

1 A bill to be entitled
2 An act relating to growth management; amending s.
3 163.3164, F.S.; redefining the term "financial
4 feasibility" to provide for school facilities that do not
5 meet concurrency requirements in a particular year;
6 amending s. 163.3177, F.S.; conforming a cross-reference;
7 amending s. 163.3180, F.S.; revising provisions relating
8 to the concurrency requirements for public facilities and
9 transportation facilities; providing for the designation
10 of certain geographic areas as transportation concurrency
11 exception areas; revising provisions relating to the
12 level-of-service standards for transportation; authorizing
13 a local government to adopt a lower level-of-service
14 standard under certain circumstances; revising provisions
15 relating to the calculation of the proportionate-share
16 contribution; providing definitions; providing for the
17 applicability and calculation of proportionate fair-share
18 mitigation; providing incentives for landowners or
19 developers who contribute or pay proportionate fair-share
20 mitigation; amending s. 163.3182, F.S.; revising
21 provisions relating to the creation of transportation
22 concurrency backlog authorities; requiring that each local
23 government adopt transportation concurrency backlog areas
24 as part of the capital improvements element of the local
25 comprehensive plan; amending s. 380.06, F.S.; revising
26 provisions relating to the preapplication procedures for
27 developments of regional impact; requiring that the levels
28 of service in the transportation methodology be the same

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29 standards used to evaluate concurrency and proportionate-
30 share contributions; providing for a transportation
31 mobility fee; providing legislative findings and intent;
32 requiring that the Department of Community Affairs and the
33 Department of Transportation coordinate their independent
34 mobility fees studies to develop a methodology for a
35 mobility fee system; providing guidelines for developing
36 the methodology; requiring that the Secretary of Community
37 Affairs and the Secretary of Transportation submit joint
38 interim reports to the Legislature by specified dates;
39 requiring that the Department of Community Affairs develop
40 proposed amendments to chapter 9J-5, F.A.C., for
41 incorporating the mobility fee methodology; requiring that
42 the department submit the proposed amendments to the
43 Legislature for review by a specified date; providing for
44 future repeal of s. 163.3180, F.S., relating to
45 transportation concurrency requirements; requiring that
46 the Department of Transportation establish a
47 transportation methodology; requiring that such
48 methodology be completed and in use by a specified date;
49 providing an effective date.

50
51 Be It Enacted by the Legislature of the State of Florida:

52
53 Section 1. Subsection (32) of section 163.3164, Florida
54 Statutes, is amended to read:

55 163.3164 Local Government Comprehensive Planning and Land
56 Development Regulation Act; definitions.--As used in this act:

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57 (32) "Financial feasibility" means that sufficient
58 revenues are currently available or will be available from
59 committed funding sources for the first 3 years, or will be
60 available from committed or planned funding sources for years 4
61 and 5, of a 5-year capital improvement schedule for financing
62 capital improvements, including ~~such as~~ ad valorem taxes, bonds,
63 state and federal funds, tax revenues, impact fees, and
64 developer contributions, which are adequate to fund the
65 projected costs of the capital improvements identified in the
66 comprehensive plan and necessary to ensure that adopted level-
67 of-service standards are achieved and maintained within the
68 period covered by the 5-year schedule of capital improvements. A
69 comprehensive plan or comprehensive plan amendment shall be
70 deemed financially feasible for transportation ~~and school~~
71 facilities throughout the planning period addressed by the
72 capital improvements schedule if it can be demonstrated that the
73 existing or adopted level-of-service, whichever has the greater
74 maximum service volume, standards will be achieved and
75 maintained by the end of the planning period even if in a
76 particular year such improvements are not concurrent as required
77 by s. 163.3180. A comprehensive plan shall be deemed financially
78 feasible for school facilities throughout the planning period
79 addressed by the capital improvements schedule if it can be
80 demonstrated that the level-of-service standards will be
81 achieved and maintained by the end of the planning period even
82 if in a particular year such improvements are not concurrent as
83 required in s. 163.3180.

