 4 gives resident-voters a power over land-use changes that previously rested only in the hands of government officials and developers. It's important to understand that elected officials will retain all their current duties: they will review, consider, and vote on all land-use change proposals. The difference that Amendment 4 makes is that, if local politicians approve a developer's request for a Plan change, then it must be submitted to the voters, who will have the final say.

The prospect of resident-voters taking ultimate control over land use has created much opposition among developers and their allied businesses, and also among some political entities as well. (Note that recent law SB 216 makes it clear that political entities may not promote a position on a voter issue.)

In other words, Amendment 4 has generated formidable resistance from the people who benefit monetarily from the vast housing developments, strip malls, and shopping centers that are overwhelming communities all across the state: this resistance includes some lenders, architects, planners, builders, realtors, attorneys,

chambers of commerce, mortgage bankers, etc. Not surprisingly perhaps Amendment 4 is opposed by a ‘growth industry’ that includes everyone who benefits from Florida’s long-standing status quo of overdevelopment and sprawl.

This powerful coalition of industry representatives and their friends in political office is fighting Amendment 4 in every way imaginable, pitting moneyed special interests against Florida citizens concerned about their homes and communities, their quality of life, their property values, the soaring taxes they bear to pay for sprawl, and the overall health of their State.

A4: OPPONENTS’ FALSEHOODS, AND AMENDMENT 4 RESPONSE

[Note: Repetition is deliberate. Each response is intended to be complete.]

1. Growth, Jobs, and the Economy

1a. **“Amendment 4 will end growth, development, construction. It’ll drive away developers and construction jobs.”**

The facts: **No, we’ll continue to have growth, but it will be rational and planned growth. The only development affected by Amendment 4 involves construction in conflict with our publicly approved land-use plans: for example, a developer’s desire to build a big-box shopping complex on land designated for residential use. Under Amendment 4 there will still be growth, and our land-use plans provide plenty of use-appropriate construction sites.**

While there is debate over Florida’s future rate of population growth in the light of recent net losses, Amendment 4 recognizes that growth can happen. If we are to accommodate additional population, we need to plan where growth will occur, if we’re to prevent further degradation of our quality of life. And this land-use plan must be upheld, and not changed based on a developer’s whim or hot investment opportunity.

Indeed, under Amendment 4, there will still be plenty of construction and growth. Florida’s local land-use plans, if added together, call for the addition of homes to house 100 million people (Florida’s present population is about 18 million). These homes will be built in areas already designated “residential” on our land-use plans -- not in wetlands, on beaches, or other inappropriate places. Thus there are more than enough opportunities already approved on our land-use plans, to provide the development industry with plenty of space to build, develop, and redevelop. Development compatible with our land-use plans will not be subject to a citizen vote, only development that violates our land use plan.

Note that the study that provided the ‘100 million’ number, by adding all comp plan provisions together, was performed a decade ago, in 1999. Imagine how much *additional* density has been authorized since then, as Florida has gone through the biggest developer-driven boom in its history. All the while, elected representatives have been approving developers’ changes to communities’ land-use plans at an astonishingly rapid rate, with virtually no denials.

Other construction work will arise from the new green features soon to be mandated for existing housing -- features such as solar heat and gray-water re-use -- that will provide new jobs for entrepreneurs, builders, and construction workers.

New residential housing adds job-seekers to our local economy without adding the permanent, productive jobs that they need and want. Maintaining attractive communities, as Amendment 4 will permit us to do, is key to inducing good businesses with diversified, productive, permanent jobs to relocate their facilities to our communities.

There will be no shortage of construction jobs with the type of rationally planned growth that Amendment 4 will make possible, once we can get our overbuilt, devastated economy revived.

1b. **“Amendment 4 threatens jobs.”**

The facts: **No, it’s overdevelopment that has already cost us jobs. Amendment 4 promotes rational growth, in place of the present uncontrolled growth, and a chance to match housing growth with the number of jobs available. Amendment 4 also protects the livability of our communities, which is the best way to attract new, permanent, productive businesses to relocate here. So there will be no shortage of jobs under Amendment 4, and we can avoid yet another boom-bust cycle of the housing industry.**

Land speculation, overbuilding, and irresponsible mortgage lending have crashed Florida’s economy worse than has happened in most other states, leaving us with 300,000 empty and abandoned houses, and 440,000 homes in danger of foreclosure. Florida’s economy has had one of the worst declines of any state because of our state’s over-reliance on population growth and residential development..

