

# Local business group enters fight against Hometown Democracy

BY ANJALI FLUKER

The fight against Hometown Democracy has been developer-versus-people so far, but a local business group wants to change that.

The President's Council Commercial Real Estate Forum of Central Florida last month named Gray Robinson PA attorney Fred Leonhardt its new chairman. With Leonhardt at the helm, the group plans to launch a statewide effort to educate the public on Amendment 4's effect on the state's economy.

The group plans to get the word out through TV, radio, billboard and direct-mail ads, as well as e-mails and Facebook. Leonhardt expects the group to raise at least \$100,000 for the effort.

The proposed amendment to the state constitution would require a public vote before a local government could adopt or amend a comprehensive land-use plan. The initiative was sponsored by the non-partisan group Florida Hometown Democracy, which this summer gathered enough signatures to include it on the November 2010 ballot as Amendment 4.

Dori Sutter, spokeswoman for Flori-

da Hometown Democracy, was unavailable for comment.

Amendment 4 supporters, including Florida environmental groups and government watchdog groups, said the change is needed to control growth and promote more sensible development.

"There's been a watering down of growth management laws, and you can't protect the manatees in their habitat without knowing the consequences of that growth," said Patrick Rose, executive director of the Maitland-based Save The Manatee Club. "You need to find a way to bring the views of many back into the picture — and that's what Amendment 4 does."

If approved, Leonhardt said, the measure would create an unfriendly atmosphere for growth and economic development statewide, driving away the potential for much-needed jobs.

"This is going to seal Florida in a vacuum as a recession-plagued state," Leonhardt said. "It would bring growth and development to a permanent halt because reasonable real estate investors wouldn't want to do business in a state with these restrictions."

Developer Steve Kneipp said the proposed restrictions would hinder him from building in Florida. "I would just pick up and go somewhere else," said

Kneipp, managing partner of Orlando-based BRC Builders LLC. "Banks would not want to finance any projects that are so unknown. It could just shut the economy down."

Although the real estate industry is aware of Amendment 4, the general public still isn't informed about the far-reaching impact, said David Patten, chairman and CEO of Commercial Mortgage Advisors, who co-founded the Presidents Council in 2000.

Leonhardt will be a key resource in getting the word out, Patten said. "The momentum Fred can put behind this because of his statewide relationships is paramount. People who are not in the real estate profession need to know about this."

But Amendment 4's effect on the state's economy isn't the only issue, said Mary Hurley, real estate and leasing manager for Pineloch Management Corp. in Orlando. Hurley, who has worked alongside Hometown Democracy opponent Floridians for Smarter Growth, said Amendment 4 is contrary to the system in which people vote in public officials to defend their constitutional rights. "We have a democratic

voting system, but we're a republic under the constitution — the masses don't decide how you attain or go about using those rights."

Hurley said if it does pass and property owners' rights to develop their sites are denied because of a public vote, there could be more lawsuits against local governments. And that means more taxpayer dollars will be used to defend local governments in court. "It's a catastrophe."



Hurley



Patten

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## Amendment 4

**Ballot summary:** Requires that

before a local government may adopt a new comprehensive land-use plan or amend an existing one, the proposed plan or amendment will be subject to a public vote.

**Voting date:** Nov. 2, 2010

Source: Florida Hometown Democracy

# Smarter growth

The battle over Amendment 4 is about to heat up again, as a new opponent enters the fray: The President's Council Commercial Real Estate Forum of Central Florida, led by new Chairman Fred Leonhardt, a well-known attorney with GrayRobinson PA.

At issue is a proposed amendment to the Florida Constitution that would require a public vote before any local government can adopt or amend a comprehensive land-use plan.

Supporters of Amendment 4, sponsored by the nonpartisan Florida Hometown Democracy group, include environmental and government watchdog groups who contend the change is needed to control growth and promote sensible development.

*People won't go out to vote for important national elections, so why expect them to show up to vote on development issues that don't affect them directly?*

On the other side are developers and groups like the real estate forum who contend the measure would create an unfriendly atmosphere for growth and economic development. The end result, they say, is companies would be discouraged from relocating to the state, and much-needed jobs would be lost.

One of the more complicated parts of the discussion is the fact that officials don't always make land-use change decisions for the right reasons. And that's too bad, since laws already are in place that should have kept us from having to deal with the whole issue of Amendment 4.

How much simpler things would be if everyone just did the right thing. Problem is, how do we reach an agreement on what the "right thing" actually is?

In reality, both sides have compelling arguments. After all, smart growth is good when everyone involved is working for the betterment of the communities in which they are developing.

And no one is denying that certain controls need to be in place to help guide decisions on when and where to build.

Hometown Democracy's argument that the people should be in charge is true — because we already are. We just don't act like it many times.

For instance, if we have officials who continually kowtow to interests that are going to bring unwanted development into certain areas of our state, we have the right to challenge their actions or get rid of them.

If there are problems with our procedures, it's only in allowing habitual violators of the public trust to stay in positions of power where they continue to make bad decisions on our behalf.

So should we require a public vote each time a city or county changes its basic growth plan? Heck, people won't go out to vote for important national elections, so why expect them to show up to vote on development issues that don't affect them directly?

Sprawl, pollution and how we plan our communities will always be of primary importance. But if we don't demand accountability from our local and state officials, we have no one to blame but ourselves.

We don't disagree with Amendment 4's intent to promote healthy, sensible growth — we just think its requirements provide an unnecessary layer to the rules already in place.

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