

Why Has Florida's Growth Management Act Been Ineffective?

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Background

Florida's Growth Management Act was passed by the state's legislature in 1985 to deal with problems that many Floridians perceived were the result of the state's rapid population growth. Florida had passed growth management legislation a decade earlier, but the general perception was that it was ineffective at controlling the negative effects of growth. The 1985 Growth Management Act attempted to address a wide range of growth-related problems, including inadequate infrastructure to support growth, environmental degradation, affordable housing, and decaying downtown areas resulting from people fleeing the central cities for the suburbs. Despite the wide range of problems blamed on growth, the issues that seemed most important to the typical Florida resident were increasing traffic congestion and dramatic changes in the character of many communities as small towns with individual character grew into larger and more homogeneous cities with strip malls and suburban development. Florida's Growth Management Act was intended to mitigate a wide range of growth-related problems, and despite some opposition was widely supported by diverse groups of Floridians ranging from environmentalists to developers. Today, both the Act's supporters and its detractors would agree that it did not have the effects they anticipated. The Act's early supporters lament that it did not achieve the many goals it had, and the Act's opponents admit that it did not have the serious negative effects they predicted. Florida's Growth Management Act has been less effective than its proponents had hoped and that its opponents had feared.

Growth Management in Florida and in Oregon

Florida's 1985 Growth Management Act was designed to work like a similar measure passed by Oregon in 1973, but to observers familiar with both states, it is obvious that Oregon's growth management efforts have had much more impact than Florida's. The relative ineffectiveness of Florida's Growth Management Act can be traced to several reasons. First, Florida's law was designed to be more flexible in some respects. Second, Florida's law allows more local control. Third, Florida's legislature has been more willing to address issues when the law has

appeared constraining. Fourth, Florida's population is more decentralized than Oregon's, allowing constraints that appear in some areas to be relieved in others.

Growth management in Florida is implemented through the local comprehensive plan. Every local government in Florida is required to create a local comprehensive plan that includes a land use map detailing how each parcel of land can be used. While the plans are not required to have a formal urban development boundary, as a matter of policy the land use map creates one, because Florida's Department of Community Affairs, which enforces Florida's Growth Management Act, has refused to approve plans that allow for so much developable land that the development would create urban sprawl. The hope of growth management's proponents was that this urban development boundary would result in more compact urban development, and would lead to urban infill rather than sprawling development.

Flexibility was built into the process in the form of allowing the local comprehensive plans to be revised as often as twice a year. This flexibility, combined with local control, allowed interest groups to push for changes in the local plans to suit their own plans. If developers wanted to develop a particular parcel of land, they lobbied their local governments to have that parcel included as developable for the purposes they wanted. Those who wanted changes have been successful enough at modifying local comprehensive plans that in most cases the plans have not provided much of a barrier to development.

In cases where the law was very constraining, the legislature has been willing to step in to modify Florida's Growth Management Act. For example, as originally designed, every road was (and still is) required to have a designated level of service specifying a target level of traffic congestion. If development would create more traffic to lower a road below its target – or if the road already was below that target – then development would not be allowed. But when this started preventing urban infill, the legislature modified the Act so that local plans could designate "concurrency areas." If a developer wanted to develop within that concurrency area and traffic was already more congested than the plan targeted, the developer could contribute money toward

improving transportation within the concurrency area and develop the property. Development became more expensive, but was not prevented.

In contrast to Oregon, where much of the state's population is concentrated in the Portland area where growth management is very restrictive, Florida's population is more decentralized, and restrictive growth management policies in some areas result in development moving to other locations. For example, Leon County, in which Tallahassee is the only city, is relatively restrictive in its growth management policies. One result is that Wakulla County, just south of Leon, is one of the fastest-growing counties in the state, as people who are squeezed out of the Leon County real estate market find homes in Wakulla County. This unintended consequence of restrictive growth policy happens throughout the state, and results in the sprawling development that the proponents of growth management were trying to prevent.

Another factor that may have led to more effective growth management policies in Oregon is that Oregonians may be more committed to growth restrictions. While it is somewhat unsatisfying to conclude that Oregon's policy outcomes differ from Florida's because "people are different there," there may be an element of truth to that explanation. Oregon has seen an in-migration of people from California who "do not want Oregon to become another California," and the political clout of those committed anti-growth individuals may tip the political balance in favor of very restrictive policies.

Ineffective Does Not Mean Costless

Florida's growth management policies have been relatively ineffective, but they still have imposed substantial costs on Floridians. Although it is possible to work around the rules to undertake development, there are significant costs to doing so. Local comprehensive plans can be amended as often as twice a year, so the plans are not necessarily a barrier to development. However, to get the plan amended, one must engage in the political process, which is costly and time-consuming, and which

creates uncertainties. Dealing with local regulators adds additional costs to the development process. These costs are passed on to Floridians in many ways. Most obviously, the higher costs imposed on developers and potential delays created by growth management increase the cost of new construction, making housing and commercial development less affordable. Also, because it is often difficult to get developments approved, and because of uncertainties in whether development can be approved, some potential economic opportunities for Florida are lost to other states that have less restrictive policies. Businesses choose to locate and expand in other states that welcome them, rather than in Florida that erects barriers to development. Florida's economic growth has suffered as a result.

Conclusion

Florida's growth management policies have been less effective than both the proponents and the opponents of growth management anticipated when Florida's Growth Management Act was passed in 1985. Oregon has a similar growth management structure in place, but Oregon's growth management policies have been much more effective than Florida's. There are a number of differences between the growth management processes in Oregon and Florida which at first may seem minor, but may explain why growth management has not had the same effects in Florida as in Oregon. Ease of amendment, more local control, less concentration of population, and the willingness of the legislature to revisit the process may explain the differences. Another possibility is that Oregonians are more supportive of growth restrictions than Floridians.

Florida's growth management policies have not been as effective as people originally envisioned, but this has not necessarily been a bad thing for Floridians. An upcoming *Policy Brief* will discuss some reasons why Floridians might benefit from less-constraining growth policies.

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