The only solution proposed by Florida’s developers, financiers, and land speculators is more-of-the-same. They want to continue the same building, paving, and sprawl, at taxpayers’ expense. They pass the burden to taxpayers of the resulting blighted neighborhoods, crowded roads, and the cost of the new infrastructure and additional services needed for the developers’ new housing tracts, which don’t pay their way.

As an example, just a few years ago the Port St. Lucie area was called (by the NY Times) “the fastest-growing economy” in the fastest-growing state. Nowadays it’s an area with a severely depressed economy – with rapidly increasing taxes to pay for the damage done by overdevelopment, decreasing home values, and a declining quality of life.

2. Elections

2a. *Too many and costly elections*

“There will be too many expensive elections.”

The facts: **Not at all. The number of elections will remain the same, and they will cost no more.**

Here’s how Amendment 4 works: When developers wish to change our publicly approved local Comprehensive Land-Use Plans (“comp plans”), and after their proposed change receives local-government approval, the change will then go to the community’s voters for approval – as a final step – at the next General Election.

There is no significant expense involved. Amendment 4 issues will be printed on the ballots issued at our general elections. Planning major developments takes years in any case, but if a developer finds that he/she cannot wait for the next election, the developer can call for, and pay for, a special election or a mail-in election, if this proves cost-effective for the developer. If a majority of voters casting ballots votes “yes,” then the plan change would be adopted; if a majority votes “no,” then the plan change is rejected. This is, very clearly, democracy in action.

2b. *Voters are incapable of understanding*

“Under Amendment 4, there will be complex, unintelligible items on the ballot, hundreds of pages of them and hundreds of ballot issues. Voters won’t understand or be able to cope with them. Amendment 4 means ‘Vote on Everything’.”

The facts: **No. There would be only, we estimate, between 2 and 5 referenda items on the ballot. Voters will be informed and will understand.**

There is nothing new or dangerous about entrusting ordinary citizens with complex decisions. We already vote on referenda, for example, on bond issues, local taxes, annexations, and local “home rule charters.”

The competence of voters receives an additional – and perhaps its greatest -- test when voters are selected to serve on a jury. Our juries are entrusted with finding the truth in complex matters, both civil and criminal, that may involve billions of dollars in damages or even the death penalty. By contrast, an Amendment 4 land-use proposal is a very simple matter. Before reaching the ballot, a land-use change will already have been vetted extensively by government officials and staff. In addition, it will have been the subject of public hearings.

Voters are certainly competent to vote. As the Environmental & Land Use Center states in its endorsement of Amendment 4:

The notion that the voters can’t understand basic facts about community and environmental impacts affecting their lives is offensive. Currently, the facts and the opinions of informed expert planners are frequently ignored by the politicians, in favor of the dominant political interests. . . . The state’s political structure has failed the trust and responsibility granted to it by the people, who almost assuredly can do a better job if they take that power back.

Regarding numbers of ballot items, Amendment 4’s opposition misuses the numbers it comes up with. In order to update a local Land-Use Plan – as required at 10-year intervals by State law – there may be many small changes, even “hundreds,” as Floridians for Smarter Growth contends. But when the Comp Plan’s revision reaches the ballot, it becomes just ONE ballot item, in the same way that it was one voting-agenda item when it came before local government officials.

Likewise, proposed changes relating to a specific development project become ONE ballot item.

In summary, under Amendment 4, citizens vote on packages of changes in the same configuration as the elected officials voted. Those who say there’d be hundreds of changes are focusing on the number of changes in the packages, not the number of votes. A comp plan update or a capital improvements project could encompass 100-400 changes; however the number of votes would be only one.

These ‘packages’ of changes will be available and publicly scrutinized long before they appear on the ballot. Residents will be readily able to form their own opinions from the research and hearings conducted by city or county professional staff and elected officials, as well as presentations by community groups, and a wide variety of other sources: e.g., the media, civic and environmental groups, and others dedicated to ascertaining and protecting the public welfare.

2c. *We already elect representatives to do the job.*

“We have representative democracy, and our elected representatives to take care of land-use decisions.”

The facts: **Our Founding Fathers saw the need for direct democracy: direct democracy provides an important check-and-balance to ensure that our government remains accountable to the people.**

The US Supreme Court and the Florida Supreme Court have consistently held that there is no conflict between direct democracy and our representative form of government, and that the two have coexisted throughout history.

