

1 prohibits a local government from adopting stricter
2 concurrency requirements, including real-time concurrency,
3 under which a local government need not issue a building
4 permit or its functional equivalent for a new development
5 under any circumstances that result in traffic generation
6 until adequate transportation facilities are in place.

7 (5)

8 (e) If a local government grants an exception from the
9 concurrency requirement for transportation facilities pursuant
10 to paragraph (b) after July 1, 2006, the local government
11 shall adopt into the plan and implement strategies to support
12 and fund mobility within the designated exception area,
13 including alternative modes of transportation. The plan
14 amendment shall also demonstrate how strategies will support
15 the purpose of the exception and how mobility within the
16 designated exception area will be provided. In addition, the
17 strategies must address urban design; appropriate land use
18 mixes, including intensity and density; and network
19 connectivity plans needed to promote urban infill,
20 redevelopment, or downtown revitalization. The comprehensive
21 plan amendment designating the concurrency exception area
22 shall be accompanied by data and analysis justifying the size
23 of the area.

24 (16) It is the intent of the Legislature to provide
25 alternatives ~~a method~~ by which the impacts of development on
26 transportation facilities can be mitigated by the cooperative
27 efforts of the public and private sectors. If a local
28 government elects to use proportionate fair-share mitigation
29 in lieu of its existing concurrency management system as
30 adopted in its comprehensive plan, the methodology used to
31 calculate proportionate fair-share mitigation under this

1 section shall be as provided for in subsection (12) and the
2 following provisions shall apply:-

3 (a) By December 1, 2006, each local government shall
4 adopt by ordinance a methodology for assessing proportionate
5 fair-share mitigation options. By December 1, 2005, the
6 Department of Transportation shall develop a model
7 transportation concurrency management ordinance with
8 methodologies for assessing proportionate fair-share
9 mitigation options.

10 (b)1. In its transportation concurrency management
11 system, a local government shall, by December 1, 2006, include
12 methodologies that will be applied to calculate proportionate
13 fair-share mitigation. A developer may choose to satisfy all
14 transportation concurrency requirements by contributing or
15 paying proportionate fair-share mitigation if transportation
16 facilities or facility segments identified as mitigation for
17 traffic impacts are specifically identified for funding in the
18 5-year schedule of capital improvements in the capital
19 improvements element of the local plan or the long-term
20 concurrency management system or if such contributions or
21 payments to such facilities or segments are reflected in the
22 5-year schedule of capital improvements in the next regularly
23 scheduled update of the capital improvements element. Updates
24 to the 5-year capital improvements element which reflect
25 proportionate fair-share contributions may not be found not in
26 compliance based on ss. 163.164(32) and 163.3177(3) if
27 additional contributions, payments or funding sources are
28 reasonably anticipated during a period not to exceed 10 years
29 to fully mitigate impacts on the transportation facilities.

30 2. Proportionate fair-share mitigation shall be
31 applied as a credit against impact fees to the extent that all

1 or a portion of the proportionate fair-share mitigation is
2 used to address the same capital infrastructure improvements
3 contemplated by the local government's impact fee ordinance.

4 (c) Proportionate fair-share mitigation includes,
5 without limitation, separately or collectively, private funds,
6 contributions of land, and construction and contribution of
7 facilities and may include public funds as determined by the
8 local government. The fair market value of the proportionate
9 fair-share mitigation shall not differ based on the form of
10 mitigation. A local government may not require a development
11 to pay more than its proportionate fair-share contribution
12 regardless of the method of mitigation.

13 (d) Nothing in this subsection shall require a local
14 government to approve a development that is not otherwise
15 qualified for approval pursuant to the applicable local
16 comprehensive plan and land development regulations.

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

21 (f) In the event the funds in an adopted 5-year
22 capital improvements element are insufficient to fully fund
23 construction of a transportation improvement required by the
24 local government's concurrency management system, a local
25 government and a developer may still enter into a binding
26 proportionate-share agreement authorizing the developer to
27 construct that amount of development on which the
28 proportionate share is calculated if the proportionate-share
29 amount in such agreement is sufficient to pay for one or more
30 improvements which will, in the opinion of the governmental
31 entity or entities maintaining the transportation facilities,

1 significantly benefit the impacted transportation system. The
2 improvement or improvements funded by the proportionate-share
3 component must be adopted into the 5-year capital improvements
4 schedule of the comprehensive plan at the next annual capital
5 improvements element update.

6 (g) Except as provided in subparagraph (b)1., nothing
7 in this section shall prohibit the Department of Community
8 Affairs from finding other portions of the capital
9 improvements element amendments not in compliance as provided
10 in this chapter.

11 (h) The provisions of this subsection do not apply to
12 a multiuse development of regional impact satisfying the
13 requirements of subsection (12).

14 Section 2. This act shall take effect July 1, 2006.
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31