



**NO on AMENDMENT 4**

***POINT/COUNTERPOINT***

**1) Amendment 4 will leave Florida in a permanent recession.**

**Our argument:** Designed to bring economic growth to a halt, Amendment 4 will solidify the loss of nearly 500,000 Florida jobs. Due to the expense, red-tape and uncertainty imposed by Amendment 4, new businesses will find it virtually impossible to move to Florida. Existing businesses will find it nearly impossible to grow and Florida's working families will suffer the most.

**They say:** *"This canned message is from the same people who crashed our economy with overbuilding. In fact, comprehensive plans already have lots of growth built in to them--enough housing is already factored into the plans for over 100 million people. These plans are designed to allow for growth and protect our communities from unplanned growth. Why can't we follow our plans?"*

**Our response:** Lesley Blackner (the founder and co-author of Amendment 4) says that her amendment will delay projects until the next regularly scheduled election. That means holding up not only "big developments" but also countless new schools, hospitals, fire stations, community centers and public parks until the next election cycle--as long as two years! Not only will Amendment 4 hold up common sense progress in our communities, it will also drive away businesses that want to bring jobs to Florida.

Put yourself in the position of a biotech company trying to bring 300 high-paying jobs to our state. By Ms. Blackner's own logic, Amendment 4 would force you to wait as long as two years before your project comes up for a vote. Moreover, you will need to wage an expensive and unpredictable political campaign before breaking ground. On top of that, you will still need to navigate Florida's existing land-use approval process, which usually takes between 12 and 24 months. Altogether, it may take years before you could "turn dirt" in Florida.

In the meantime, states like Alabama, Georgia, North Carolina and Arizona are inviting you to break ground next week. The result: Florida will shed existing jobs while simultaneously chasing away new ones.

While a handful of major corporations may choose to suffer the long delays and finance the high-priced media campaigns needed to do business under Amendment 4, countless small businesses will fail.

In a time of deep recession, do we really want to tell large and small businesses alike that they must wait years before growing, building or hiring?

Amendment 4 will do more than cost construction jobs. It will lead to a hemorrhaging of jobs in healthcare, tourism, manufacturing, biotechnology, and numerous other fields.

Amendment 4 supporters are also promoting the absurd notion that comprehensive plans should be updated seldom--if at all. However, these plans were written in the 1980s without the benefit of a crystal ball. They are working documents designed to change over time. In fact, state law requires that local governments review and update their plans every five years. There are also built-in periods for cities and counties to change their plans twice a year.

It's common sense. As citizens, planners and elected officials learned more about managing growth, updating these plans was the only reasonable thing to do. Failing to change our comprehensive plans would have led to unprecedented levels of sprawl. That's why reasonable environmental groups--like 1000 Friends of Florida--have opposed Amendment 4. They know that it will create uncoordinated, piecemeal planning that leads to more sprawl, not less.

## **2) Amendment 4 has already failed miserably in one small, Florida town.**

**Our argument:** In 2006, the small Pinellas county town of St. Pete Beach adopted a local version of Amendment 4. The result has been economic collapse, an impossible growth-management process, and endless litigation at taxpayer expense. When St. Pete Beach voters approved four pro-growth changes to their comprehensive plan, Amendment 4 lawyers sued to overturn the election. More than a year after voting to change their comprehensive plan, the people of St. Pete Beach are still defending their vote in court. St. Pete Beach is a town of only 10,000 voters and Amendment 4 has already cost its taxpayers over half-a-million dollars in legal fees. Imagine the extraordinary costs and litigation that would result if Amendment 4 is taken statewide.

**They say:** *"The lawsuits are flying because the Hometown Democracy process was not followed. Under Hometown Democracy, there will be a referendum only after the growth plan change is reviewed and voted on by the county commission. In St. Pete Beach developers held the referendum before the proposed plan change went through review and public hearing. That violates state law, which requires that no land use change can be made without following the public hearing process."*

**Our response:** That's not how an Administrative Law Judge with the Department of Community Affairs sees it. Amendment 4 supporters say that they are trying to overturn the election because their process was not followed. But a judge and a state agency have already said that the law was followed. In response, Amendment 4 lawyers did what they do best: They filed another lawsuit.

