A bill to be entitled

An act relating to growth management; amending s. 163.3180, F.S.; providing an exception to certain traffic generation information required in certain applications for development approval; providing legislative intent; providing for local government imposition of a trip fee on certain facilities for certain purposes; requiring the Department of Transportation to develop a model ordinance relating to trip fee implementation; amending s. 163.3184, F.S.; providing a limitation relating to availability of water for compliance determinations by the state land planning agency; providing criteria and requirements; amending s. 380.06, F.S.; providing construction relating to local review and approval of certain changes to a development of regional impact; providing an appropriation; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (h) is added to subsection (5) of section 163.3180, Florida Statutes, and subsection (17) is added to that section, to read:

163.3180 Concurrency.--

(5)

(h) New applications for development approval within or adjacent and contiguous to property which has been granted a transportation concurrency exception pursuant to this section shall not be required to include traffic generated as a result

of the grant of the exemption in the traffic concurrency calculations in the applications.

(17)(a) It is the intent of the Legislature to confirm and ratify the ability of local governments to require all new development to mitigate the development's impact on transportation facilities, regardless of the size or type of development, by payment of a per-trip fee. In order to ensure the cost of transportation facilities is equitable and equally distributed, the Legislature recognizes that a local government may charge a per-trip fee to be imposed on roadways and paid at the time of issuance of a building permit for any new structure. Such a fee shall be known as a "trip fee" and may be used to fund new facilities or to fix existing deficiencies on transportation facilities. If the local government adopts a trip fee, no de minimis impact shall be allowed.

(b) By December 1, 2006, the Department of Transportation shall develop a model ordinance containing a methodology for local governments to use in implementing the trip-fee concept. Local governments shall not be required to adopt such a concept but are encouraged to view the concept as an alternative to the adoption by the local government of impact fees for transportation facilities.

Section 2. Paragraph (b) of subsection (8) of section 163.3184, Florida Statutes, is amended to read:

163.3184 Process for adoption of comprehensive plan or plan amendment.--

(8) NOTICE OF INTENT.--

(b)1. Except as provided in paragraph (a) or in s. 163.3187(3), the state land planning agency, upon receipt of a local government's complete adopted comprehensive plan or plan amendment, shall have 45 days for review and to determine if the plan or plan amendment is in compliance with this act, unless the amendment is the result of a compliance agreement entered into under subsection (16), in which case the time period for review and determination shall be 30 days. If review was not conducted under subsection (6), the agency's determination must be based upon the plan amendment as adopted. If review was conducted under subsection (6), the agency's determination of compliance must be based only upon one or both of the following:

a.~~1.~~ The state land planning agency's written comments to the local government pursuant to subsection (6); or

b.~~2.~~ Any changes made by the local government to the comprehensive plan or plan amendment as adopted.

2. However, if a state land planning agency's written comments to the local government pursuant to subsection (6) relate to the availability of water, the agency shall not use the lack of availability of water during the agency's determination of compliance if the applicable local government transmits with its adopted plan amendment a letter from the applicable water supplier that states adequate water supplies will be available. If the applicable water supplier owns a property interest in the land that is the subject of the plan amendment, the local government shall submit a letter from the applicable water management district providing that adequate water supplies will be available.

Section 3. Paragraph (f) of subsection (19) of section 380.06, Florida Statutes, is amended to read:

380.06 Developments of regional impact.--

(19) SUBSTANTIAL DEVIATIONS.--

(f)1. The state land planning agency shall establish by rule standard forms for submittal of proposed changes to a previously approved development of regional impact which may require further development-of-regional-impact review. At a minimum, the standard form shall require the developer to provide the precise language that the developer proposes to delete or add as an amendment to the development order.

2. The developer shall submit, simultaneously, to the local government, the regional planning agency, and the state land planning agency the request for approval of a proposed change.

3. No sooner than 30 days but no later than 45 days after submittal by the developer to the local government, the state land planning agency, and the appropriate regional planning agency, the local government shall give 15 days' notice and schedule a public hearing to consider the change that the developer asserts does not create a substantial deviation. This public hearing shall be held within 90 days after submittal of the proposed changes, unless that time is extended by the developer.

4. The appropriate regional planning agency or the state land planning agency shall review the proposed change and, no later than 45 days after submittal by the developer of the proposed change, unless that time is extended by the developer,

and prior to the public hearing at which the proposed change is to be considered, shall advise the local government in writing whether it objects to the proposed change, shall specify the reasons for its objection, if any, and shall provide a copy to the developer.

5. At the public hearing, the local government shall determine whether the proposed change requires further development-of-regional-impact review. The provisions of paragraphs (a) and (e), the thresholds set forth in paragraph (b), and the presumptions set forth in paragraphs (c) and (d) and subparagraph (e)3. shall be applicable in determining whether further development-of-regional-impact review is required.

6. If the local government determines that the proposed change does not require further development-of-regional-impact review and is otherwise approved, or if the proposed change is not subject to a hearing and determination pursuant to subparagraphs 3. and 5. and is otherwise approved, the local government shall issue an amendment to the development order incorporating the approved change and conditions of approval relating to the change. The requirement that a change be otherwise approved shall not be construed to require additional local review or approval if the change is allowed by applicable local ordinances without further local review or approval. The decision of the local government to approve, with or without conditions, or to deny the proposed change that the developer asserts does not require further review shall be subject to the appeal provisions of s. 380.07. However, the state land planning

agency may not appeal the local government decision if it did not comply with subparagraph 4. The state land planning agency may not appeal a change to a development order made pursuant to subparagraph (e)1. or subparagraph (e)2. for developments of regional impact approved after January 1, 1980, unless the change would result in a significant impact to a regionally significant archaeological, historical, or natural resource not previously identified in the original development-of-regional-impact review.

Section 4. The sum of $25 million is appropriated from the General Revenue Fund to the Conservation and Recreation Lands Program Trust Fund within the Department of Agriculture and Consumer Services for the purposes of s. 570.71, Florida Statutes.

Section 5. This act shall take effect July 1, 2006.