

March 10, 2004

**Florida Municipality Endorses the Proposed  
HOMETOWN DEMOCRACY AMENDMENT  
To the Florida Constitution**

Surfside, Fl.: The Town Commission of the Town of Surfside has unanimously passed a Resolution that recommends passage of the proposed Hometown Democracy Amendment (HDA). The vote came after public discussions and hearings on a variety of land use issues conducted over the last several months. Surfside is well known for its public interest oriented development policies; the town has succeeded at achieving upscale renovations and redevelopment while consistently enforcing the limitations of the town's zoning code and denying all requests for variances or exceptions. The HDA would provide the citizens of Florida the opportunity to reserve for themselves the final decision on changes to their communities' Comprehensive Land Use Plan and it would afford citizens the right and ability to participate in decisions that could drastically change the scale and integrity of local development laws and policies. The draft Resolution to be considered by the Surfside Town Commission is set forth below. Surfside is the first municipality in the State of Florida to consider supporting the HAD, which would vastly increase democratic participation in major land use planning decisions and which would curtail the vast influence of special interests that too frequently dominate planning and zoning issues in communities throughout Florida.

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**A RESOLUTION OF THE TOWN COMMISSION ENDORSING AND  
RECOMMENDING PASSAGE OF THE "FLORIDA HOMETOWN  
DEMOCRACY" AMENDMENT TO THE FLORIDA CONSTITUTION**

Whereas: Overdevelopment has become a significant threat to the quality of life of citizens in communities throughout the State of Florida;

Whereas: Overdevelopment has already had a major negative impact upon numerous quality of life issues such as school overcrowding, traffic congestion, public safety, taxes and tolls;

Whereas: Public safety has been affected due to overdevelopment particularly along Florida's coastal areas and the resulting reduced capacities for any immediate or urgent emergency evacuation;

Whereas: Overdevelopment has placed additional economic burdens upon public agencies and ultimately the taxpayers through an increased need for costly public infrastructure construction and expansion projects;

Whereas: Special interests have frequently influenced and obtained changes in comprehensive plans and zoning ordinances such as to facilitate overdevelopment without regard for the consequences to the public interest;

Whereas: Existing procedures and policies for making upward changes in limitations set forth by comprehensive plans has appeared to work more to the benefit of special interests than to the public interest, and Florida's citizens have had an inadequate opportunity to effectively participate in fundamental decisions that would potentially produce major changes in a community and its quality of life;

Whereas: The United States Supreme Court has stated that "Under our constitutional assumptions, all power derives from the people, who can delegate it to representative instruments which they create. In establishing legislative bodies, the people can reserve to themselves power to deal directly with matters which might otherwise be assigned to the legislature." (City of Eastlake v. Forest City Enterprises, Inc., 426 U.S. 668 (1976).

Whereas: The Florida Supreme Court has held that "The concept of referendum is thought by many to be a keystone of self-government, and its increasing use is indicative of a desire on the part of the electorate to exercise greater control over the laws which directly affect them." (Florida Land Company v. City of Winter Springs, 427 So.2d 170 (Fla. 1983).

Whereas: Just one year ago, the Supreme Court of the United States held in a unanimous decision that the people retain the power to govern through referendum "with respect to any matter, legislative or administrative, within the realm of local affairs." (City of Cuyahoga Falls vs. Buckeye Foundation, 123 S.Ct. 1389 (2003).

Whereas: The proposed Florida Hometown Democracy Amendment seeks to allow the people of Florida to reserve to themselves the final decision on changes to the Comprehensive Land Use Plan for future development of their communities;

Whereas: Florida's communities belong to the people who live in them, and the citizens should have the right to vote to decide upon any major change in laws that form the framework for future development in their cities and towns; voters should have the ability to directly participate in regulating the scale of future development and in the potential to prevent overdevelopment of their home communities;.

**THEREFORE, BE IT RESOLVED THAT:** The Town Commission of the Town of Surfside, having dedicated its own policies to preserving the scale and integrity of the community and to protect its quality of life, having consistently recognized the need to have development regulations reflect the public interest rather than any special interest, and having facilitated direct local democracy over any potential future zoning district regulation increase within the Town through the proposition of the upcoming Town Charter Amendment, hereby finds it in the public interest to favorably recommend passage of the proposed statewide Hometown Democracy Amendment to the Constitution of the State of Florida.

For more information:  
[www.town.surfside.fl.us/policies.html](http://www.town.surfside.fl.us/policies.html)