

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Cannon offered the following:

2  
3 **Amendment (with title amendment)**

4 Between lines 1616-1617 insert:

5 Section 22. Subsection (5) of section 420.615, Florida  
6 Statutes, is amended to read:

7 420.615 Affordable housing land donation density bonus  
8 incentives.--

9 (5) The local government, as part of the approval process,  
10 shall adopt a comprehensive plan amendment, pursuant to part II  
11 of chapter 163, for the receiving land that incorporates the  
12 density bonus. Such amendment shall be deemed by operation of  
13 law a small scale amendment, shall be subject only to the  
14 requirements of ~~adopted in the manner as required for small-~~  
15 ~~scale amendments pursuant to s. 163.3187(1)(c)2. and 3., is not~~  
16 subject to the requirements of s. 163.3184 (3) - (11) ~~(3) - (6)~~, and  
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17 is exempt from s. 163.3187(1)(c)1. and the limitation on the  
18 frequency of plan amendments as provided in s. 163.3187. An  
19 affected person, as defined in s. 163.3184(1), may file a  
20 petition for administrative review pursuant to the requirements  
21 of s. 163.3187(3) to challenge the compliance of an adopted plan  
22 amendment.

23 Section 23. The Legislature directs the Department of  
24 Transportation to establish an approved transportation  
25 methodology which recognizes that a planned, sustainable  
26 development of regional impact will likely achieve an internal  
27 capture rate greater than 30 percent when fully developed. The  
28 transportation methodology must use a regional transportation  
29 model that incorporates professionally accepted modeling  
30 techniques applicable to well planned, sustainable communities  
31 of the size, location, mix of uses, and design features  
32 consistent with such communities. The adopted transportation  
33 methodology shall serve as the basis for sustainable development  
34 traffic impact assessments by the department. The methodology  
35 review must be completed and in use no later than March 1, 2009.

36 Section 24. (1) The Legislature finds that the existing  
37 transportation concurrency system has not adequately addressed  
38 the state's transportation needs in an effective, predictable,  
39 and equitable manner and is not producing a sustainable  
40 transportation system for the state. The current system is  
41 complex, lacks uniformity among jurisdictions, is too focused on  
42 roadways to the detriment of desired land use patterns and  
43 transportation alternatives, and frequently prevents the  
44 attainment of important growth management goals. The state,

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45 therefore, should consider a different transportation  
46 concurrency approach that uses a mobility fee based on vehicle-  
47 miles or people-miles traveled. The mobility fee shall be  
48 designed to provide for mobility needs, ensure that development  
49 provides mitigation for its impacts on the transportation  
50 system, and promote compact, mixed-use, and energy-efficient  
51 development. The mobility fee shall be used to fund improvements  
52 to the transportation system.

53 (2) The Legislative Committee on Intergovernmental  
54 Relations shall study and develop a methodology for a mobility  
55 fee system. The committee shall contract with a qualified  
56 transportation engineering firm or with a state university for  
57 the purpose of studying and developing a uniform mobility fee  
58 for statewide application to replace the existing transportation  
59 concurrency management systems adopted and implemented by local  
60 governments.

61 (a) No later than January 15, 2009, the committee shall  
62 provide an interim report to the President of the Senate and the  
63 Speaker of the House of Representatives reporting the status of  
64 the mobility fee study. The interim report shall discuss  
65 progress in the development of the fee, identify issues for  
66 which additional legislative guidance is needed, and recommend  
67 any interim measures that may need to be addressed to improve  
68 the current transportation concurrency system that could be  
69 taken prior to the final report in 2009.

70 (b) On or before October 1, 2009, the committee shall  
71 provide to the President of the Senate and the Speaker of the  
72 House of Representatives a final report and recommendations

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73 regarding the methodology, application, and implementation of a  
74 mobility fee.

75 (3) The study and mobility fees shall focus on and the fee  
76 shall implement, to the extent possible:

77 (a) The amount, distribution, and timing of vehicle miles  
78 and people miles traveled, applying professionally accepted  
79 standards and practices in the disciplines of land use and  
80 transportation planning and the requirements of constitutional  
81 and statutory law.

