

THE FLORIDA SENATE
2013 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/CS/CS/HB 319 — Community Transportation Projects

by Economic Affairs Committee; Transportation and Highway Safety Subcommittee; Economic Development and Tourism Subcommittee; and Rep. Ray (CS/CS/SB 972 by Transportation Committee; Community Affairs Committee; and Senator Hukill)

Transportation concurrency is a growth management strategy aimed at ensuring transportation facilities and services are available concurrent with the impacts of development. Implementing transportation concurrency is optional for local governments. Local governments that choose to implement transportation concurrency are required to follow the guidelines set forth in s. 163.3180, F.S. Local governments who opt-out of concurrency may implement development regulations similar to transportation concurrency, such as mobility plans.

This bill provides that an alternative funding system must provide a means for new development to pay for its impacts and proceed with development. The bill allows local governments to pool contributions from multiple applicants toward one planned facility improvement and clarifies when s. 163.3180(5)(h), F.S., applies to local governments implementing transportation concurrency or development agreements. The bill also provides that an applicant may satisfy concurrency requirements by making a good faith offer to enter into a binding agreement and requires local governments to provide the basis upon which landowners will be assessed a proportionate share of costs.

This bill requires any local government implementing an alternative mobility funding system to follow the same general principles as local governments implementing transportation concurrency. The bill provides that an alternative mobility funding system may not be used to deny approvals if the developer agrees to pay for the development's identified transportation impacts using the funding mechanism implemented by the local government. The bill also requires a mobility-fee-based funding system to comply with the dual rational nexus test applicable to impact fees

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 36-0; House 108-5