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The Florida Hometown Democracy Initiative Petition:
The Citizens' Fight for Better Growth Management in Florida

¹ I have recently modified this paper to reflect legal changes as determined by the 2004 general election.

A Newcomer's Experience of the Florida Landscape

When I was a freshman in high school, I came to Florida for the first time while on the school's annual band trip. The band (which really consisted the choir, wind ensemble, marching band and orchestra and other subgroups) was on a trip to Orlando to compete with other high school groups, just as it does every spring.

We were sitting in some high school football stadium near Orlando. The main draw for everyone was the glitz and glamor of Florida. At the moment, it was the splashy field marching band field show, with the sparkly uniforms of the silks and twirlers, the crisp rat-a-tat-tat of the drum line, and the sharply executed maneuvers of the band as we precisely swirled about the football field.

But, during a break while I sat high upon the bleachers, my gaze fell upon the surrounding terrain. It struck me as so different from that in my own territory. The scrubby pines and low bushes were sandwiched in between houses in the surrounding school neighborhood. In my imagination, those trees and ground covered with needles spread on and on, beckoning me into a strange new wilderness.

But I would not see such a wilderness - not then. It would not be for another six years that I would encounter the wilds of Florida at all.

I made my exodus from New York State in the dead of winter into the light of Florida's perpetual summer. I made a new home for myself in Pompano Beach. It is a town sitting next to the ocean whose beach is beautiful and uncluttered in the morning, with libraries, good coffee and donut shops, and a decent mall - therein lay its charm for me. However, I did not see open space, something I had been accustomed to and sought out when I lived in the Northeast. But it had

seemed like a foregone conclusion to me, as a naive newcomer, that there wasn't any open space in my new home.

But then, a few months later, a friend (a native Floridian) took me down to Everglades Holiday Park at night. I could only see the dark waters spreading out before me, the congregations of cattails, and the scattered islands emerging from the marshes. We saw the green of alligator eyes gliding over the surface near us - my friend explained to me that the eyes' green color meant that the alligator was a female.

That was my first foray into a Florida that had not been entirely manipulated by humankind. At that point I was not aware of the intense struggle to save Florida's unique beauty and remaining open spaces, nor the extent of power possessed by the development industry here. However, over some years living here, I have seen that Florida is not just a playground with limitless resources to serve those who come and go at whim. It is an enchanting, alluring place whose beauty is frail and must be protected.

The Fight to Save Florida's Landscape

The struggle of Floridians who care about the future of this state and preserving the last precious places here is strongly reflected in a new grassroots movement to grant more land use decisions to Florida citizens. In early 2003, Florida attorneys Lesley Blackner and Ross Burnaman began efforts to develop a new initiative petition to amend the Florida constitution: Florida Hometown Democracy ("FHD"). Under this initiative, voters will be able to vote on whether changes made to the comprehensive plan (defined below) of their local municipality will actually

take effect. The form of this initiative petition was approved by the Florida Secretary of State in June 2003, and began its circulation. One desired objective for FHD is to give new force and effect to the growth management act in Florida, whose laws often sit passively on the books without being given their true effect.

The Growth Management Act

Florida adopted the Local Government Comprehensive Planning and Land Development Regulation Act (the “Act”) in 1985, which required each local government to adopt a local comprehensive plan (“comp plan”) which would be consistent with the Act. Richard Grosso, Florida’s Growth Management Act: How Far We Have Come, and How Far We Have Yet To Go, 20 Nova. L. Rev. 589, 591 (1996). These comp plans, the last of which was required to be implemented in 1992, all must include various elements² to further the broader objectives of the Act, which seek to “guide and control future development,” “overcome present handicaps; and deal effectively with future problems which may result from the use and development of land[,]” “preserve, promote, protect, and improve the public health, safety, comfort and good order,” and “to protect human, environmental, social and economic resources[.]” Id. at 591, 593.

Despite these noble objectives which local comp plans are purported to foster, many

² Comp plans must have a capital improvements element, future land use plan element, traffic circulation element, sanitary sewer, solid waste, drainage, potable water and natural groundwater aquifer recharge element, a natural resource conservation element, a recreation and open space element, a housing element, a coastal management element, and an intergovernmental coordination element. 20 Nova. L. Rev. 589 at 593.

supporters of FHD do not see the Act as supporting the sustainable development³ that it seemed to originally have been designed to aid. In an interview with South Florida's Sun Sentinel, Lesley Blackner insisted, "We all know that [comp plans] aren't working because too many city and county commissioners just can't say no to bad development proposals." Tom Sander, Face to Face: a Conversation With Lesley Blackner; Aiming to Give Voters the Final Say on Land Use, SUN SENTINEL, July 27, 2003.

