

Growth Management Restructuring

THOUGHTS ON THE PROPOSED RE-STRUCTURING OF THE DEPARTMENT OF COMMUNITY AFFAIRS

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The proposed re-structuring of the Department of Community Affairs (by merging its growth management functions into the Department of State) raises significant concern about the future of growth management in Florida. On the issues of ecosystem and community protection, enforcement by the state, and institutional perspective (I do not address here the many other issues concerning administration and agency functions) the proposed re-structuring does not appear to be a good idea.

In my view, if DCA is to be re-structured so as to improve protection and planning for the ecosystems, natural resources and issues of regional and statewide importance, it should be merged with either the Department of Environmental Protection or perhaps the water management districts. This would make the often - discussed marriage of land use and water / environmental planning a reality and most comprehensively establish the mechanism to plan effectively for the "big-picture" environmental and community issues in the state, such as ecosystem protection and transportation planning. Only in this way can true ecosystem management be achieved. The current proposal, I fear, goes in the opposite direction. And, while I have great respect for the individuals now running the Department of Community Affairs and the Department of State, and while the Governor has said that he supports improving growth management, the manner in which it has been practiced over the past few years, and the current larger political philosophy that appears to exist in Florida, cause great concern that the proposed structure would institutionalize a bias against meaningful state oversight. Indeed, the suggested name of the proposed new agency, the Department of State and Community Partnerships, would seem to send a strong message that the main existing legal mechanism to implement the existing state oversight role (the filing of administrative challenges against inappropriate plan amendments, or at least the potential to do so) would rarely be exercised. Moreover, the proposed merger could diminish the role and importance of the existing DCA growth management functions as they become a small part of a much larger set of agency responsibilities.

With that said, we do need changes in how we approach growth management. We need political leadership that sees growth management as friend and not foe to Florida's economy, quality of life and ecological health. That is the reality if one respects the science and data on the subject. While it would be great if that leadership existed as a majority of all local government elected boards, that is not the current reality, and that is why we have the present growth management law in the first place. It is more important to prevent truly adverse, permanent land use decisions in our fragile, fast-growing state, than to adhere doctrinally to a "local

government is best" political philosophy. It must also be recognized that many decisions which the state might deem purely "local" have profound and permanent impacts on the local residents and those residents require the protections of state law to defend their interests. We need state political leadership to fund and enforce the law, and to make wise and surgical changes to the law to make it more efficient, clear and useful. I am not an advocate of merely defending the law and status quo without changes. I do remain very concerned about the proposed re-structuring unless it is part of a concurrently adopted package that makes smart, necessary changes to the law – changes that make it more difficult for local governments to make planning decisions which increase sprawl and threaten ecosystems while also making it easier for local citizens to enforce the law. Growth management must be made simpler and clearer for all citizens, developers and neighbors alike, and its substance and processes improved, not simply scaled back or invoked less often. The administration is planning a growth management policy review process that will take place over the summer. From my perspective, it makes far more sense to conduct this review and determine the specific substantive ways in which growth management ought to be changed prior to re-structuring entire administrative agencies in a manner which may turn out to be inappropriate to meet the substantive needs. It should also be remembered that, only three years ago, a statewide survey conducted by DCA showed a strong need and support for continued state oversight. Whatever structure the state adopts must reflect that continued need, as, despite gains in sophistication and planning skills, the same political, social, financial and other factors which influenced the local planning and land development process in past decades (thus creating the need for the current state role) exist just as strongly today.