In Florida, as elsewhere, State law and most municipal charters provide for three types of direct democracy: initiative (petition), referendum, and recall. Voters are regularly called on to vote directly on issues, e.g., bonding or taxing issues. It makes sense that voters should have the final say at the ballot box over decisions that will directly impact their lives, their tax dollars and their community for years to come.

As an example of a referendum, we vote on our taxes, and do not entrust this issue to the same people who create the tax-spending plan. Even more important to us than our money, however, are our communities and families, our home values and property rights. We need a say in those too, especially given Florida politicians’ propensity to side with developers. (Florida is #1 for political corruption – by far – in the nation, according to the NY Times of 12/14/08.)

2d. *We’ll be voting on everything.*

“Amendment 4 is a vote-on-everything amendment.”

The facts: **No. Residents vote only on those projects that developers wish to build**
a.) that are not in compliance with the local publicly approved Land-Use Plan and
b.) only after elected officials have approved them.

Amendment 4 opponents try to say that we’ll have to vote on whether someone can locate a mailbox or a restaurant in a particular spot on land that they own. Not true. Such matters are zoning matters, and have nothing to do with Comprehensive Land-Use Plans and Amendment 4.

Comprehensive plans are higher-level, larger-area plans that set forth only the broadest outlines of permissible land use, such as where ‘urban’ densities and intensities will be allowed. Examples of Comp Plan changes would be

- a.) turning farmland across the river into a 5,000 home residential community,
- b.) building a new prison, hospital, sewage plant, or trash landfill in a residential area, or
- c.) erecting high-rise hotels next to someone's home.

The Zoning Code relates to smaller-scale parcels and is unaffected by Amendment 4, as are building permits and variances.

3. Who benefits

3a. A4 supporters are a "special interest."

"Amendment 4 has been created by, and benefits, special interests."

The facts: **No. Supporters of Florida Hometown Democracy (FHD), the volunteer grassroots movement that petitioned to put Amendment 4 on the ballot, come from all walks of life.**

What Amendment 4 supporters have in common is their concern at the overdevelopment and sprawl that is occurring all over the State, and their lack of a voice in their government to stop it. FHD's Amendment 4, now on the November 2010 ballot, restores good land-use planning, and government of, by, and for the people.

FHD began some 5 years ago, and obtained – thanks to donations and volunteer efforts – over 1 million Floridians' signatures on petitions calling for voter referenda on changes to our communities' publicly-approved Land-Use Plans.

FHD has been enthusiastically supported around the State, and has succeeded in getting its amendment onto the 2010 ballot as Amendment 4 – in spite of its opponents' huge war-chest of money. Floridians feel that their local land-use plans are amended so frequently that the whole notion of "growth management" has lost all meaning. Excessive and inappropriate development has disrupted the homes, lives, and communities of Floridians, who find there is little they can do to stop this type of development. Amendment 4 gives residents a new means to enforce responsible, planned growth.

If it is more difficult to amend a plan under Amendment 4, and if developers have to make their case to the residents, developers will build projects that fit within the existing plan. Citizens won't constantly have to 'fight city hall,' confront big-money interests, and resort – if funds can be found – to expensive lawsuits. Municipalities, too, will save the inordinate staff time and resources now required to process so many changes to the carefully produced and publicly approved plan that is supposed, after all, to be "comprehensive."

Amendment 4 has the support of major organizations such as Florida Wildlife Federation, Sierra Club, the Humane Society of the United States, Environment Florida, Florida Public Interest Research Group, Florida Consumer Action Network, Floridians for a Sustainable Population, Clean Water Action, Friends of the Everglades, Save the Manatee Club, Audubon chapters around the state, as well as local, civic, community and homeowners organizations.

Individual citizens have shown their support for FHD not only by enthusiastically petitioning on street corners, but also by contributing to the campaign. The Florida Division of Elections website lists 2,426 separate contributions from individuals.

The “special interests” in this case belong, instead, to Amendment 4’s opposition group. In contrast to Amendment 4’s popular support, the “Floridians for Smarter Growth” group is made up almost exclusively of development-related businesses such as mortgage bankers, turf-grass growers, chambers of commerce, and utility contractors.

3b. Housing developments add to the tax base.

“New housing developments add to the tax base of communities.”

The facts: **No. On the contrary, new housing developments cause increased taxes for existing residents.**

If new housing developments did add to the tax base, then Floridians would have the lowest taxes in the country after forty years of explosive growth. New housing developments, in fact, produce a net drain on municipal funds.