Floridians' Power of Initiative

When Florida residents experience such frustration with their government, they may turn to their power of initiative and referendum with which they are provided by Florida law. Florida grants initiative power to its citizens both through its constitution and by statute: "All political power is inherent in the people. The enunciation herein of certain rights shall not be construed to deny or impair others retained by the people." FLA. CONST. art. I, § 1 (2002).

In the state constitutional provision for primary, general and special elections, "[s]pecial elections and referenda shall be held as provided by law." FLA. CONST. art. I, § 1 (2002). The governing body of a municipality may, by ordinance, or the electors of a municipality may, by petition signed by 10 percent of the registered electors as of the last preceding municipal general election, submit to the electors of said municipality a proposed amendment to its charter, which amendment may be to any part or to all of said charter except that part describing the boundaries of

³ Sustainable development may be defined as a set of obligations to: "a) consider the needs of present and future generations; b) accept limits on the use and exploitation of natural resources for environmental protection reasons; c) apply equity in the allocation of rights and obligations; and d) to integrate all aspects of environment and development." Virginia Dailey, Sustainable Development: Reevaluating the Trade vs. Turtles Conflict at the WTO, 9 J. Transnat'l L. & Pol'y 331, 345 (2000).

such municipality. FLA. STAT. ch. 166.031(1) (2002).

With the initiative, the people of a municipality exercise their inherent or political power over the city council on matters of local concern. Id. The initiative power may only extend to matters over which the council has authority, and “generally applies to legislative [*sic*] matters, sometimes including ordinances, resolutions, orders or votes, but not to administrative, executive or judicial functions.” Id., citing to Charles S. Rhyne, Municipal Law, § 9-14 (1957). The power of initiative is meant to be liberally construed in favor of granting the power. Id. at 504.

Prior to 1968, amendments to the Florida constitution could only be made through a Constitutional Convention or in resolutions adopted by the Florida Legislature. Jim Smith, So You Want To Amend The Florida Constitution? A Guide to Initiative Petitions, 18 Nova. L. Rev. 1509, 1510 (1994). Between 1976 and 1994, only five out of sixty-five initiative attempts were adopted as amendments to the Florida constitution. Id.

An individual wishing to create an initiative petition to amend the Florida constitution must contact the Department of State’s Division of Elections and request a packet of information containing a handbook for committees, all relevant laws and rules, and necessary forms for filing as a political committee. Id. at 1511. The sponsors of the initiative must register as a political committee with the Division of Elections before they may circulate any petition. Id. The committee is advised to budget four years of time in order to gather the necessary signatures for the initiative to be placed on a ballot, although some initiatives have attained the required number of votes in less than two years. Id.

Once the text of the proposed amendment has been drafted, it must be submitted to the Secretary of State, to be reviewed for completeness, correct number of words in the ballot title (fifteen or less) and in the summary (seventy-five or less). Id. Once the petition has been approved by the Secretary, it may then be promoted and distributed in order to gather signatures. Id.

Then, the political committee must gather at least ten percent of the number of signatures required for the initiative to be placed on a ballot, from one quarter of the congressional districts, in order for the Attorney General to forward the proposed amendment to the Supreme Court of Florida. Id. When the supreme court is called upon by the Attorney General to determine whether an initiative petition is valid, the court is “limited to two legal issues: whether the petition satisfies the single-subject requirement of article XI, section 3, Florida Constitution, and whether the ballot titles and summaries are printed in clear and unambiguous language pursuant to section 101.161, Florida Statutes (1999).” Advisory Opinion to the Attorney Gen., re Amendment to Bar Gov’t from Treating People Differently Based on Race in Public Educ., 778 So.2d 888, 890 (Fla. 2000).

Before the supreme court can invalidate a proposed amendment to the Florida constitution, the record must show that the proposal is clearly and conclusively defective on either ground. Id. The supreme court may not rule on the merits of the proposed amendments in determining the validity of the initiative petitions. Id. at 891.

