

From: "Jeb Bush" <jeb@jeb.org>
To: "Steve Seibert" <Steve.Seibert@DCA.STATE.FL.US>
Date: November 1, 1999 8:19pm
Subject: RE: growth management

First, you have created a public record which as you know will leave you open to criticism without recourse.
Second, if your guiding principles are so clear, why should it take 18 months to get where we need to go?
Third, I like your principles (although I admit I haven't understood all of the consequences of them). Can you honestly say that your department is adhering to them now?

I look forward to seeing you tomorrow.

Jeb

-----Original Message-----

From: Steve Seibert [mailto:Steve.Seibert@DCA.STATE.FL.US]
Sent: Monday, November 01, 1999 8:06 PM
To: jeb@jeb.org
Cc: James.Robinson@DCA.STATE.FL.US
Subject: growth management

At the request of several organizations to write my thoughts as to the future of growth management, I drafted the following. It is long and in draft form, but if its acceptable, I'll clean it up and distribute it widely. I apologize for its length the night before we are to meet-but I wanted to get my thoughts on paper.

Until Governor Bush appointed me as Secretary of the Department of Community Affairs (DCA), I was a local elected official; a two-term Pinellas County Commissioner. I came to this job, then, as one who respects the local planning process. I believe that meaningful comprehensive planning is a function of a community coming to grips with its own vision of the future...how that particular community wishes to grow or mature. The cornerstone of growth management should be the local comprehensive plan. And today it is not.

I often tell the story of making land use decisions as a member of the county commission. Staff recommendations were not generally determinative, because if I chose to disagree with my staff I knew they would find "Goals, Objectives and Policies" to support my decision. That is not meaningful planning; that is compliance with some bureaucratic set of rules which provide no real direction or priorities. The local comprehensive plan should be founded on a community's vision for its own future; the people should be able to understand the general direction set forth in the plan, and have "bought in" to that direction.

If the plan, or the planners who write it, or the local officials who implement it, or the citizens who enforce it perform poorly...then the task is to improve the performance, not to substitute their judgment with that of someone sitting in an agency office in Tallahassee. This whole discussion is truly at the heart of democracy. Do you trust the people and their elected representatives or not? Thomas Jefferson argued it directly,

"I know of no safe depository of the ultimate powers of the society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion."

This message of local empowerment has generated much public discussion and led some to decry our proposed reliance upon the people. Imagine that! Are our local officials either so incompetent or so unscrupulous to exercise a wholesome discretion? (???????) If so, Floridians have much more to be concerned about than comprehensive planning. I suggest, then, as the first principle, a fundamental trust in the local comprehensive planning process to protect the future of Florida.

The second principle involves rewriting the State Comprehensive Plan. It should be shorter, more understandable to normal people and should reflect a set of achievable priorities. Perhaps we should call it the State Priority Plan and it should provide meaningful direction to the Governor, state agencies and the Legislature in their budget and policy deliberations. The State Comprehensive Plan cannot remain a document which promises "all things to all people." State agencies should know the State Comprehensive Plan contains matters of compelling state interest and we are obligated to vigorously protect the interests contained therein. A growth management example of a compelling state interest may well be hurricane evacuation, and DCA would be authorized to object to a high density development in a coastal high hazard area where evacuation routes and shelter space are inadequate. The above principles lead us to a two-pronged DCA role in the review of local comprehensive plans:

1. to provide a fresh pair of eyes to a local comprehensive planning decision; to inform, suggest, balance, engender discussion, assist, comment upon, facilitate, and help focus the local government in the manner of a partner....a resource more than a regulator.
2. to intervene only when a local government has clearly violated a compelling vital state standard or goal which has clearly been identified in the State Priority Plan.

The third principle is to recognize that growth management-its current process and product-must change. In my opinion, growth management is too state-directed, too litigious, too rule focused, not reflective of a vision, too bureaucratic, lost in minutiae, and generally does not accomplish articulated goals. The average citizen does not understand what comprehensive planning is all about and feels powerless to affect it. I have been asked how I intend to lead the change in growth management. I believe the following:

1. as stated above, I believe DCA should be of more assistance to local governments and communities and less intrusive in matters of local concern. Therefore, I believe we should review far fewer land use plan amendments and should concentrate only on those matters which involve compelling state interests.
2. I believe we should bolster our technical assistance capabilities and be prepared to provide help when asked.
3. I believe we should require a meaningful intergovernmental coordination process; an interlocal agreement, perhaps, between or among neighboring communities which set forth a process to deal with extrajurisdictional impacts. Such a process would alleviate the need for the burdensome Development of Regional Impact (DRI) system we have today and would treat all development equally.
4. I believe we should empower local governments and communities and citizens to determine their own destinies. If the local comprehensive plan is the foundation for the community's future, then the best guarantor of that plan is the citizen...not a state agency. This point leads to knotty questions about citizen standing and who pays if a citizen is successful in overturning a local government decision, but I believe the debate is best held in the community. We can work out the details.

And this last point leads me to the fourth principle...we must talk to the people about this whole growth management issue. For too long, these matters have been decided by a few knowledgeable folks in halls of Tallahassee (and the editorial boards in their ivory towers around the state). Citizens who are directly affected by growth management laws and rules are seldom involved in writing them; even interested and experienced folks "in the trenches" feel left out of the process. I believe change must occur. I believe responsibility must ultimately devolve to the community. How this takes place and specific roles the local, regional and state government play need to be fully discussed. Indeed, which matters rise to the level of compelling state interest will be discussed during the next several months. I believe there is interest in accomplishing significant changes in growth management during the upcoming legislative session; I will more aggressively "vet" these issues with our survey and public meetings and will be prepared to implement these changes should there be a legislative

will to do so.

Allow me to close with a last Jefferson quote,

"Men by their constitutions are naturally divided into two parties: (1)

Those who fear and distrust the people, and wish to draw all powers from them into the hands of the higher classes. (2) Those who identify themselves with the people, have confidence in them, cherish and consider them as the most honest and safe, although not the most wise depository of the public interests. In every country these two parties exist; and in every one where they are free to think, speak, and write, they will declare themselves."

I so declare.

CC:

DCA1.OFFSEC1(JAMESR)