

Bill No. CS for CS for CS for SB 360

Barcode 922812

CHAMBER ACTION

Senate

House

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Senator Bennett moved the following amendment:

**Senate Amendment (with title amendment)**

On page 52, line 10 through page 54, line 9, delete those lines

and insert:

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

(a) By December 1, 2006, each local government shall adopt by ordinance a transportation concurrency management system that shall include a methodology for assessing

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1 proportionate fair-share mitigation options. By December 1,  
2 2005, the Department of Transportation shall develop a model  
3 transportation concurrency management ordinance with  
4 methodologies for assessing proportionate fair-share  
5 mitigation options.

6 (b)1. In its concurrency management system, a local  
7 government shall, by December 1, 2006, include methodologies  
8 that will be applied to calculate proportionate fair-share  
9 mitigation to satisfy transportation concurrency requirements  
10 when the impacted road segments are specifically identified  
11 for funding in the 5-year schedule of capital improvements in  
12 the capital improvements element of the local plan or the  
13 long-term concurrency management system. If a proportionate  
14 fair-share agreement or development order condition reflects  
15 mitigation to a road segment or facility which is not on the  
16 5-year schedule of capital improvements at the time of  
17 approval, the local government shall reflect such improvement  
18 in the 5-year schedule of capital improvements at the next  
19 update of the capital improvements element.

20 2. Proportionate fair-share mitigation shall be  
21 applied as a credit against impact fees to the extent that all  
22 or a portion of the proportionate fair-share mitigation is  
23 used to address the same capital infrastructure improvements  
24 contemplated by the local government's impact fee ordinance.  
25 The credit shall not apply to internal, onsite facilities  
26 required by local regulations or to any offsite facilities to  
27 the extent such facilities are necessary to provide safe and  
28 adequate services to the development. The proportionate  
29 fair-share methodology shall be applicable to all development  
30 contributing to the need for new or expanded public  
31 facilities.

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1       (c) Proportionate fair-share mitigation includes,  
 2 without limitation, separately or collectively, private funds,  
 3 contributions of land, and construction and contribution of  
 4 facilities and may include public funds as determined by the  
 5 local government. The fair market value of the proportionate  
 6 fair-share mitigation may not differ based on the form of  
 7 mitigation.

8       (d) In order to assist a local government with meeting  
 9 concurrency requirements, a local government may impose  
 10 proportionate fair-share mitigation adopted under this  
 11 subsection on a transportation facility regardless of whether  
 12 it meets or fails to meet the established levels of service.

13       (e) Nothing in this subsection limits the home rule  
 14 authority of a local government to enter into a public-private  
 15 partnership or funding agreement to provide or govern the  
 16 provision of essential infrastructure deemed necessary by the  
 17 local government payable from available taxes, fees, special  
 18 assessments or developer contributions.

19       (f) Mitigation for development impacts to facilities  
 20 on the Strategic Intermodal System made pursuant to this  
 21 subsection requires the concurrence of the Department of  
 22 Transportation.

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 24  
 25 ===== T I T L E    A M E N D M E N T =====

26 And the title is amended as follows:

27           On page 2, lines 27-30, delete those lines

28  
 29 and insert:

30           providing for the adoption of a transportation  
 31           concurrency management system by ordinance;

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providing requirements for proportionate  
fair-share mitigation; amending s. 163.3184,