If the supreme court finds that the proposed amendment is legally sufficient under the Florida constitution and statutes, the political committee may continue collecting signatures for the petition until it has reached a number of signatures equal to eight percent of the voters in the last presidential

election. Jay Croft, Amending Constitution: A Fight Many Take On, But Few Win, PALM BEACH POST, October 10, 1994. The initiative sponsors must deliver the petitions to the supervisor of elections so that the signatures can be verified. 18 Nova. L. Rev. at 1512 (1994).

Once the number of verified signatures satisfies the required number for the proposed amendment to be placed on the ballot, and the proper distribution of registered voters⁴ is reflected, the signatures must be sent to the Division of Elections to be certified by the supervisor of elections. Id. If the initiative has acquired the required number of signatures no later than February 1st prior to the general election, the proposed amendment will appear on that general election's ballot. Jackie Hallifax, Most Referendums Approved by Florida Voters Face Court Challenges, SOUTH FLORIDA SUN-SENTINEL, December 6, 2004.

The Challenge of Collecting Signatures

Collecting the requisite amount of signatures to place a proposed amendment on a ballot is a daunting task. According to state senator Rod Smith, a grassroots effort of volunteers to gather signatures will not be sufficient: "People think these voter signatures are gathered by volunteers in a grassroots effort. The reality is one of several companies comes in and guarantees you that for a certain fee it will collect enough signatures to get the amendment on the ballot." Tom Sander, Face to Face: A Conversation with Rod Smith; State Senator Proposes 'Legislative Initiative' as Alternative to Constitutional Amendment Process, SOUTH FLORIDA SUN-SENTINEL, March 2, 2003.

Mr. Smith discussed the "bullet train" amendment⁵, saying,

⁴ The petition needs signatures from people in half of the congressional districts of the state, and in a number equal to 8 percent of the entire statewide votes cast in the last presidential election. Fla. Const. Art. XI, sect. 3.

⁵ A constitutional amendment, proposed by initiative and approved in November 2000, requiring Florida to operate a 120-mph train linking five urban areas. Editorial, Don't Let Idea Leave Station, SUN-SENTINEL, June 22, 2003.

The bullet train was not the response of a "grassroots" organization. It was the result of a single businessman's ability to get the signatures and pay to get the amendment on the ballot. And there was no one to come back and contend against it, because no one had those kind of resources or the motivation to spend those resources.

So when I've spoken to the experts around the United States, they're not really worried about the grassroots movements, which have been fairly controlled in their approaches, but the special interests that are either well-funded through donations or because they have a specific interest issue to pass that they couldn't get through the legislative process, so they just buy the signatures.

Id., (emphasis added).

As a result, the surest way to make sure that a proposed amendment reaches the ballot is to buy its way on by paying for signature gathering:

Money, in fact, is key. With so many valid signatures needed in a four-year period, it's almost impossible to collect them with a grass-roots network alone. Even the Eight Is Enough⁶ ballot initiative on term limits, which turned out to be wildly popular in the voting booth, had to pay people to go out and collect almost half its signatures.

Peter Mitchell, A Bumpy Ride in the Drive to Change the Constitution, ORLANDO SENTINEL, FLORIDA, February 27, 1994

John Sowinski, the executive director of the Orlando-based Save Our Sealife Committee, is one such person that sponsors of an initiative could turn to for paid help in gathering their signatures.

Gerard Shields, It's A Fight Over Fishnets and Both Sides Are Biting, ORLANDO SENTINEL, FLORIDA, April 17, 1994.

The 30-year-old Sowinski is considered the master of state petition drives...Sowinski led the

⁶ "Florida voters overwhelmingly passed the 1992 constitutional amendment known as 'Eight is Enough,' which limited terms of legislators and Cabinet members to eight years in office, just like the Governor." Alisa Ulferts, If Eight Is Enough, Is 12 Better?, ST. PETERSBURG TIMES, April 24, 2003.

most recent successful ballot campaign - Eight is Enough - in 1992. It limits terms of state and federal legislators in Florida to eight years and was overwhelmingly approved by voters by a 3-1 margin...“John Sowinski has masterfully staked out a political niche,” said Orange County Property Appraiser Richard Crotty, a Sowinski ally and former state senator. “He’s roped off a corner of the market that other people haven’t been successful at.”...From a second floor office at 33 E. Robinson St., Sowinski commands an army of 10,000 statewide volunteers. Most recruits were contacted through environmental groups or sport fishing organizations...To pay for the effort, the group solicits donations just as political candidates do. **Sowinski estimates that a group needs \$50,000 to \$100,000 to launch a successful petition drive.**

Id., (emphasis added).