More importantly, are we really to believe that Amendment 4 supporters spent hundreds of thousands of dollars in legal fees because they object to a minor, procedural technicality?

It is clear that they never wanted to "give the voters a say" at all. Instead, they just want to stop growth, regardless of what the voters say. When they lost at the ballot box, they decided to take the people to court.

The failed Amendment 4 process has invited endless litigation and halted commonsense progress in this small, Pinellas County town. Here are the facts:

- 1) St. Pete Beach adopted a local version of Amendment 4 in 2006.
- 2) Two years later, the voters approved four new comprehensive plan changes at the ballot box.
- 3) Within 24 hours of the election, Amendment 4 supporters filed a lawsuit to overturn the results.
- 4) Taxpayers have now funded more than half-a-million dollars in lawsuits related to the Amendment 4 "process" in St. Pete Beach.
- 5) Ross Burnaman, the same lawyer who co-authored Amendment 4, has been directly involved in these lawsuits.
- 6) None of this would have happened without Amendment 4.

To get the full story on St. Pete Beach, take a look at this Editorial from their local town paper:

<http://www.florida2010.org/media2.php?id=98&t=2>

### **3) Amendment 4 will turn our planning process into a political process, boosting the influence of special interest groups and side-lining ordinary citizens.**

**Our argument:** Amendment 4 advocates do not want to empower voters; they want to stop growth at any cost. Under their proposal, special interests on both sides of the development debate will gain influence at the expense of ordinary citizens. Rather than being compelled to compromise, interest groups will be encouraged to draft the most extreme proposals and hire political consultants to sell them. Under Amendment 4, sound bites will have more influence than sound planning.

**They say:** "1) there is lots of growth already built in to comprehensive plans. So even if plans don't get changed much there will still be plenty of construction. 2) Developers are they key special interest in Florida. They are the ones who stand to make the money. You can't say the same of residents who just want to protect their community and quality of life. 3) No compromise campaigns? The entire process will stay the same and the referendum will only come at the very end. There's plenty of room for "compromise." 4) When we allow promiscuous developer-driven plan changes, the plans simply don't mean anything and can't protect the community from over-development."

#### **Our response:**

- 1) Amendment 4 supporters are suggesting that it would be OK if comprehensive plans were never updated. This notion is absurd. That's like saying, "Your 1980s-era computer should never

be updated or replaced." Ultimately, failing to change the comprehensive plan when necessary leads to sprawl. Amendment 4 will make many minor but necessary plan changes nearly impossible to plan, resulting in more traffic and overcrowding. That is why respected growth management and planning groups oppose Amendment 4.

2) Amendment 4 will not give power to residents who want to protect their quality of life. On the contrary, residents who are most impacted by plan changes are also the least empowered by Amendment 4. Under this amendment, residents living an hour from your home will be voting on whether or not to put gas stations, hospitals, schools, fire stations, or parks in your backyard. Ultimately, your voice--and the voice of your neighbors--will be drowned out in the noise of high-priced, countywide media campaigns.

3) Changing the end of the process changes the beginning. If every step in the process builds up to a high-priced media campaign then the incentive for compromise disappears completely. Amendment 4 says to interest groups on both sides of the development debate: Don't bother trying to build consensus. Don't worry about consulting communities affected by growth; just hire a political consultant to sell your position to voters on the other side of town. The result: Well-funded special interests on both sides of the development debate gain influence over a process that is governed by 30-second sound-bites. In such a process, the citizens most affected by local plan changes will be out-shouted in countywide media campaigns.

4) Amendment 4 won't just force us to vote on "big developments" or "major plan changes." Take a look at the language of the amendment! It leads to a vote on every minor and technical plan change. It triggers referenda on the thousands of housekeeping changes that come from local governments, not developers. There are no exceptions for schools, hospitals, public parks or fire stations. Under Amendment 4, key projects like roads, schools and police stations would be nearly impossible to plan and might be delayed for years.

