

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>      </u>	(Y/N)
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER	<u>      </u>	

1 Committee/Subcommittee hearing bill: Economic Development &  
2 Tourism Subcommittee  
3 Representative Ray offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. Subsection (5)(h) of section 163.3180, Florida Statutes, is amended to read:

163.3180 Concurrency.—

(5)

(h) Local governments that continue to implement a transportation concurrency system, whether in the form adopted into the comprehensive plan prior to the effective date of the Community Planning Act, Chapter 2011-139, Laws of Florida, or as subsequently modified, must:

1. Consult with the Department of Transportation when proposed plan amendments affect facilities on the strategic intermodal system.

2. Exempt public transit facilities from concurrency. For the purposes of this subparagraph, public transit facilities

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21 include transit stations and terminals; transit station parking;  
22 park-and-ride lots; intermodal public transit connection or  
23 transfer facilities; fixed bus, guideway, and rail stations; and  
24 airport passenger terminals and concourses, air cargo  
25 facilities, and hangars for the assembly, manufacture,  
26 maintenance, or storage of aircraft. As used in this  
27 subparagraph, the terms "terminals" and "transit facilities" do  
28 not include seaports or commercial or residential development  
29 constructed in conjunction with a public transit facility.

30 3. Allow an applicant for a development-of-regional-impact  
31 development order, development agreement, a rezoning, or other  
32 land use development permit to satisfy the transportation  
33 concurrency requirements of the local comprehensive plan, the  
34 local government's concurrency management system, and s. 380.06,  
35 when applicable, if:

36 a. The applicant in good faith offers to enter into a  
37 binding agreement to pay for or construct its proportionate  
38 share of required improvements in a manner consistent with this  
39 subsection.

40 b. The proportionate-share contribution or construction is  
41 sufficient to accomplish one or more mobility improvements that  
42 will benefit a regionally significant transportation facility.  
43 A local government may accept contributions from multiple  
44 applicants for a planned improvement if it maintains  
45 contributions in a separate account designated for that purpose.

46 ~~e. (I) 4. The local government has p~~rovided the basis upon a  
47 ~~means~~ by which the landowners will be assessed a proportionate  
48 share of the cost of addressing the transportation impacts

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49 resulting from a ~~providing the transportation facilities~~  
50 ~~necessary to serve the~~ proposed development.

51 5. An applicant shall not be held responsible for the  
52 additional cost of reducing or eliminating deficiencies.

53 ~~(II)~~ When an applicant contributes or constructs its  
54 proportionate share pursuant to this subparagraph, a local  
55 government may not require payment or construction of  
56 transportation facilities whose costs would be greater than a  
57 development's proportionate share of the improvements necessary  
58 to mitigate the development's impacts.

59 (a) The proportionate-share contribution shall be  
60 calculated based upon the number of trips from the proposed  
61 development expected to reach roadways during the peak hour from  
62 the stage or phase being approved, divided by the change in the  
63 peak hour maximum service volume of roadways resulting from  
64 construction of an improvement necessary to maintain or achieve  
65 the adopted level of service, multiplied by the construction  
66 cost, at the time of development payment, of the improvement  
67 necessary to maintain or achieve the adopted level of service.

68 (b) In using the proportionate-share formula provided in  
69 this subparagraph, the applicant, in its traffic analysis, shall  
70 identify those roads or facilities that have a transportation  
71 deficiency in accordance with the transportation deficiency as  
72 defined in sub-subparagraph e. The proportionate-share formula  
73 provided in this subparagraph shall be applied only to those  
74 facilities that are determined to be significantly impacted by  
75 the project traffic under review. If any road is determined to  
76 be transportation deficient without the project traffic under

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77 review, the costs of correcting that deficiency shall be removed  
78 from the project's proportionate-share calculation and the  
79 necessary transportation improvements to correct that deficiency  
80 shall be considered to be in place for purposes of the  
81 proportionate-share calculation. The improvement necessary to  
82 correct the transportation deficiency is the funding  
83 responsibility of the entity that has maintenance responsibility  
84 for the facility. The development's proportionate share shall be  
85 calculated only for the needed transportation improvements that  
86 are greater than the identified deficiency.

