



227172

CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RS	.	
4/24/2008	.	
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1 The Committee on Transportation and Economic Development
2 Appropriations (Margolis) recommended the following **amendment**:

3
4 **Senate Amendment (with title amendment)**

5 Between line(s) 472 and 473
6 insert:

7
8 Section 4. Subsection (9), subsection (12) of section
9 163.3180, Florida Statutes, are amended to read:

10 163.3180 Concurrency.--

11 (9) (a) Each local government may adopt as a part of its
12 plan, long-term transportation and school concurrency management
13 systems with a planning period of up to 10 years for specially
14 designated districts or areas where significant backlogs exist.
15 The plan may include interim level-of-service standards on
16 certain facilities and shall rely on the local government's
17 schedule of capital improvements for up to 10 years as a basis



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18 | for issuing development orders that authorize commencement of
19 | construction in these designated districts or areas. The
20 | concurrency management system must be designed to correct
21 | existing deficiencies and set priorities for addressing
22 | backlogged facilities. The concurrency management system must be
23 | financially feasible and consistent with other portions of the
24 | adopted local plan, including the future land use map.

25 | (b) If a local government has a transportation or school
26 | facility backlog for existing development which cannot be
27 | adequately addressed in a 10-year plan, the state land planning
28 | agency may allow it to develop a plan and long-term schedule of
29 | capital improvements covering up to 15 years for good and
30 | sufficient cause, based on a general comparison between that
31 | local government and all other similarly situated local
32 | jurisdictions, using the following factors:

- 33 | 1. The extent of the backlog.
- 34 | 2. For roads, whether the backlog is on local or state
35 | roads.
- 36 | 3. The cost of eliminating the backlog.
- 37 | 4. The local government's tax and other revenue-raising
38 | efforts.

39 | (c) The local government may issue approvals to commence
40 | construction notwithstanding this section, consistent with and in
41 | areas that are subject to a long-term concurrency management
42 | system.

43 | (d) If the local government adopts a long-term concurrency
44 | management system, it must evaluate the system periodically. At a
45 | minimum, the local government must assess its progress toward
46 | improving levels of service within the long-term concurrency
47 | management district or area in the evaluation and appraisal



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48 | report and determine any changes that are necessary to accelerate
49 | progress in meeting acceptable levels of service.

50 | (e) The Department of Transportation shall establish an
51 | approved transportation methodology that recognizes that a
52 | planned, sustainable development of regional impact is likely to
53 | achieve an internal capture rate greater than 40 percent when
54 | fully developed. The transportation methodology must use a
55 | regional transportation model that incorporates professionally
56 | accepted modeling techniques applicable to well-planned,
57 | sustainable communities of the size, location, mix of uses, and
58 | design features consistent with such communities. The adopted
59 | transportation methodology shall serve as the basis for
60 | sustainable development traffic impact assessments by the
61 | department. The methodology review must be completed and in use
62 | by December 1, 2008.

63 | (12) A development of regional impact may satisfy the
64 | transportation concurrency requirements of the local
65 | comprehensive plan, the local government's concurrency management
66 | system, and s. 380.06 by payment of a proportionate-share
67 | contribution for local and regionally significant traffic
68 | impacts, if:

69 | (a) The development of regional impact which, based on its
70 | location or mix of land uses, is designed to encourage pedestrian
71 | or other nonautomotive modes of transportation;

72 | (b) The proportionate-share contribution for local and
73 | regionally significant traffic impacts is sufficient to pay for
74 | one or more required mobility improvements that will benefit a
75 | regionally significant transportation facility;



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76 (c) The owner and developer of the development of regional
77 impact pays or assures payment of the proportionate-share
78 contribution; and

79 (d) If the regionally significant transportation facility
80 to be constructed or improved is under the maintenance authority
81 of a governmental entity, as defined by s. 334.03(12), other than
82 the local government with jurisdiction over the development of
83 regional impact, the developer is required to enter into a
84 binding and legally enforceable commitment to transfer funds to
85 the governmental entity having maintenance authority or to
86 otherwise assure construction or improvement of the facility.

87
88 The proportionate-share contribution may be applied to any
89 transportation facility to satisfy the provisions of this
90 subsection and the local comprehensive plan, but, for the
91 purposes of this subsection, the amount of the proportionate-
92 share contribution shall be calculated based upon the cumulative
93 number of trips from the proposed development expected to reach
94 roadways during the peak hour from the complete buildout of a
95 stage or phase being approved, divided by the change in the peak
96 hour maximum service volume of roadways resulting from
97 construction of an improvement necessary to maintain the adopted
98 level of service, multiplied by the construction cost, at the
99 time of developer payment, of the improvement necessary to
100 maintain the adopted level of service. If the number of trips
101 used in this calculation includes trips from an earlier phase of
102 development, the determination of mitigation for a subsequent
103 phase or stage of development shall account for any mitigation
104 required by the development order and provided by the developer
105 for the earlier phase or stage, calculated at present value. For



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106 purposes of this subsection, the term "present value" means the
107 fair market value of right-of-way at the time of contribution or
108 the actual dollar value of the construction improvements at the
109 date of completion, adjusted by the Consumer Price Index. For
110 purposes of this subsection, "construction cost" includes all
111 associated costs of the improvement. Proportionate-share
112 mitigation shall be limited to ensure that a development of
113 regional impact meeting the requirements of this subsection
114 mitigates its impact on the transportation system but is not
115 responsible for the additional cost of reducing or eliminating
116 backlogs. For purposes of this subsection, "backlogged
117 transportation facility" is defined as one on which the adopted
118 level-of-service standard is exceeded by the existing trips plus
119 committed trips. A developer may not be required to fund or
120 construct proportionate share mitigation for any backlogged
121 transportation facility that is more extensive than mitigation
122 necessary to offset the impact of the development project in
123 question. This subsection also applies to Florida Quality
124 Developments pursuant to s. 380.061 and to detailed specific area
125 plans implementing optional sector plans pursuant to s. 163.3245.
126
127
128

129 ===== T I T L E A M E N D M E N T =====

130 And the title is amended as follows:

131 On line 12, after the semicolon
132 insert:

133 amending s. 163.3180, F.S.; requiring the Department of
134 Transportation to establish a transportation methodology
135 to serve as the basis for sustainable development impact



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136 | assessments; defining the terms "present value" and
137 | "backlogged transportation facility";