These paid signature gatherers, then, could be paid one to two dollars for every signature they collect.

If FHD will require 500,000 votes to be placed on the ballot, the cost of obtaining those votes with the help of signature gatherers could be over half a million.

Sponsors of an initiative must also face the problem of dealing with false or invalid signatures. Thus, the petition drive must seek to gather a number of signatures far in excess of the number required for the amendment to be placed on a ballot, for the following reasons:

Pat Roberts, president of Limited Casinos, had said it would take between 900,000 and 1-million signatures to get 429,000 good ones...**In Collier County, one batch of Limited Casino petitions was 90 percent worthless.** A week later the same office found only seven good signatures out of 200, said Mary Morgan, Collier County supervisor of elections. **In Pinellas County, elections workers ran across a signature that turned out to be the name of a family cat. In Dade County, workers found - on two casino proposals - the forged signature of a woman who died last year.**

Jenny Deam, Massive Petition Drives Enter the Home Stretch, ST. PETERSBURG TIMES, FLORIDA, August 7, 1994, (emphasis added).

Sponsors of an initiative must overcompensate to deal with the high incidence of worthless signatures which find their way into the collection pool. They must also guard against efforts of those who might want to sabotage the petition drive by intentionally giving out worthless signatures.

In John Sowinski's case, he was confronted by a direct saboteur, whose explicit mission was to derail Sowinski's "Save Our Sealife"⁷ campaign. Gerard Shields, ORLANDO SENTINEL, FLORIDA, April 17, 1994. This saboteur, Doug Guetzloe, made it his business to counter everything Save Our Sealife ("SOS") did to further its cause. Id. In furtherance of this cause, he alerted a high school principal that a teacher had distributed petitions to her students, asking them that they have their parents sign them. Id. As a result, the students had to return the petitions, which were later destroyed. Id.

Goetzloe had also boasted eight victories over various county and municipal tax referenda, and had also filed twenty-five Florida Elections Commission complaints against the SOS campaign, none of which were valid. Id. However, Goetzloe boasted that the \$6000.00 SOS spent in legal fees fighting these complaints was \$6000.00 less that it could spend on the campaign. Id. Despite these and other strident measures taken by Goetzloe, the SOS amendment was approved during the 1994 election by a 72% - 28% margin, called "the most significant mandate for marine conservation in Florida's history". CCA Florida—A History of Conservation, available at <http://ccaflorida.org/chronology.htm>.

The Motivation of Florida Hometown Democracy

Frustration with local government is a strong catalyst behind the FHD movement. Many Floridians can probably attest to the truth of Oregonian Eben Fodor's observations on the "growth machine," described in his book Better Not Bigger⁸:

⁷ This 1994 campaign was designed to ban several nets which the initiative's sponsors maintained were killing fish not intended for the catch. Gerard Shields, ORLANDO SENTINEL, FLORIDA, April 17, 1994.

⁸When asked what special event inspired her to launch the FHD campaign, Ms. Blackner cited to Mr. Fodor's book, which she said "really crystallized" her thinking on the initiative, and encouraged her to put the idea forward. SUN SENTINEL, July 27, 2003.

Citizens seeking responsiveness and accountability from their governments find that there doesn't appear to be anyone at the controls. These governments have become a part of the growth machine whose primary function is to build roads and infrastructure and to provide development services for an ever-expanding mass of subdivision, industrial parks, and shopping centers.

EBEN FODOR, *BETTER NOT BIGGER: HOW TO TAKE CONTROL OF URBAN GROWTH AND IMPROVE YOUR COMMUNITY* 61 (New Society Publishers 1999).

In observing how much local governments fuels the growth machine of which Mr. Fodor speaks, further query seems to reveal a chronic case of the fox guarding the henhouse when one considers local government as a custodian of growth management. One St. Augustine columnist encapsulates a spirited explanation for this endemic problem:

County commissioners in every Florida county, not just here, make decisions every chance they get to change their comprehensive land use plans to suit the desires of developers. They don't have to do so, but they do. Figure it out. Who are the largest contributors in county commission races? Developers! This all seems like a conflict of interest in a very specific way, elected officials making decisions on issues where one side has given them money.

Peter Guinta, [Perspective: Voters Can Take Control of Growth and Sprawl](#), ST. AUGUSTINE RECORD, October 18, 2003.

