

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Cannon offered the following:

2
3 **Amendment**

4 Remove line(s) 876-940 and insert:
5 as provided for in paragraph subsection (12)(b) or a vehicle-
6 miles-traveled or people-miles-traveled methodology or an
7 alternative methodology, identified by the local government
8 ordinance provided for in paragraph (a), that ensures that
9 development impacts on transportation facilities are mitigated
10 but that future development is not responsible for the
11 additional cost of reducing or eliminating backlogs.

12 (a) ~~By December 1, 2006,~~ Each local government shall adopt
13 by ordinance a methodology for assessing proportionate fair-
14 share mitigation options. ~~By December 1, 2005, the Department of~~
15 ~~Transportation shall develop a model transportation concurrency~~

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16 ~~management ordinance with methodologies for assessing~~
17 ~~proportionate fair-share mitigation options.~~

18 (b)1. In its transportation concurrency management system,
19 a local government shall, ~~by December 1, 2006,~~ include
20 methodologies that will be applied to calculate proportionate
21 fair-share mitigation or a vehicle-miles-traveled or people-
22 miles-traveled methodology or an alternative methodology,
23 identified by the local government ordinance provided for in
24 paragraph (a). A developer may choose to satisfy all
25 transportation concurrency requirements by contributing or
26 paying proportionate fair-share mitigation if transportation
27 facilities or facility segments identified as mitigation for
28 traffic impacts are specifically identified for funding in the
29 5-year schedule of capital improvements in the capital
30 improvements element of the local plan or the long-term
31 concurrency management system or if such contributions or
32 payments to such facilities or segments are reflected in the 5-
33 year schedule of capital improvements in the next regularly
34 scheduled update of the capital improvements element. Updates to
35 the 5-year capital improvements element which reflect
36 proportionate fair-share contributions may not be found not in
37 compliance based on ss. 163.3164(32) and 163.3177(3) if
38 additional contributions, payments or funding sources are
39 reasonably anticipated during a period not to exceed 10 years to
40 fully mitigate impacts on the transportation facilities.

41 2. Proportionate fair-share mitigation shall be applied as
42 a credit against impact fees to the extent that all or a portion
43 of the proportionate fair-share mitigation is used to address

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44 the same capital infrastructure improvements contemplated by the
45 local government's impact fee ordinance.

46 (c) Proportionate fair-share mitigation includes, without
47 limitation, separately or collectively, private funds,
48 contributions of land, and construction and contribution of
49 facilities and may include public funds as determined by the
50 local government. Proportionate fair-share mitigation may be
51 directed toward one or more specific transportation improvements
52 reasonably related to the mobility demands created by the
53 development and such improvements may address one or more modes
54 of travel. The fair market value of the proportionate fair-share
55 mitigation shall not differ based on the form of mitigation. A
56 local government may not require a development to pay more than
57 its proportionate fair-share contribution regardless of the
58 method of mitigation. Proportionate fair-share mitigation shall
59 be limited to ensure that a development meeting the requirements
60 of this section mitigates its impact on the transportation
61 system but is not responsible for the additional cost of
62 reducing or eliminating backlogs.