

Amendment 4 an invitation to chaos

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Recently, Floridians learned that the Hometown Democracy amendment has been certified for the 2010 ballot as Amendment 4. As this controversial proposal is debated in communities throughout Florida, it is important that we answer the question: What, exactly, is Amendment 4?

Those behind this proposed rewrite of Florida's Constitution argue that Amendment 4 will only require voters to decide changes to a local government's land use plan map. A closer review of the amendment language does not support this claim.

Amendment 4 states that an amendment to "a comprehensive land use plan" must first be approved by voters. But there is no definition of "comprehensive land use plan" or "land use plan" in the growth management statutes or regulations.

Amendment 4 defines the term "local government comprehensive land use plan" but that term doesn't appear anywhere else in the petition. The Amendment 4 authors call it "a plan to guide and control future land development in an area under the jurisdiction of a local government."

Based on long experience reviewing dozens of local comprehensive plans, I can tell you that each part of those plans is intended to "guide and control future land development."

A property's land use depends on supporting infrastructure, every component of which is controlled by a separate element of the comprehensive plan. Since each of these elements "guide and control future land development," Amendment 4 will require a referendum on every plan amendment.

That means citizens would be expected to vote on hundreds, potentially thousands of technical land use amendments, such as transportation revisions and periodic amendments of capital improvements, which schedule

infrastructure (roads, parks, water and sewer) expenditures over a five-year period.

Are voters really expected to review 1,000-page comprehensive plans and hundreds of technical amendments? In a representative democracy, that's the job of our elected officials. If they do it poorly, we should vote them out of office.

Amendment 4 is vague and confusing, but one thing is clear: Its language is extremely broad.

The scope of this amendment exceeds any current requirements for comprehensive plans in Florida and could easily apply to zoning approvals unrelated to comprehensive plan amendments. Under Amendment 4, at a minimum, we will be asked to vote on every change to a local comprehensive plan. At worst, Floridians will be voting on garden variety zoning changes, too.

Local jurisdictions will inconsistently interpret Amendment 4, with chaos reigning until lawsuits and expensive legal challenges establish policy. At a time when Florida is suffering economically and budget woes burden taxpayers, can we afford this ``fix" to growth management? If Amendment 4 is the cure, I'd rather be sick.

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