If local government's decisions on growth are fueled by a desire to continue receiving generous campaign contributions from members of the land development community, it is not surprising to find a lack of accountability for poor land use decisions. Under this theory, the local government itself would not seek to reform land use if, by maintaining the current system, its members ensure their own political survival.

Florida's Beauty Attracts Newcomers

In his book, [Better Not Bigger](#), Eben Fodor introduces the "Catch 22 of Growth":

The better you make your community, the more people will want to live there, until it is no

better than any other community.

This Catch 22 is based on historical patterns:

- People will tend to re-locate to improve their situation...
- People will continue moving to our town as long as conditions are perceived to be better here.
- People will stop coming only when overall conditions are no better in our town than they are elsewhere in the country.

EBEN FODOR, BETTER NOT BIGGER (1999).

The beauty of Florida is still powerful enough to keep newcomers pouring in from all directions - many come to bask in the beauty of our aquamarine ocean and the beaches, underneath the towering palm trees, to see the exotic wildlife such as parrots, flamingos, dolphins, butterflies, to canoe, camp, jetski, and amble about in what wilds of Florida do remain.

Yet, Florida's beauty is dimmed by the incessant growth, and seemingly maniacal urges to pave over some of the world's most unique and breathtaking habitats. The Florida of the future, at the rate of growth preferred by some, would soon resemble a parking lot surrounded by sand and palms. Fear induced by visions of what this future Florida could look like seems to a strong force that has goaded the FHD movement to its current level of strength.

Support for FHD

This initiative has evoked strong reactions from both those who support and oppose it. One columnist explained that for many years, he had written obituaries for the newspaper that collectively chronicled the slow painful death of Florida. Mike Thomas, '04 Amendment Offers a Chance to Save Florida, ORLANDO SENTINEL TRIBUNE, July 29, 2003. Mr. Thomas described this initiative as seeing, "...for the first time in my 23 years writing about this state...the possibility of relief." Id. He

remarked that this initiative is no small change - but rather, a revolution, one that could check the rampant development endorsed by the joint forces of developers and politicians. Id. Mr. Thomas further cautioned that if FHD did not pass, “Florida’s communities will be destroyed one change at a time to their comprehensive growth plans,” and finally concluded that this amendment is Florida’s last chance. Id.

FHD has garnered strong support, as reflected in numerous articles. Another Orlando paper noted that this initiative gives notice to local government officials to start making wiser decisions for growth, as bad growth decisions will only voter’s frustrations in seeing their communities succumb to a glut of overdevelopment. Editorial, Crying Out for Responsibility, ORLANDO SENTINEL TRIBUNE, July 23, 2003.

John Hedrick, chair of the Panhandle Citizens Coalition, has commented that “local, state, and even federal officials have been unwilling to resist the influence of developers like the St. Joe Company, the largest landowner and developer in the state.” Panhandle Citizens Coalition News Release, August 21, 2003. Supporters of FHD believe that this initiative could provide a viable check to the power of developers to sway local governing boards, and, in Mr. Hedrick’s words, “fill the leadership void that has long existed in this state on growth issues.” Id.

Ross Burnaman, one of the founders of FHD, stated that this initiative would allow Florida residents to define their own local character and quality of life in their local communities. Ludmilla Lelis, Ballot Idea: Let The Voters Decide Growth, ORLANDO SENTINEL, July 20, 2003. The Environmental & Land Use Law Center (“ELULC”), operating from the law center of Nova

Southeastern University and directed by Richard Grosso, issued a statement enumerating many reasons why the public should be in favor of FHD. “Statement on the Florida Hometown Democracy Amendment,” available at <http://www.floridahometowndemocracy.com/Grosso-ELULConFHD.pdf>.

Like Mr. Burnaman, this statement also cites to Floridians’ desire for control over their own communities as a reason for why the FHD is needed. Id. ELULC states that Florida’s growth management law “leaves much room for interpretation and allows either excellent planning or terrible planning.” Id. ELULC also acknowledges the refusal of local governments to implement effective oversight and enforcement of the growth management law. Id.

Debunking the Myths about Growth

In Better Not Bigger, Mr. Fodor provides a number of the common misconceptions regarding growth⁹ which summarize many of the faulty arguments in favor of land development and that attack conservation efforts. These myths include:

- Growth provides needed tax revenues.
- We have to grow to provide jobs for people in the community.
- We must stimulate and subsidize business growth to have good jobs.
- If we try to limit growth, housing prices will shoot up.
- Growth is inevitable. Growth management doesn’t work and therefore we have no choice but to keep growing. You can’t put a fence around our town.