#### **4) Amendment 4 will lead to extraordinary costs, disruption and disorder at the ballot box.**

**Our argument:** Under Amendment 4, the taxpayers will be forced to fund expensive elections for every technical change to their local comprehensive plan. It would not be uncommon for voters to face 200 or 300 minor land use issues on a single ballot. If Amendment 4 had been law in 2006, the residents of Carrabelle--a small Franklin County town--would have voted 617 times!

**They say:** *"In Carrabelle the city council voted on one ordinance to overhaul the city comprehensive plan. Hometown Democracy referenda will track commission votes. So if your commission approves five ordinances approving growth plan changes, there will be five referenda. If our politicians respect our plans, which have lots of growth built in already, we won't need to vote very often."*

**Our response:** The lawyers behind Amendment 4 know that this is not true. Florida has very strict single-subject rules. Over and over again, the courts have said that multiple issues cannot be rolled into a single ballot question. They must be voted on separately.

It's just common sense. Comprehensive Plans are hundreds and sometimes thousands of pages in length. Amendment 4 supporters are trying to tell you that these plans can be accurately condensed into a single 75-word ballot summary! This doesn't pass the commonsense test and it certainly doesn't pass the legal test.

The reality is that every comprehensive plan change--no matter how small or technical--would require a separate ballot question. As a result, voters would face hundreds and potentially even thousands of technical land use issues on a single ballot.

#### **5) Amendment 4 is opposed by a broad and diverse coalition.**

**Our argument:** Over 135 organizations are opposing Amendment 4 for a variety of reasons. These organizations include: the Florida Chamber of Commerce, 1000 Friends of Florida, the Florida American Planning Association, the Florida League of Cities, the Florida State Council of Machinists and Aerospace Workers, and the Florida Health Care Association.

**They say:** *"A who's who of the corporate construction industry is funding Floridians for Smarter Growth: The National Association of Home Builders, the Florida Association of Realtors, and Waste Management to name but three."*

**Our response:** It's no surprise that Florida's business community opposes an amendment that would permanently harm Florida's economy. However, they are not alone. Amendment 4 is so extreme that it has earned the opposition of mainstream planning, growth management, environmental, government, labor, health care, agricultural and property rights groups, too.

These groups oppose Amendment 4 for many reasons. Some fear that it will lead to increased sprawl. Others note that it will cost many Floridians their personal property rights. Still more are concerned that it will keep Florida in a permanent recession. Regardless of the reason, these groups all oppose Amendment 4 because it's a bad idea for Florida.

While these organizations represent literally millions of Florida jobs, Amendment 4 is backed by a tiny group of wealthy extremists. Lesley Blackner, a special interest lawyer has contributed nearly \$1 million of her personal fortune to pay for the signatures to get this idea on the ballot. Ms. Blackner is joined by Joyce Tarnow of Floridians for a Sustainable Population and Joe Redner, owner of the Mons Venus strip clubs in Tampa.

Mr. Redner has frequently been engaged in legal battles with the Tampa City Council, which has tried to place restrictions on his nude clubs for 25 years. His is one of many notorious businesses that would benefit from Amendment 4's "Vote on Everything" requirements. If they succeed in changing the constitution, strip clubs and pornography outlets would have an easier time beating back citizen-supported land use changes to restrict their activities.

South Florida's Joyce Tarnow has also given a lot of money to promote Amendment 4. She supports the amendment because "hopefully, [it] will lead to people all over this country demanding from our Congress a population policy that reduces population pressure."

To pursue this agenda, Ms. Tarnow founded and leads Floridians for a Sustainable Population, a fringe population control group. A close reading of the group's Web site reveals more of their agenda: they call for limiting families to two children; cutting benefits for newborns; higher taxes on families; severe restrictions on legal immigration; and more.

In fact, more than half of Amendment 4's funding comes from people closely associated with Floridians for a Sustainable Population - including Hometown's Lesley Blackner, who is a senior member of the population control group's advisory board.

These groups and individuals have contributed tens of thousands of dollars to write Amendment 4 into Florida's constitution. It insults commonsense to call these interests anything other than "special."