

The real Amendment 4

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Now that Florida Hometown Democracy organizer Lesley Blackner has gotten her proposed amendment on the 2010 ballot, she has decided to dictate its terms to the public.

"The plain language of Amendment 4," Ms. Blackner said in a letter to The Post, "establishes voter referendum only over comprehensive plan changes that concern 'future land development.'" She claims that the state constitutional amendment would require votes only on changes to the land-use element of a city or county comprehensive plan, and not on traffic, sewer, open space or other elements of the comprehensive plan.

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.

To get before the voters, the ballot language had to be reviewed not once but twice by the Florida Supreme Court. In its first ruling in 2005, the court struck the first sentence of the amendment, which said: "Public participation in local government comprehensive land use planning benefits Florida's natural resources, scenic beauty and citizens." The court removed the sentence "because it focuses the voter on 'scenic beauty' and 'natural resources,' while local comprehensive plans include multiple components, many of which do not involve strictly environmental or aesthetic considerations."

Here, it is important to note how broadly the court viewed the amendment's focus. Citing statute, the court presented a lengthy and detailed list of what would be subject to a referendum. We cite it now to give voters a glimpse of what awaits them if Hometown Democracy passes:

"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 ..."

The court continues, in what amounts to a rejection of Ms. Blackner's interpretation in The Post. "Because of the broad range of subject matters included in local government comprehensive land-use plans, the first sentence of the ballot summary ... is an editorial comment rather than part of an accurate summary of the amendment. In fact, if the proposed amendment were adopted, there would be a substantial number of referenda each year involving issues other than 'scenic beauty' or 'natural resources.' "

"Substantial" doesn't begin to describe it. Ballots would be packed with arcane matters. Routine government activity could slow. If only Hometown Democracy were at least as

narrow as Ms. Blackner now describes it. The courts already have concluded that it is not.

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