

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Goodlette offered the following:

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3 **Amendment (with directory and title amendments)**

4 Remove line(s) 1939-1985 and insert:

5 (16) It is the intent of the Legislature to provide a
6 method by which the impacts of development on transportation
7 facilities can be mitigated by the cooperative efforts of the
8 public and private sectors. The methodology used to calculate a
9 proportionate fair-share mitigation under this subsection must
10 ensure that development is assessed in a manner and for the
11 purpose of funding public facilities necessary to accommodate
12 any impacts having rational nexus to the proposed development
13 when the need to construct new facilities or add to the present
14 system of public facilities is reasonably attributable to the
15 proposed development.

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16 (a) In its concurrency management system, a local
17 government shall, by December 1, 2006, include methodologies
18 that will be applied to calculate proportionate fair-share
19 mitigation to satisfy transportation concurrency requirements
20 when the impacted road segments are specifically identified for
21 funding in the 5-year schedule of capital improvements in the
22 capital improvement element of the local plan or the long-term
23 concurrency management system. If a proportionate fair share
24 agreement or development order condition reflects mitigation to
25 a road segment or facility which is not on the 5-year schedule
26 of capital improvements at the time of approval, the local
27 government shall reflect such improvement in the 5-year schedule
28 of capital improvements at the next update of the capital
29 improvement element. Proportionate fair-share mitigation shall
30 be applied as a credit against impact fees to the extent that
31 all or a portion of the proportionate fair-share mitigation is
32 used to address the same capital infrastructure improvements
33 contemplated by the local government's impact fee ordinance.
34 The credit shall not apply to internal, onsite facilities
35 required by local regulations or to any offsite facilities to
36 the extent such facilities are necessary to provide safe and
37 adequate services to the development. The proportionate fair-
38 share share methodology shall be applicable to all development
39 contributing to the need for new or expanded public facilities.
40 By December 1, 2005, the Department of Transportation shall
41 develop a model transportation concurrency management ordinance

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42 with methodologies for assessing proportionate fair-share
43 mitigation options.

44 (b) A local government may also designate a transportation
45 corridor, district, or area subject to the mitigation; may
46 establish the methodology for determining proportionate fair-
47 share mitigation for development impacts on transportation
48 facilities within such corridor; and shall establish the methods
49 by which such mitigation is calculated and applied to
50 concurrency requirements in the concurrency management system
51 and include the corridor, district, or area in the capital
52 improvements element.

53 (c) Proportionate fair-share mitigation includes, without
54 limitation, separately or collectively, private funds,
55 contributions of land, and construction and contribution of
56 facilities and may include public funds as determined by the
57 local government. The fair market value of the proportionate
58 fair-share mitigation shall not differ based on the form of
59 mitigation.

60 (d) In order to avoid reaching concurrency problems, a
61 local government may impose proportionate fair-share mitigation
62 adopted under this subsection on a transportation facility
63 regardless of whether it meets or fails to meet the established
64 levels of service.

65 (e) The developer and local government shall enter into a
66 development agreement or other legally binding agreement or the
67 development order must contain a condition which evidences the
68 commitment to provide for proportionate fair-share mitigation as

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69 authorized under paragraph (a) or paragraph (b). Approval of
70 such agreement shall not be unreasonably withheld. Any dispute
71 over such agreement shall be resolved through mediation or other
72 alternative dispute resolution. Upon execution of such an
73 agreement, concurrency shall be deemed satisfied for the local
74 government development order authorizing the development and no
75 further concurrency proportionate fair-share mitigation may be
76 assessed for such authorized development.

77 (f) Nothing in this subsection limits the home rule
78 authority of a local government to enter into a public-private
79 partnership or funding agreement to provide or govern the
80 provision of essential infrastructure deemed necessary by the
81 local government payable from available taxes, fees, special
82 assessments or developer contributions.

83 (g) Mitigation for development impacts to facilities on
84 the Strategic Intermodal System made pursuant to this subsection
85 requires the concurrence of the Department of Transportation.
86 However, this does not authorize the Department of
87 Transportation to arbitrarily charge a fee or require additional
88 mitigation. Concurrence by the Department of Transportation may
89 not be withheld unduly.

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91 ===== D I R E C T O R Y A M E N D M E N T =====

92 Remove line(s) 1361 and insert:
93 are amended, and subsection (16) is added to said

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95 ===== T I T L E A M E N D M E N T =====

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96 Remove line(s) 92-103 and insert:
97 legislative intent relating to mitigation of development on
98 transportation facilities; requiring local governments to
99 include proportionate share mitigation calculation methodologies
100 in concurrency management systems; providing requirements; and
101 criteria; authorizing local governments to designate a
102 transportation corridor, district, or area subject to
103 mitigation; providing for proportionate fair-share mitigation;
104 requiring developers and local governments to enter into
105 development agreements or commit to provide for proportionate
106 fair-share mitigation; providing requirements; protecting
107 certain home rule authority; requiring concurrence of the
108 Department of Transportation; limiting the authority of the
109 department;

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