



STATE ISSUE: Amendment 4 (aka “Hometown Democracy”)

POSITION: FNGLA opposes the proposed Amendment 4 which will appear on the 2010 Florida election ballot because it will circumvent growth management policies; jeopardize private property rights; remove local government flexibility for economic growth; and, place all future growth management decisions in the hands of voters who, with little technical information and data, will be forced to cast votes in favor or against every proposed local comprehensive use plan change.

BACKGROUND: Growth management is an important challenge facing Floridians. However, initiatives such as the proposed Amendment 4 have the potential to restrict smart growth, trample private property rights and hinder the growth management and planning process at the state and local level.

Currently, our local elected leaders decide complex local planning decisions in consultation with expert planners, neighborhood associations, affected residents and, in the case of large scale developments of regional impact, the Florida Department of Community Affairs. However, if approved by voters, Amendment 4 will send all future development decisions and, in fact, even minor comprehensive plan amendments to the ballot box. As a worst case scenario, Floridians will be asked to vote two to three hundred times each year on comprehensive plan changes. In so doing, voters will be asked to make highly complex land use decisions without technical background, full understanding or legal counsel. Moreover, it will be common for county governments to fall out of compliance with state mandates after elections. Furthermore, it is entirely possible local landowners on the losing side of an election will take their cases to the courts. This will expose local governments and, therefore, taxpayers to this new and unavoidable liability.

Amendment 4’s potential impact to local government reaches far beyond the legal liabilities. All local governments go through extensive budgetary processes to determine how local tax revenues are allocated. If passed, Amendment 4 could handcuff budget planning hindering local governments from planning for road, sewer or necessary infrastructure improvements. As a result, more inefficiency and uncertainty will be built into the local budgeting process.

For nursery and landscape businesses, Amendment 4 is particularly interesting. First, a large percentage of nurseries, landscape firms and retail garden centers are located within or immediately adjacent to urban and suburban areas. As urban pressure continues to increase, one may make the business decision to relocate one’s operation. At a minimum, Amendment 4 may significantly reduce property values. Moreover, the selling process could be dragged out over an even longer period of time and the ultimate decision will rest either in the hands of the voters or the side with the deepest advertising pockets. This is an unacceptable game of roulette. Aside from the underlying fundamental property rights issues, a large percentage of the nursery and landscape industry is predicated on new landscape installations (commercial, residential, and public). Amendment 4 could single-handedly stifle future development which, in turn, stagnate nursery and landscape business.