82 (b) The development of an equitable mobility fee that  
83 provides funding for future mobility needs whereby new  
84 development mitigates in approximate proportionality for its  
85 impacts on the transportation system yet is not delayed or held  
86 accountable for system backlogs or failures that are not  
87 directly attributable to the proposed development.

88 (c) The replacement of transportation financial  
89 feasibility obligations, proportionate fair-share contributions,  
90 and locally adopted transportation impact fees with the mobility  
91 fee such that a single transportation fee, whether or not based  
92 on number of trips or vehicle miles traveled, may be applied  
93 uniformly on a statewide basis.

94 (d) The ability for developer contributions of land for  
95 right-of-way or developer-funded improvements to the  
96 transportation network to be recognized as credits against the  
97 mobility fee through mutually acceptable agreements reached with  
98 the impacted jurisdictions.

99 (e) An equitable methodology for distribution of mobility  
100 fee proceeds among those jurisdictions responsible for

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101 construction and maintenance of the impacted facilities such  
102 that 100 percent of the collected mobility fees are used for  
103 improvements to the overall transportation network of the  
104 impacted jurisdictions.

105 Section 25. Paragraph (f) is added to subsection (3) of  
106 section 403.973, Florida Statutes, and subsection (8) of that  
107 section is amended, to read:

108 403.973 Expedited permitting; comprehensive plan  
109 amendments.--

110 (3)

111 (f) Projects that are associated with new mixed-use  
112 community housing, research and development, manufacturing, and  
113 demonstration of technologies for improving energy-efficiency of  
114 residential and nonresidential uses and using an alternative  
115 source of water supply are eligible for the expedited permitting  
116 process.

117 (8) Each memorandum of agreement shall include a process  
118 for final agency action on permit applications and local  
119 comprehensive plan amendment approvals within 90 days after  
120 receipt of a completed application, unless the applicant agrees  
121 to a longer time period or the office determines that unforeseen  
122 or uncontrollable circumstances preclude final agency action  
123 within the 90-day timeframe. Permit applications governed by  
124 federally delegated or approved permitting programs whose  
125 requirements would prohibit or be inconsistent with the 90-day  
126 timeframe are exempt from this provision, but must be processed  
127 by the agency with federally delegated or approved program  
128 responsibility as expeditiously as possible. For projects for

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129 which a completed application has been submitted prior to  
130 qualification of the project under this section, the memorandum  
131 of agreement may proceed concurrently with the processing of  
132 applications, and the timeframes in this section shall begin  
133 from receipt of certification of the project's eligibility.

134 Section 26. The sum of \$300,000 is appropriated from  
135 nonrecurring revenue in the General Revenue Fund to the  
136 Legislative Committee on Intergovernmental Relations for the  
137 2008-2009 fiscal year to pay for costs associated with the  
138 mobility fee study and pilot project program established in  
139 section 8.

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**T I T L E   A M E N D M E N T**

147 Remove line 83 and insert:  
148 made by the act; amending s. 420.615, F.S.; revising provisions  
149 relating to comprehensive plan amendments; authorizing certain  
150 persons to challenge the compliance of an amendment; directing  
151 the Department of Transportation to establish an approved  
152 transportation methodology for certain purpose; providing  
153 requirements; requiring a report; providing legislative intent  
154 for the establishment of a uniform mobility fee methodology to  
155 replace the current transportation concurrency management  
156 system; providing legislative intent relating to mobility fees

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HOUSE AMENDMENT  
Bill No. CS/CS/SB 482

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157 for certain purposes; requiring the Legislative Committee on  
158 Intergovernmental Relations to study and develop a methodology  
159 for a mobility fee system; providing study and fee applicability  
160 requirements; providing study requirements and criteria;  
161 providing mobility fee requirements and limitations; amending s.  
162 403.973, F.S.; specifying additional projects eligible for  
163 certain expedited permitting; authorizing concurrently  
164 proceeding with memoranda of agreement and processing of  
165 applications for certain projects under certain circumstances;  
166 providing an appropriation; providing an effective date.

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