A classic study performed by the American Farmland Trust and published by the ‘1000 Friends of Florida’ organization shows that residential land-use costs local governments at least \$1.39 for every \$1 of tax revenue generated by the new residents. Other land uses provide a surplus of revenue – i.e., commercial/industrial (\$.36 cost-of-community services per \$1 revenue), and working/open land (\$.42 cost per \$1 revenue) -- and do indeed “increase the tax base.” (See the American Farmland Trust study at www.farmlandinfo.org/documents/27757/COCS_8-06.pdf) Other studies have put the cost-per-dollar-of-tax-revenue as high as \$2.42.

Open land is taxed at a lower rate than housing; so it is often promoted by developers that added tax collections from new higher-taxed housing units are a “plus” for the community. But in fact, open land uses no municipal services, and generates net tax revenue. Housing, in contrast, requires schools, roads, safety services, libraries, parks, utilities, trash and other municipal services. This creates a tax deficit. So despite high dollar-figures for added tax revenues, we need to focus instead on the cost of services and net result of additional residential development. The tax shortfall for new housing is picked up by all taxpayers in terms of higher taxes, or – if the required expenditures are not made – then, for example, in traffic gridlock and overcrowded schools.

Aren’t developers at least paying for the roads and schools? No, they aren’t. Furthermore, recent legislation (SB 360) passed by our State legislators last spring enables developers to pay even less than they formerly did. Prior to the passage of SB 360, developers of large-scale developments (DRIs) were supposed to pay something towards roads and schools: that is, roads in very close proximity to the development, and land for schools. Then either taxpayers need to pay for everything else, or our roads and schools become underfunded, causing the crowding and lower quality of life that we all experience today. With SB 360, developers have even these costs removed in some cases. A number of Florida municipalities have taken SB 360 to court to try to prevent these ‘gifts’ by legislators to developers from falling on local municipalities local budgets.

Smaller developments are not required to pay even the cost of nearby roads and land for schools. In addition to further roads and road widening, plus school-building construction and staffing, there are other services like safety, libraries, trash pickup, etc., which are not addressed by the developer agreements with the local municipality. These major costs are all borne by the taxpayers.

Where a subdivision has been approved to be developed, in sprawl mode, outside the urban service area, these costs to local taxpayers are significantly greater. If new construction is located in a town or adjacent to the urban area, these costs may be reduced by use of existing infrastructure and services, but only if the existing infrastructure and services can be sufficiently stretched. Creating new services for a new community is expensive. This is one reason why property tax revenues have not been enough, even though the taxpayer is paying at a higher and higher rate.

3c. Plans are meant to be flexible, changed.

“Plans are meant to be changed.”

The facts: **No. A comprehensive land-use plan is intended to be just that: a plan developed and approved by a community that the community intends to follow in order to achieve its vision.**

Instead of providing for shared, rational planning, Florida’s local land-use plans have become no more than a hurdle for developers to overcome in their pursuit of larger, denser, and more profitable projects than the local residents’ plan allows. These projects are often constructed in locations deemed unsuitable by the public for such uses. Amendment 4 will change this, restoring the meaning and value of ‘planning’ to the present process.

4. St. Pete Beach

A4 will cause St. Pete Beach-type litigation.

“The St Pete Beach litigation is an example of Amendment 4.”

The facts: **No. What took place in St. Petersburg Beach (SPB) has nothing to do with Amendment 4, which is very different.**

The SPB city commission did not follow the process for approving a new land use plan. In particular it eliminated the citizen-input stage before the citizen vote. Litigation has been filed to challenge the process. In addition, ballot language was misleading on some of the ballot initiatives, and litigation has challenged this as well. When elected officials do not follow the processes required by law, the citizens can challenge their officials.

Unlike the SPB situation, Amendment 4 provides for its public referendum only after a proposed change to the local Comprehensive Land-Use Plan has gone through a review by State and local professional planners, planning boards, public hearings, and has then also obtained local government approval. Only those proposals that have undergone this complete process, and received approval from the local Council or Commission, reach the ballot, for final scrutiny and voting by the community’s voter-residents.

5. Property Rights

5a. *A4 infringes on my property rights.*

“Amendment 4 will deprive people, including us developers, of our property rights.”

The facts: **No, Amendment 4 protects everyone’s property rights.**

i. Regarding developers’ property rights: When developers buy land, they know what it can be used for. They are not *entitled* to land-use changes: they must request such changes from the local residents, and, by law, should receive approval only if the proposed change is in the public interest. (Many elected representatives need to be reminded that they take an oath to uphold and represent “the public interest.”) But that’s the way the system *should* work.

