

By Senator Bennett

21-1496-07

1 A bill to be entitled
2 An act relating to transportation concurrency;
3 amending s. 163.3180, F.S.; providing that a
4 developer is not required to pay facility costs
5 that are attributable to a backlog in meeting
6 concurrency requirements; providing
7 requirements for modeling that is performed for
8 purposes of determining the effects of the
9 development upon the roadways; providing an
10 effective date.

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

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14 Section 1. Subsection (12) of section 163.3180,
15 Florida Statutes, is amended to read:

16 163.3180 Concurrency.--

17 (12) When authorized by a local comprehensive plan, a
18 multiuse development of regional impact may satisfy the
19 transportation concurrency requirements of the local
20 comprehensive plan, the local government's concurrency
21 management system, and s. 380.06 by payment of a
22 proportionate-share contribution for local and regionally
23 significant traffic impacts, if:

24 (a) The development of regional impact meets or
25 exceeds the guidelines and standards of s. 380.0651(3)(h) and
26 rule 28-24.032(2), Florida Administrative Code, and includes a
27 residential component that contains at least 100 residential
28 dwelling units or 15 percent of the applicable residential
29 guideline and standard, whichever is greater;

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1 (b) The development of regional impact contains an
2 integrated mix of land uses and is designed to encourage
3 pedestrian or other nonautomotive modes of transportation;

4 (c) The proportionate-share contribution for local and
5 regionally significant traffic impacts is sufficient to pay
6 for one or more required improvements that will benefit a
7 regionally significant transportation facility;

8 (d) The owner and developer of the development of
9 regional impact pays or assures payment of the
10 proportionate-share contribution; and

11 (e) If the regionally significant transportation
12 facility to be constructed or improved is under the
13 maintenance authority of a governmental entity, as defined by
14 s. 334.03(12), other than the local government with
15 jurisdiction over the development of regional impact, the
16 developer is required to enter into a binding and legally
17 enforceable commitment to transfer funds to the governmental
18 entity having maintenance authority or to otherwise assure
19 construction or improvement of the facility.

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21 The proportionate-share contribution may be applied to any
22 transportation facility to satisfy the provisions of this
23 subsection and the local comprehensive plan, but, for the
24 purposes of this subsection, the amount of the
25 proportionate-share contribution shall be calculated based
26 upon the cumulative number of trips from the proposed
27 development expected to reach roadways during the peak hour
28 from the complete buildout of a stage or phase being approved,
29 divided by the change in the peak hour maximum service volume
30 of roadways resulting from construction of an improvement
31 necessary to maintain the adopted level of service, multiplied

1 by the construction cost, at the time of developer payment, of
2 the improvement necessary to maintain the adopted level of
3 service. For purposes of this subsection, "construction cost"
4 includes all associated costs of the improvement. However, the
5 developer is not required to pay any share of facility costs
6 that are attributable to a backlog in a local government's
7 requirements for transportation concurrency with respect to
8 affected roadways, and any modeling that is performed in order
9 to determine the effects of the development upon the roadways
10 must include credit for the number of trips generated by the
11 existing development and credit for existing impact fees and
12 proportionate-share mitigation.

13 Section 2. This act shall take effect upon becoming a
14 law.

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17 SENATE SUMMARY

18 Exempts a developer from paying facility costs that are
19 attributable to a backlog in meeting requirements for
20 transportation concurrency. Requires that modeling
21 performed for purposes of determining the effects of the
22 development upon the roadways include certain credits.
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