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**AMENDMENT 4 (FLORIDA HOMETOWN DEMOCRACY)**  
**Unintended Consequences**

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On the November, 2010 ballot, voters will have the opportunity to vote on an amendment to the Florida Constitution that could have a massive and potentially deadening impact on Florida's development and growth management system. For the past twenty-five years, every Florida county and municipality has been required under the Growth Management Act to adopt a local government comprehensive plan to guide future growth and development. Local governments may amend their comprehensive plan twice a year by getting a simple majority of votes from a city council or a county commission and having the amendment reviewed by the Department of Community Affairs. However, there are statutory exceptions to this rule that allow for multiple plan amendments throughout the state each year.

In response to this, some citizens, believing that comprehensive plans can be changed too easily in favor of over-development, drafted Amendment 4 (once known as Florida Hometown Democracy). This amendment will require a referendum every time a local government proposes a change to their comprehensive plan. According to Patrick Slevin, former mayor of Safety Harbor and a communications consultant based in Tallahassee, surveys show that more than 75% of voters feel the relationship between elected officials and developers has made growth decisions unfair, and that same group is opposed to new development.

While concerns for pro-development government, traffic congestion due to uncontrolled growth, school overcrowding and environmental concerns are all legitimate issues to be addressed, the following points should be considered when making the decision to vote for or against Amendment 4 next November:

- **Burden on Voters:** The special referendums that will be required to amend a plan will be a burden on voters not only because of the complexity and technical facets of the amendments themselves but also because the sheer volume of special elections and the costs associated with them will be draining on the public. Voter apathy is quite prevalent for regular elections, so one can only imagine how difficult it will be to educate the lay person on highly intricate issues of development and land use and then convince them to go to the ballot time after time throughout the year. Voter confusion and un-educated or ill-advised votes are almost a given if Amendment 4 takes effect.

- **Special Interest Groups Will Win:** Special interest groups will likely be the only ones capable of raising enough money to fund massive campaign efforts for their desired change to the comprehensive plan. Such well-funded operations can be used to skew the vote, especially when voter turnout is low. Growth determined by such groups is the antithesis of what Amendment 4 actually seeks to accomplish. Small and medium sized businesses will be the ones hurt by this Amendment as they will not have the resources to reach out to and influence the masses.
- **Tested and Failed:** A voting requirement for comprehensive plan changes has already been tested in the community of St. Peter Beach. The result: endless litigation, confusing ballot questions that voters could not decipher, and a stalled economy due to the uncertainty and frustration on not knowing how or when development will move forward.
- **Deterrent for Capital Investment:** The uncertainty that lies in how the public might or might not vote will most certainly scare off those who may have otherwise invested in developing shopping centers and other retail properties in the state. This is especially true in a tough economic time, such as the present, when investors are searching for as much stability and as many predictable outcomes as they can possibly find. If Amendment 4 passes, there will inevitably be political turmoil and litigation creating the exact type of environment from which investors shy. This may result in stalled portions of the Florida economy.
- **Delays in Development:** If planning decisions are limited to only during regulate election times, developments may be delayed and, therefore, become more expensive. Some argue that we will ultimately see a loss of a competitive advantage for Florida with regard to attracting new residents as well as new business, and retaining existing businesses. Not only will private companies potentially suffer, but also, important decisions regarding public facilities will be stalled as voters will be able to block critical public developments that they do not want to see in their “backyard”. Additionally, those opposed to this measure argue that, in the end, it will jeopardize protected vested property rights leading to more lawsuits.
- **Practical Impact on New Residential Communities:** As a practical matter, Amendment 4 could lengthen trips to retail outlets. Over the past five years, tens of thousands of new consumers have moved into brand new residential communities. If community development plans are not amended, new retail outlets will not be built, resulting in inconvenience and overcrowding for local consumers.

While Amendment 4’s objective of allowing the public to have a say in how development will progress in the community seems to be a noble goal on its face, the real world ramifications may be the exact opposite with big money special interests groups being the only ones to push their agenda. The outcome will be a stalled economy and a new wave of litigation. Growth management system reform is needed in this state, but Amendment 4 will not bring about the desired result.

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