What citizens have been finding, for a very long time, is far different. Developers’ campaign contributions and other influence can cause politicians to vote in favor of the developers and land speculators, even when a land-use plan change is clearly not in the public interest.

Amendment 4 corrects the problem of financial influence: if elected representatives do approve a developer’s request to change the residents’ publicly approved land-use plan, then – as a check-and-balance – Amendment 4 provides the community with the opportunity at the ballot box to clarify where the “public interest” lies, and to reject the proposal if it fails that test.

ii. Regarding residents’ property rights: Developers are not the only ones with property rights. Amendment 4 enhances the private property rights of all property owners in the community. It gives voters the ability to vote against a Comp Plan change they believe would harm their property, detract from the character and quality of life of the community, or add to their tax burden.

Amendment 4 emphasizes the rights of property owners who are already here – as distinguished from out-of-area developers and land speculators. It preserves the character of the communities and neighborhoods in which we have, in many cases, invested a large part of our life savings. Property owners have a deep stake in the community, as opposed to land speculators or developers who build yet another strip mall or housing development, and then take their money to the bank, leaving residents with the higher tax bills, congested roads, and crowded schools.

When development occurs in compliance with a community’s comprehensive land-use plan, the varying needs in the community are more balanced in a sustainable manner, and Amendment 4 does not come into play.

If you relied on the land-use designations of your community’s land-use plan to buy your land and build your home, you should not, for example, find an industrial or commercial building sprouting up next door because local politicians approved the developer’s request to change the Plan.

Residents will no longer wake up to see bulldozers installing a shopping center or high-rise apartment house in the previously ‘residential’ or ‘semi-rural’ or ‘conservation’ land next door, along with parking lots that drain into their backyard, and bright lights that deprive them of sleep. With Amendment 4, resident-voters can protect the integrity of their homes and communities when politicians approve land-use changes that are

not in their interest. No longer will a costly and prolonged lawsuit be the only option available to residents threatened with inappropriate development.

[“Taking” of land by government has no relevance to this discussion and pertains to the law of eminent domain. The law is well established that a “taking” of private property occurs only when the particular land-use designation attaching to the land deprives the landowner of all reasonable, economically viable use of the property. That means the landowner can’t do anything with the property. That very rarely happens. The fact that a landowner can’t do what he wants to with his property does not mean that his land has been “taken” by the government. That’s why “takings” cases against government over a land-use regulation rarely succeed.]

5b. A4 infringes on minority interests.

“Amendment 4 will infringe on ‘minority interests,’ on ‘minority rights.’”

The facts: **More misinformation. No minority is affected. This is a bogus claim.**

This bogus claim should be viewed as an unfair attempt to apply a culturally-loaded term to wrap the debate in confusion and negativity. Amendment 4 is about democracy and every voter’s participation in promoting

- a.) the well-being of their community, and also
- b.) the accountability of their elected representatives.

The only person affected by a referendum is a developer who wants

- to build more than he is entitled to, or
- to build on land that the public has designated for some other purpose.

Developers need to play by a community’s rules, or else they must be able to convince a majority that the developer’s proposed change is in everyone’s best interest.

The assertion that Amendment 4 will reduce the amount of affordable housing is also absurd. Right now, comprehensive plan changes are being pushed through, in the name of “redevelopment,” to destroy existing affordable housing (example: manufactured home parks) and replace them with expensive commercial and residential development. Comprehensive land-use plans are supposed to include an affordable housing element, but unfortunately, many local governments are not interested in protecting existing affordable housing or providing for new affordable housing. Concerned citizens need to review the affordable housing elements of their local plans. If they are insufficient, plan changes should be proposed to strengthen affordable housing protections.

THE BOTTOM LINE & FURTHER INFORMATION

6a. VOTERS BEWARE!

On the 2010 ballot, there may be not one but two Amendments stating that they will provide voter-control of land-use changes.

The facts: This could conceivably happen. Voters need to be careful **not** to vote for the development industry's Trojan-horse FHD-look-alike Amendment whose sole purpose is to suppress the democratic petition process and kill Amendment 4.

