

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|---|-----------------------------|---|
| 1. Reduce government? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. Lower taxes? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. EFFECT OF PROPOSED CHANGES:

This bill amends current law to provide that Broward County local governments may grant an exception from transportation impact fees and exactions for certain transportation facilities.

The bill also provides that Broward County local governments may grant an exemption from impact fees for transportation facilities if a major public or private postsecondary institution of higher learning has an interest or an option to obtain an interest of more than 25 percent in the proposed development which is;

- otherwise consistent with the local comprehensive plan;
- is a project located within a Regional Activity Center as described in the Broward County Comprehensive Plan; and
- within an area that contains major public and private postsecondary institutions of higher learning.

This bill is a supplement to legislation passed by the 2003 Legislature explained below. It augments that law by providing Broward County local governments with the discretion to grant exceptions from transportation impact fees and exactions and exemptions from impact fees for transportation facilities under certain circumstances.

Background

The 2001 Legislature enacted ch. 2001-289, L.O.F., which provides that Broward County local governments may grant an exception from the concurrency requirement for certain transportation facilities if the proposed development is otherwise consistent with the adopted local comprehensive plan, and which is:

- a project that promotes public transportation;
- located within a Regional Activity Center as described in the Broward County Comprehensive Plan; and
- within an area that contains major public and private postsecondary institutions of higher learning.

The local government must also have considered the proposed development's impact on the Florida Intrastate Highway System.

Current Law - Section 163.3180(5)(b), F.S.

A local government may grant an exception from the concurrency requirement for transportation facilities if the proposed development is otherwise consistent with the adopted local government comprehensive plan and is a project that promotes public transportation or is located within an area designated in the comprehensive plan for:

1. Urban infill development,
2. Urban redevelopment,
3. Downtown revitalization, or
4. Urban infill and redevelopment under s. 163.2517, F.S.

C. SECTION DIRECTORY:

Section 1. Amends ch. 2001-289, L.O.F., to provide Broward County local governments the discretion to grant an exception from transportation impact fees and exactions under certain circumstances. Additionally, this section provides authority to grant an exemption from impact fees for transportation facilities under certain circumstances.

Section 2. Provides an effective date of upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN?

January 25, 2004

WHERE?

Sun-Sentinel, a daily newspaper published in Broward, Palm Beach and Dade Counties.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Drafting Issues

There do not appear to be any technical drafting issues.

Other Comments

According to the Economic Impact Statement, certain anticipated advantages and disadvantages may result from the enactment of this bill.

Advantages:

A study conducted by a professional planner projects that the economic impact of exempting from concurrency educational projects in a regional activity center would result in an increase in ad valorem revenues of \$42.5 million if maximum buildout was achieved. This analysis is predicated on current millage rates and would equate to almost \$12.5 million going to Broward County, \$10 million going to the Town of Davie, and more than \$14.8 million going to Broward County Schools.

In addition to the direct and indirect increase of jobs in the area (through construction and the addition of new centers of employment), Nova Southeastern University's existing economic contributions to the county are significant. NSU has analyzed its economic impact for the year 2002 and has determined that in both direct and indirect contribution, it contributes a total of \$950 million to the economy and provides more than 3,000 jobs in the county.

Finally, with more than 65,000 people being drawn into South Florida Education Center on a daily basis, the development of alternate modes of transportation will significantly reduce the reliance on automobiles, limiting the reliance on highways and major roadways, and providing a positive impact on the environment.

Disadvantages:

Loss of transportation impact fees to Broward County for certain projects involving Nova Southeastern University.

HB 1563 (2003)

This same bill was heard during the 2003 Legislative Session as HB 1563, which died in the Senate in the Committee on Rules and Calendar on May 2, 2003.

IV. AMENDMENT/COMMITTEE SUBSTITUTE CHANGES

None.