87 (c) When the provisions of this subparagraph have been  
88 satisfied for a particular stage or phase of development, all  
89 transportation impacts from that stage or phase for which  
90 mitigation was required and provided shall be deemed fully  
91 mitigated in any transportation analysis for a subsequent stage  
92 or phase of development. Trips from a previous stage or phase  
93 that did not result in impacts for which mitigation was required  
94 or provided may be cumulatively analyzed with trips from a  
95 subsequent stage or phase to determine whether an impact  
96 requires mitigation for the subsequent stage or phase.

97 (d) In projecting the number of trips to be generated by  
98 the development under review, any trips assigned to a toll-  
99 financed facility shall be eliminated from the analysis.

100 (e) The applicant shall receive a credit on a dollar-for-  
101 dollar basis for impact fees, mobility fees, and other  
102 transportation concurrency mitigation requirements paid or  
103 payable in the future for the project. The credit shall be  
104 reduced up to 20 percent by the percentage share that the

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105 project's traffic represents of the added capacity of the  
106 selected improvement, or by the amount specified by local  
107 ordinance, whichever yields the greater credit.

108 ~~d.~~ 6. This subsection does not require a local government  
109 to approve a development that is not ~~otherwise~~ qualified for  
110 approval pursuant to the applicable local comprehensive plan and  
111 land development regulations for reasons other than  
112 transportation impacts.

113 ~~e.~~ 7. As used in this subsection, the term "transportation  
114 deficiency" means a facility or facilities on which the adopted  
115 level-of-service standard is exceeded by the existing,  
116 committed, and vested trips, plus additional projected  
117 background trips from any source other than the development  
118 project under review, and trips that are forecast by established  
119 traffic standards, including traffic modeling, consistent with  
120 the University of Florida's Bureau of Economic and Business  
121 Research medium population projections. Additional projected  
122 background trips are to be coincident with the particular stage  
123 or phase of development under review.

124 (i) If a local government elects to repeal transportation  
125 concurrency, it is encouraged to adopt an alternative mobility  
126 funding system that utilizes one or more of the tools and  
127 techniques identified in s. 163.3180(5)(f). Any alternative  
128 system adopted shall not be utilized to deny, time or phase an  
129 application for site plan, plat approval, final subdivision  
130 approval, building permits or the functional equivalent of such  
131 approvals so long as the developer agrees to pay for the  
132 development's identified transportation impacts via the funding

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133 mechanism implemented by the local government. The revenue from  
134 the funding mechanism utilized in the alternative system must be  
135 used to implement the needs of the local government's plan which  
136 serves as the basis for the fee imposed. A mobility fee based  
137 funding system must comply with the dual rational nexus test  
138 applicable to impact fees. An alternative system which is not  
139 mobility fee based shall not be applied in a manner which  
140 imposes upon new development any responsibility for funding  
141 existing transportation deficiencies as that term is defined in  
142 s.163.3180(5)(h)7.

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147 **T I T L E   A M E N D M E N T**

148 Remove everything before the enacting clause and insert:  
149 An act relating to community transportation projects;  
150 amending s. 163.3180, F.S.; providing for development  
151 agreements; providing s. 163.3180(h), F.S., applies only to  
152 local governments that continue to implement a  
153 transportation concurrency plan; allowing applicants to  
154 satisfy concurrency requirements by making a good faith  
155 offer to enter into a binding agreement to construct a  
156 proportionate share of improvements; allowing local  
157 governments to accept contributions from multiple  
158 applicants; requiring local governments to provide the  
159 basis upon which landowners will be assessed certain costs;  
160 encouraging local governments without transportation

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161 concurrency to adopt an alternative funding system;  
162 prohibiting alternative systems from denying, timing, or  
163 phasing a development application process if the developer  
164 agrees to pay for identified transportation impacts;  
165 requiring mobility fees to comply with the dual rational  
166 nexus test; prohibiting alternative systems from holding  
167 new developments responsible for existing impacts.