84 Section 2. Paragraph (e) of subsection (3) of section

85 | 163.3177, Florida Statutes, is amended to read:

86 | 163.3177 Required and optional elements of comprehensive
87 | plan; studies and surveys.--

88 | (3)

89 | (e) At the discretion of the local government and
90 | notwithstanding the requirements in ~~of~~ this subsection, a
91 | comprehensive plan, as revised by an amendment to the plan's
92 | future land use map, shall be deemed to be financially feasible
93 | and to have achieved and maintained level-of-service standards
94 | as required in ~~by~~ this section with respect to transportation
95 | facilities if the amendment to the future land use map is
96 | supported by a:

97 | 1. Condition in a development order for a development of
98 | regional impact or binding agreement that addresses
99 | proportionate-share mitigation consistent with s. 163.3180(12);
100 | or

101 | 2. Binding agreement addressing proportionate fair-share
102 | mitigation consistent with s. 163.3180(16)(h) ~~s. 163.3180(16)(f)~~
103 | and the property subject to the amendment to the future land use
104 | map is located within an area designated in a comprehensive plan
105 | for urban infill, urban redevelopment, downtown revitalization,
106 | urban infill and redevelopment, or an urban service area. The
107 | binding agreement must be based on the maximum amount of
108 | development identified by the future land use map amendment or
109 | as may be otherwise restricted through a special area plan
110 | policy or map notation in the comprehensive plan.

111 | Section 3. Subsections (1) through (12) and (14) through
112 | (16) of section 163.3180, Florida Statutes, are amended, and

113 subsection (18) is added to that section, to read:

114 163.3180 Concurrency.--

115 (1) APPLICABILITY OF CONCURRENCY REQUIREMENT.--

116 (a) Public facility types.--Sanitary sewer, solid waste,
 117 drainage, potable water, parks and recreation, schools, and
 118 transportation facilities, including mass transit, where
 119 applicable, are the only public facilities and services subject
 120 to the concurrency requirement on a statewide basis. Additional
 121 public facilities and services are ~~may not be made~~ subject to
 122 concurrency on a statewide basis without appropriate study and
 123 approval by the Legislature; however, any local government may
 124 extend the concurrency requirement ~~so that it applies to~~ apply
 125 to additional public facilities within its jurisdiction.

126 (b) Transportation methodologies.--Local governments shall
 127 use professionally accepted techniques for measuring level of
 128 service for automobiles, bicycles, pedestrians, transit, and
 129 trucks. These techniques may be used to evaluate increased
 130 accessibility by multiple modes and reductions in vehicle miles
 131 of travel in an area or zone. The state land planning agency and
 132 the Department of Transportation shall develop methodologies to
 133 assist local governments in implementing this multimodal level-
 134 of-service analysis and. ~~The Department of Community Affairs and~~
 135 ~~the Department of Transportation~~ shall provide technical
 136 assistance to local governments in applying the ~~these~~
 137 methodologies.

138 (2) PUBLIC FACILITY AVAILABILITY STANDARDS.--

139 (a) Sanitary sewer, solid waste, drainage, adequate water
 140 supply, and potable water facilities.--Consistent with public

141 health and safety, sanitary sewer, solid waste, drainage,
 142 adequate water supplies, and potable water facilities shall be
 143 in place and available to serve new development no later than
 144 the date on which ~~issuance by~~ the local government issues ~~of~~ a
 145 certificate of occupancy or its functional equivalent. Before
 146 approving ~~Prior to approval of~~ a building permit or its
 147 functional equivalent, the local government shall consult with
 148 the applicable water supplier to determine whether adequate
 149 water supplies to serve the new development will be available by
 150 ~~no later than~~ the anticipated date of issuance ~~by the local~~
 151 ~~government~~ of the a certificate of occupancy or its functional
 152 equivalent. A local government may meet the concurrency
 153 requirement for sanitary sewer through the use of onsite sewage
 154 treatment and disposal systems approved by the Department of
 155 Health to serve new development.

156 (b) Parks and recreation facilities.--Consistent with the
 157 public welfare, and except as otherwise provided in this
 158 section, parks and recreation facilities to serve new
 159 development shall be in place or under actual construction
 160 within ~~no later than~~ 1 year after ~~issuance by~~ the local
 161 government issues ~~of~~ a certificate of occupancy or its
 162 functional equivalent. However, the acreage for such facilities
 163 must ~~shall~~ be dedicated or be acquired by the local government
 164 before it issues ~~prior to issuance by the local government of~~
 165 the a certificate of occupancy or its functional equivalent, or
 166 funds in the amount of the developer's fair share shall be
 167 committed no later than the date on which the local government
 168 approves commencement of ~~government's approval to commence~~

169 construction.