EBEN FODOR, BETTER NOT BIGGER 40 (1999).

Myth: Growth Provides Needed Tax Revenues

⁹ Many of these myths are also countered by Environmental & Land Use Law Center, directed by Richard Grosso at Nova Southeastern University’s law center, in its “Statement on the Florida Hometown Democracy Amendment,” available at <http://www.floridahometowndemocracy.com/Grosso-ELULConFHD08-15-03.pdf>.

This myth provides one reason that FHD is supported: precisely because any tax revenue generated by more growth is overshadowed by the additional costs generated by the growth. A Lakeland columnist described how this myth fuels politicians' decisions to demolish manufactured home communities, displacing their residents, in favor of redevelopment to build commercial development or expensive homes:

The politicians and bureaucrats usually look at what they perceive to be a large increase in taxable revenue. They give little or no thought to displacing the residents of a manufactured home community. They rarely consider that the resident being displaced won't be able to move his home. Selling it is out of the question. Since they are on fixed incomes they can rarely afford to stay in that area. Not only do they lose their home, they lose the lifestyle they sought in community living. While the new development results in direct increased revenue, often everyone will pay increased taxes as the new land use plan means that new roads, sewers, water and other improvements are required that all taxpayers must pay for. All of this results from the bias the politicians and bureaucrats have against manufactured housing and consider these communities undesirable.

Len Bonifield, Amendment Would Help Protect Parks; Mobile Home Living, THE LEDGER (LAKELAND, FLORIDA), October 25, 2003 (emphasis added).

Mr. Bonifield supports FHD because he wants residents of manufactured home communities to use the power to vote on land use decisions to guard against their eviction as a result of changes to the comp plan that would extinguish their place to live. Id. As Mr. Bonifield notes, the direct increased revenue created by any redevelopment of the mobile home parks would be offset by the increase in taxes to support the infrastructure that must be built to serve the new development. Id.

Better Not Bigger also explains how growth does not pay for itself, with findings of Harvard economists: ““The available evidence shows that development does not cover new public cost; that is, it brings in less revenue for local governments than the price of servicing it.”” EBEN FODOR, BETTER NOT BIGGER 40 (1999). Mr. Fodor provided two studies, one examining an Illinois county,

the other the six-county region surrounding Chicago, both of which reflected a steady increase in taxes as the counties grew, rather than a decrease. Id. at 41-42.

The taxes increased in Illinois even though the county had received “more than its share of regional job growth, business expansion, and commercial development.” Id. at 41. The conductor of the Illinois study was one of the subject county’s planning director, who was asked, after the study was completed, how he had managed to keep his job after issuing such unfavorable findings. Id. This again speaks to the dilemma of how local government officials risk committing political suicide if they challenge the effects of the growth machine.

Myth: We Have to Grow to Provide Jobs for People in the Community

It is true that increased development will generate a certain amount of jobs; the rapid population growth of Florida “has fueled the construction and real estate industries, creating tens of thousands of jobs.” Robin Benedick, Proposal Puts Florida on Front Lines of Growth Battle; Builders, Residents in Other States Have Clashed Over Control Measures, SUN-SENTINEL, August 4, 2003. However, this article states, in the very next sentence, that this growth has “also led to clogged roads, jammed schools and endangered water suppliers.” Id.

Myth 2 serves as a convenient excuse for the development industry to continue the downward spiral of unbridled, haphazard growth. Like a bad industry standard, growth for the sake of growth continues on its strength of being widely accepted - but this acceptance is blind to the faulty premise on which this standard is based. The crux of this premise is that more development is necessary to keep employment rates up, and does not consider the creation of jobs through other means.

A California land-use researcher pin-points Florida's dependence on growth thus: "Florida has worked itself into a hole where a significant chunk of its economy is based on building...It's like an addiction. Once you get started on it, you can't get out of it without a painful withdrawal process." Id. And so it goes that with more growth comes more people, and thus the demand for jobs increases exponentially, instead of the demand being equalized by the intended remedy of growth.

