

AMENDMENT 4 SPIN DOES NOT MATCH THE FACTS

The Amendment 4 spin machine is working overtime to manufacture as many half-truths and outright lies as possible before voters cast their ballots on this measure in November. **And while the Amendment 4 campaign is entitled to its own opinion, it is not entitled to its own facts.**

A recent statement by the Amendment 4 campaign piled high the rhetoric but was noticeably devoid of supporting facts, reasoning or evidence. As usual, the backers of this amendment are knowingly and shamelessly promoting a series of falsehoods that have already been disproven by Florida's Supreme Court and Florida's leading Editorial Boards; among those claims:

THEY SAY: "Amendment 4 wouldn't require voter approval of all land use decisions."

IN REALITY: The [Florida Supreme Court](#) does not agree with them. Florida's [leading Editorial Boards](#) do not agree with them. And, as of September 2009, [their own website](#) did not agree with them!

Let's start with the court. The Florida Supreme Court has already dispelled the myth that Amendment 4 only requires votes on "certain" land use decisions. In fact, while reviewing the ballot title and summary for Amendment 4, the court issued an [opinion](#) (Pages 19-20) that amounted to a rejection of this very claim. **In that opinion, the court plainly indicates that Amendment 4 would trigger votes not simply on all land use items, but, in fact, on every change to a local government's comprehensive plan.** Citing statute, the court points out that Amendment 4 would lead to referenda on:

"A capital improvement element; a future land-use plan element; a traffic circulation element, a sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge element; a conservation element; a recreation and open space element; a housing element; a coastal management element; an intergovernmental coordination element; a transportation element; an airport master plan; a public buildings and related facilities element; a recommended community design element; a general area redevelopment element; a safety element; a historical and scenic preservation element; an economic element ..."

And how about those Editorial Boards? In a response to Amendment 4 author Lesley Blackner's frequently misleading statements on this very topic, the Editorial Board ("The Real Amendment 4") of the Palm Beach Post [said of Ms. Blackner's claim](#), "If true, it would be a proper narrowing of her over-reaching amendment. But it's not true. At best, the issue is open to interpretation. At worst, Ms. Blackner is purposefully misleading the public."

And finally, even last year's Amendment 4 campaign website disagrees with this claim. As of September 22, 2009, the official Amendment 4 campaign site said that we will vote "only on comprehensive plan amendments approved by local governments." The content from that site was saved to the website of the League of Women Voters and can be found [here](#).

Later, Lesley Blackner--the author of Amendment 4--changed her mind and said that [we'll only vote on comprehensive plan amendments that effect the land use element](#).

And now, it seems that Amendment 4 has morphed yet again! According to their last statement, we would not even vote on "all land use decisions."

If the authors of Amendment 4 had written their measure properly in the first place, they would not need to redefine it every few months. Instead, their description of Amendment 4 has become a moving target. An idea so over-reaching and so fatally flawed does not belong in Florida's constitution.

In fact, we just don't know if Amendment 4 will also lead to votes on zoning issues, too. A number of well-respected attorneys have looked into the "fine print" of Amendment 4 and have concluded that it might lead to referenda on "garden variety zoning issues":

- In the Miami Herald: "[An Invitation to Chaos](#)"
- In the Palm Beach Post: "[No Fair Rewriting Flawed Amendment 4 on the Fly](#)"

THEY SAY: "But under Amendment 4, you will then get the opportunity to veto or approve your commission's decision on the next regularly scheduled Election Day. It's that simple."

IN REALITY: It's anything but simple. **Nowhere does Amendment**

4 say we'll only vote on regularly scheduled elections. Just take a look at the [language of the amendment itself](#). The authors of Amendment 4 could have written that into their measure. But they did not. And now, they are asking Florida voters to buy into wishful thinking supported by wild speculation. In fact, communities across Florida will have an incentive to hold costly and uncertain special elections simply to remain in compliance with state growth management laws, or to keep up with vital community projects like schools, hospitals and police stations.

But even if we accept their unfounded interpretation and assume that Amendment 4 will simply delay all projects until the next regularly scheduled election, **the result for Florida's working families and small businesses would be nothing short of catastrophic.**

If Amendment 4 delays referenda until the regularly scheduled election, then vital community projects like new schools, hospitals, and police stations would often be delayed until the next General Election. And while some large companies may still be able to finance the extreme delays and extraordinary uncertainty that accompanies Amendment 4, most small businesses cannot. The result will be a series of direct, indirect and induced impacts that will [cost Florida's economy billions](#).

Under Amendment 4, it will be harder to build new schools. So existing schools will become even more overcrowded. It will be harder to build roads. So traffic will worsen. It will be harder to add police and fire services to areas that need it. So public safety needs may go unmet for years.

These are just a few of the reasons that Amendment 4 is too broad, over-reaching and unworkable. An idea this fatally flawed does not belong in Florida's constitution.

THEY SAY: "If your local commission adopts, for instance, three local comprehensive land use plan changes in a year, then you'll vote on three. If they adopt one, you'll vote on one."

IN REALITY: Nice try, but no one is buying it. **The Florida Supreme Court has already dispelled this convenient myth, too.** In a 1984 decision (See [Fine v. Firestone](#)) that rejected the process of "logrolling," the court clearly stated that amendments must adhere to "single subject" rules, meaning that multiple ballot issues (e.g. multiple comprehensive plan amendments) could not be rolled into a

single, all-encompassing ballot question.

Moreover, in order to reduce the risk of litigation--which would already be high under Amendment 4--local governments will be inclined to break down plan amendments into their basic parts and vote on them piecemeal. That's because interest groups on the losing end of an Amendment 4-style referendum are more likely to sue if their plan amendment is wrapped in with a series of unpopular proposals. Similarly, unpopular proposals rolled in with new schools, hospitals and police stations, could torpedo these vital community projects.

THEY SAY: "On average, Florida commissions vote to approve three or four local comprehensive land use plan ordinances per year."

IN REALITY: Then why do we need Amendment 4? The Amendment 4 campaign is so fond of saying that comprehensive plan changes are "[handed out like Halloween candy](#)." Now, they're saying that local commissions only approve "three or four" plan amendments each year.

The Amendment 4 campaign may not bother to check its facts, but facts are stubborn things. According to the Department of Community Affairs [Sunset Review](#), there were nearly 6,500 changes to local comprehensive plans in fiscal year 2006-2007 (page 72). Amendment 4 does not contain any limiting language and there are no exceptions for state-mandated amendments. The result: Thousands of minor, technical plan amendments would appear on the ballot *individually*.

THEY SAY: "The crux of the matter is that there is already enough land approved for development in Florida's local comprehensive plans to accommodate 80 to 100 million residents - about five times more people than we have living here now."

IN REALITY: That's a great reason to oppose Amendment 4. Without changes to local comprehensive plans, the existing pattern of development remains one of sprawl. Amendment 4 makes it so difficult to change a comprehensive plan that many [planning groups](#) fear it may lock in place the bad decisions of the past. 1000 Friends of Florida--one of our state's leading growth management groups--raised [a number of concerns](#) about Amendment 4, including the fear that it would "limit efforts to pass plan amendments intended to lessen sprawling patterns of development."

When comprehensive planning was adopted in the 1980s, some communities had the resources to create sophisticated plans. But

some communities--usually smaller ones--did the best that they could with limited time and resources. The result: Many comprehensive plans simply formalized the existing land use patterns--namely, sprawl.

By crippling the planning process, Amendment 4 may very well encourage bad development by limiting efforts to curb sprawl by improving our comprehensive plans.

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