

## Smart Growth?

Imagine that the Florida Supreme Court approved a proposed amendment to the Florida Constitution that institutionalizes discrimination against Florida voters who serve in the military or National Guard. Imagine the amendment also discriminates against disabled voters; even voters chained 9 to 5, Monday through Friday, to their jobs.

You don't have to imagine. It just happened. On December 18, in a 4-3 vote, the Supreme Court approved for the ballot a constitutional amendment sponsored by Floridians for Smarter Growth, a political action committee funded by organizations including, most prominently, the Florida Chamber of Commerce, Florida Association of Realtors, and National Home Builders Association.

The court's ruling upholds a bizarre referendum process unlike anything in the history of the United States. The "Smarter Growth" amendment establishes that voters can call for a referendum on a comprehensive plan change approved by a local city or county commission if, within 60 days of the commission's approval, 10 percent of the voters in the jurisdiction go in person to the local supervisor of elections' office to sign a petition in support of a referendum.

The majority opinion breezily dismisses Smarter Growth's unprecedented, cumbersome referendum requirements as "details" that need not be disclosed in the ballot title and summary. But the devil is in those details. And both the majority and dissenting opinions completely overlook the real world exclusionary effect the Smart Growth amendment will have on thousands of Florida voters. The irony should not be lost on anyone that thousands of Florida active duty military and National Guard will be barred from participating in a Smart Growth "democratic" process while deployed abroad, defending American democracy. If this stands, what is next? Where is George Orwell when you need him?

The ballot title and summary are happy and sunny: "Florida Growth Management Initiative Giving Citizens the Right to Decide Local Growth Management Plan Changes." It's so all American sounding and Floridians are so sick of out-of-control growth they will doubtless vote "yes!" in droves. But the unspoken purpose of the Smarter Growth amendment is to derail and defeat the Florida Hometown Democracy Amendment, which will automatically allow referenda on changes to comprehensive plans. If the motion for rehearing is denied, Florida voters will likely see the pretty, happy Smart Growth ballot title and summary on the 2010 ballot.

Some time ago a columnist called the fight to get Florida Hometown Democracy "the battle for the soul of Florida." At the time, I thought he was a little over the top. Now I know he is right.

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