

By Senator Bennett

21-03323A-08

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1 A bill to be entitled

2 An act relating to commercial development and capital
3 improvements; creating s. 288.064, F.S.; providing a short
4 title; authorizing an applicant seeking to create a
5 commercial development to elect to pay a per trip mobility
6 fee in lieu of paying impact fees, proportionate share, or
7 proportionate fair-share pursuant to state law; providing
8 that such options apply regardless of whether the
9 development is part of the development-of-regional-impact
10 program; providing for the calculation of such mobility
11 fee; requiring that moneys collected from the assessment
12 of such fee be used for a certain purpose; providing that
13 an applicant's development shall be deemed to have met all
14 transportation concurrency requirements once the mobility
15 fee is paid; prohibiting a local government from requiring
16 that the transportation facilities be in place as a
17 prerequisite to approval of the applicant's development;
18 providing for the exemption of a local government from the
19 financial feasibility requirements for transportation
20 concurrency as prescribed by state law for a specified
21 period under certain circumstances; providing for the
22 expiration of the option of using the trip mobility fee
23 under specified conditions; providing an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

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27 Section 1. Section 288.064, Florida Statutes, is created to
28 read:

29 288.064 Economic Stimulus Act of 2008.--

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30 (1) This section may be cited as the "Economic Stimulus Act
31 of 2008."

32 (2) An applicant seeking to create a development may elect
33 to pay a per trip mobility fee in lieu of paying impact fees,
34 proportionate share, or proportionate fair-share pursuant to s.
35 163.3180, regardless of whether such development is part of the
36 development-of-regional-impact program.

37 (3) The amount of the mobility fee shall be determined by
38 the permitting local government, but such fee may not exceed \$250
39 per trip. The local government shall base the mobility fee on the
40 cost of maintaining the existing level of service on all
41 facilities affected by the proposed development. The number of
42 trips attributed to a development shall be determined by the
43 latest available version of "Trip Generation" by the Institute of
44 Traffic Engineers. Moneys collected from the assessment of such
45 fees must be expended in the area in which they were collected
46 for the purpose of benefiting the proposed development.

47 (4) The applicant's development shall be deemed to have met
48 all transportation concurrency requirements once the mobility fee
49 is paid. A local government may not require that the
50 transportation facilities be in place as a prerequisite to
51 approval of the applicant's development.

52 (5) If a local government chooses to assess a trip mobility
53 fee, that local government is exempt from the financial
54 feasibility requirements for transportation concurrency as
55 prescribed in s. 163.3177 until 1 year after the date on which
56 the optional mobility fee expires pursuant to subsection (6).

57 (6) The option of using the trip mobility fee shall expire
58 on a county-by-county basis when the median home price in the

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59 county reaches 120 percent of the median home price in that
60 county on January 1, 2006.

61 Section 2. This act shall take effect July 1, 2008.