In order to kill Amendment 4, opponents have created a group they call "Floridians for Smarter Growth" (FSG). Their only platform is to stop Amendment 4 so that they can continue doing more building and more paving, causing more increased taxes, more congestion, etc. For the 2010 ballot, this group is circulating a petition entitled: "Florida Growth Management Initiative Giving Citizens the Right to Decide Local Growth Management Plan Changes" <http://www.florida2010.org/docs/petition.pdf>. The title makes it appear that developers actually favor giving citizens the right to vote on land-use changes. But you must read the fine print – which, unfortunately, voters will never see on the ballot. The fine print on their petition says the opposite of what their petition title promises: in other words, any possibility for voters to have a say in local growth management is so restricted by the details of this petition that no such vote will ever take place.

To be specific, the FSG petition requires that, for voters to have the say that their petition promises on a politician-approved land-use change, at least 10% of registered voters in that jurisdiction are required to drive or march down to either the Supervisor of Elections office or City Clerk's office (depending upon where the comp plan issue is located) in order to sign -- in person and with proper ID -- a petition that someone has initiated to request a referendum. And this effort would need to be completed within 60 days of the initiation of such a petition. Depending on local population numbers, this could mean hundreds of voters arriving at a particular government office each day for these 44 business days, during the hours that the office was open. There would likely not even be sufficient parking! Because of these impossible restrictions, FSG's petition, in fact, eliminates the deployed military, handicapped, working public, and many others from the democratic process altogether.

The developers' "Smarter Growth" petition simply ensures that no voter referendum on a land-use change will ever take place. As a final indication of this petition's real purpose, the Floridians for Smarter Growth petition's fine print also states that Amendment 4 fails, even if Amendment 4 passes with the required 60% of votes!

If FSG now obtains the required number of signed petitions – and who wouldn't sign a petition with a promising title like theirs? – their petition will become a "Vote-on-nothing Amendment." Their Amendment -- if they get it on the ballot, which they very likely can -- will make it impossible for voters either to petition (under their Amendment) or to vote (under Amendment 4) on any plan change.

Voters need to steer clear of this petition/amendment and its originators' cruel deception. It's little wonder that supporters of Amendment 4 call their developer-opponents' platform "stupid growth" with a "Vote on Nothing" petition/amendment.

An excellent reason to support Amendment 4 is the boatloads of money and deceptive, unethical tactics that developers and land speculators are spending to kill it.

6b. PASS AMENDMENT 4 !

Vote for Amendment 4! It's truly a once-in-a-lifetime opportunity to restore good, responsible government to Florida, our home, at the local and State level.

We simply cannot throw up our hands and say, "It's too late to do anything about Growth Management in Florida." Yes, many parts of Florida are now awful and close to unlivable. But it's not too late to save certain places from unplanned overdevelopment and sprawl, and it's certainly not too late to regulate redevelopment. People don't want their parks paved over, their beaches redeveloped with high-rise condos, or their mobile home parks ripped out from under their homes, leaving them with no affordable alternatives. Things will continue to get worse unless something is done.

Not to support Amendment 4 now, and not to vote "yes" on Amendment 4 in November 2010 is to take the side of the developer-controlled status quo, and to stand by and witness the further ruination of our quality of life, the natural environment, and government accountability in Florida.

Amendment 4 is the check-and-balance that Florida's democratic system has heretofore lacked. It provides the people with a veto power over the undue influence of developers on our politicians. It's the way to avoid harmful changes being made to our publicly approved Land-Use Plans, changes that result in a boom-and-bust economy, ever-higher taxes, lower property values, congested roads and schools, and a lower quality of life for all Floridians.

6c. FURTHER INFORMATION

Keep up with what's happening at Amendment 4's website: www.FloridaHometownDemocracy.com.

Donate! Volunteer! Encourage groups you belong to to endorse Amendment 4! Spread the word!

4 for You! 4 for Florida!

Pd.Pol.Adv.by FloridaHometownDemocracy, Inc., PAC.

Addendum: A final word from President Jefferson and Wilson:

Thomas Jefferson---

"I am not among those who fear the people." (Letter to Sam Kercheval, 1816.) Similarly he tells John Taylor, "the further the departure from direct and constant control by the citizens, the less has the government the ingredient of republicanism . . . the mass of the citizens is the safest depository of their own rights."

In 1812, Jefferson advised F.A. Van der Kemp: "The only orthodox object of the institution of government is to secure the greatest degree of happiness possible to the general mass of those associated under it . . . unless the mass retains sufficient control over those entrusted with the powers of their government, these will be perverted to their own oppression, and to the perpetuation of wealth and power in the individuals. . . selected for the trust."

Woodrow Wilson---

"I believe in the Initiative and Referendum which should be used not to destroy representative government but to correct it whenever it becomes mis-representative."