Myth 3: We Must Stimulate and Subsidize Business Growth to Have Good Jobs

The essence of this myth is that in order for businesses to generate more jobs, businesses must be afforded less government regulation, lower taxes and a higher level of business subsidies. EBEN FODOR, BETTER NOT BIGGER 44 (1999). Under this theory, there would be fewer restrictions on the freedom of businesses to grow and to consume more land. However, Mr. Fodor presents a study demonstrating that states in which these business-friendly policies were less prevalent enjoyed greater long-term per capita income than did states in which the policies were strongly promoted. Id. Mr. Fodor suggests that this disparity may be due to the tendency by the business growth-oriented states to invest resources in businesses rather than in their employees. Id.

Myth: If We Try to Limit Growth, Housing Prices Will Shoot Up

Lesley Blackner argues that housing prices will rise regardless of whether we try to limit growth:

[The amendment is accused] of driving up the cost of housing, because fewer homes will be built. Wrong. We can't know how people will vote on any proposed comprehensive plan amendment. If the voters decide a proposed development will improve their community, they will approve it. If not, they will reject it. But the fact remains that as long as people continue to move to Florida, housing prices will rise because there is a finite amount of

land. A community can preserve open space and lower densities, or it can continue to endlessly accommodate more and more dense development and end up like Manhattan. Either way, home prices will rise.

Lesley Blackner, Housing Prices Rise, But Does Life Get Better?, SUN-SENTINEL, December 15, 2003.

Even though housing prices will rise, Floridians should still have control over the character of their community, expensive as it may be to live there. Additionally, the affordability of housing seems not to hinge on its availability, but rather on what the local median household income can afford. EBEN FODOR, BETTER NOT BIGGER 46 (1999).

Myth: Growth Is Inevitable

In response to the myth that growth is inevitable, therefore, we must accommodate it, an apt response is made by Chris Williamson, a senior researcher at the Solimar Research Group, a California land use think tank: “Accommodating growth never ends; therefore, the rational choice is to draw the line now while you still have something to save.” Buddy Nevins Politics, Palazzo Symbolizes High Cost of Reckless Development, SUN SENTINEL, November 1, 2003. Growth for the sake of growth is simply self-indulgent to the development community, and, as noted by Harvard ecologist E.O. Wilson, “is the strategy of a cancer cell.” Statement on the Florida Hometown Democracy Amendment, available at <http://www.floridahometowndemocracy.com/Grosso-ELULConFHD08-15-03.pdf>.

ELULC states that frequent amendment of land use plans is unnecessary (as the current plans already allow for much more growth than is actually needed), and that there is no real need to expand urban development into rural and environmentally sensitive areas. Id. The center also points out that

“[u]nder the current practice, growth will continue until it meets some unavoidable limiting factor...and that point will likely only be reached when Florida is no longer a desirable place to live.”

Id.

Further Criticisms

Other misconceptions that confront FHD include the notion that the initiative is overbroad in its protection by requiring all comp plan changes or amendment be submitted to public vote. Id. The ELULC’s response is that the local governments are underbroad in their protection of open land and natural resources, and that “changes that weaken comprehensive plans and allow bad planning decisions far out number changes that strengthen plans and require good development decisions.”

Id.

Additional criticisms include the concern that the initiative would cause unnecessary and undue delay in the process of getting comp plans amended, and that the process of amending comp plans is too complicated for the average citizen to understand. Id. As for the first criticism, a delay in the rate that comp plans are amended would be a positive thing, as amendments are granted far too often that benefit an individual developer and not the community at large. Id.

The second criticism is an elitist attempt to eliminate the threat that an FHD-empowered electorate would have on the development industry, by making a blanket attack on Floridians as a whole, attempting to characterize the citizens of Florida as collectively too ignorant and unsophisticated to understand and participate in the process of managing growth. This offensive attack seeks to disarm the general public and place the powers which FHD would grant them beyond their reach. The attack is unfounded, and cannot be proven or disproven unless FHD is implemented, and Florida citizens are given a much deserved chance to actively decide what kind of communities in which they wish to live.

Conclusion

With luck, FHD will find itself on the 2006 ballot, and if so, has quite strong chances for passage, given the widespread support it has received, amongst its criticisms. This proposed amendment is a powerful embodiment of the citizens' desire to have an active role in shaping our Florida communities, and hopefully to preserve the innate beauty that still endures in our enchanting state.

CITATIONS

Published Literature

EBEN FODOR, BETTER NOT BIGGER: HOW TO TAKE CONTROL OF URBAN GROWTH AND IMPROVE YOUR COMMUNITY 61 (New Society Publishers 1999).

Statutes

FLA. CONST. art. I, § 1 (2002).

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Cases

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