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October 7, 2008

Via Fax

Financial Impact Estimating Conference c/o
The Florida Legislature
Office of Economic and Demographic Research
111 West Madison
Suite 574
Tallahassee, FL 32399

Re: Financial Impact Statement: Referenda Required for Adoption and
Amendment of Local Government Comprehensive Land Use Plans

Dear Conference Members:

I write today on behalf of Florida Hometown Democracy, Inc., the political action committee that is the sponsor of the above referenced proposed constitutional amendment. I ask that this letter be included in your record to the Florida Supreme Court for review of your proposed fiscal impact statement ("statement") for this amendment.

The Florida Supreme Court has twice struck proposed statements for this amendment as misleading. Twice the court has struck your assumption that ballot preparation and referenda will "incur significant costs (millions of dollars statewide)[.]" In its most recent ruling, the supreme court noted that this assumption is misleading because costs of referenda will be contingent upon the number of plan amendments approved by each local government. The court further observed that the intent of the amendment is to *limit* plan amendments. The court found that "[t]he Commission's assumption assumes that the proposed amendment will not have its intended effect." (Sept. 25, 2008 opinion at page 4.) Because one cannot know how many plan amendments will be approved and subject to referenda, the court found the statement regarding the probable cost of millions of dollars to be misleading.

I note for the record that the proposed amendment does not mandate special elections. Most local jurisdictions hold at least one election each year. And by law there is an election scheduled in every local jurisdiction every two years. Thus, most plan amendments can be submitted to a scheduled election without much delay. If a plan amendment applicant does not want to wait for the next scheduled election, he can pay for a special election. There is no valid reason to burden tax payers with the cost of unnecessary special elections and it is grossly misleading to insinuate that referenda on plan amendments will necessarily require special elections that are, by their very nature, costly.

I further note for the record that the surveys used to justify the past statements are completely outmoded and discredited. The state is now in a severe real estate recession and the previously used pie-in-the-sky economic and demographic projections are now irrelevant and irresponsible. Florida has been subjected to a bubble of speculative over-development and it will take years for the market to recover. To continue to rely on bubble era projections is intellectually dishonest and a disservice to Floridians.

It is clear that the financial impact of the proposed amendment cannot be determined at this time. I would ask the Conference to refrain from politicking and leave the statement at that.

Sincerely,



Lesley Blackner

President, Florida Hometown Democracy

cc: Ross Burnaman, Esquire