170 (c) Transportation facilities.--Consistent with the public
 171 welfare, and except as otherwise provided in this section,
 172 transportation facilities needed to serve new development must
 173 ~~shall~~ be in place or under actual construction within 3 years
 174 after the local government approves a building permit or its
 175 functional equivalent that results in traffic generation.

176 (3) ESTABLISHING LEVEL-OF-SERVICE STANDARDS.--Governmental
 177 entities that are not responsible for providing, financing,
 178 operating, or regulating public facilities needed to serve
 179 development may not establish binding level-of-service standards
 180 to apply to ~~on~~ governmental entities that do bear those
 181 responsibilities. This subsection does not limit the authority
 182 of any agency to recommend or make objections, recommendations,
 183 comments, or determinations during reviews conducted under s.
 184 163.3184.

185 (4) APPLICATION OF CONCURRENCY TO PUBLIC FACILITIES.--

186 (a) State and other public facilities.--The concurrency
 187 requirement as implemented in local comprehensive plans applies
 188 to state and other public facilities and development to the same
 189 extent that it applies to all other facilities and development,
 190 as provided by law.

191 (b) Public transit facilities.--The concurrency
 192 requirement as implemented in local comprehensive plans does not
 193 apply to public transit facilities. For the purposes of this
 194 paragraph, public transit facilities include transit stations
 195 and terminals; transit station parking; park-and-ride lots;
 196 intermodal public transit connection or transfer facilities;

197 fixed bus, guideway, and rail stations; and airport passenger
 198 terminals and concourses, air cargo facilities, and hangars for
 199 the maintenance or storage of aircraft. As used in this
 200 paragraph, the terms "terminals" and "transit facilities" do not
 201 include seaports or commercial or residential development
 202 constructed in conjunction with a public transit facility.

203 (c) Infill and redevelopment areas.--The concurrency
 204 requirement, except as it relates to transportation facilities
 205 and public schools, as implemented in local government
 206 comprehensive plans, may be waived by a local government for
 207 urban infill and redevelopment areas designated pursuant to s.
 208 163.2517 if such a waiver does not endanger public health or
 209 safety as defined ~~by the local government~~ in the its local
 210 government's ~~government~~ comprehensive plan. The waiver must
 211 ~~shall~~ be adopted as a plan amendment using ~~pursuant to~~ the
 212 process ~~set forth~~ in s. 163.3187(3) (a). A local government may
 213 grant a concurrency exception pursuant to subsection (5) for
 214 transportation facilities located within these urban infill and
 215 redevelopment areas.

216 (5) COUNTERVAILING PLANNING AND PUBLIC POLICY GOALS.--

217 (a) Legislative findings.--The Legislature finds that
 218 under limited circumstances ~~dealing with transportation~~
 219 ~~facilities~~, countervailing planning and public policy goals may
 220 come into conflict with the requirement that adequate public
 221 transportation facilities and services be available concurrent
 222 with the impacts of such development. The Legislature further
 223 finds that ~~often~~ the unintended result of the concurrency
 224 requirement for transportation facilities is often the

225 discouragement of urban ~~infill~~ development, infill, and
 226 redevelopment. Such unintended results directly conflict with
 227 the goals and policies of the state comprehensive plan and the
 228 intent of this part. The Legislature finds that in urban areas
 229 transportation cannot be effectively managed and mobility cannot
 230 be improved solely through the expansion of roadway capacity,
 231 that in many urban areas the expansion of roadway capacity is
 232 not always physically or financially possible, and that a range
 233 of transportation alternatives are essential to satisfy mobility
 234 needs, reduce congestion, and achieve healthy, vibrant areas.
 235 Therefore, exceptions from the concurrency requirement for
 236 transportation facilities may be granted as provided in ~~by~~ this
 237 subsection.

238 (b) Geographic applicability of transportation concurrency
 239 exception areas.--

240 1. Transportation concurrency exception areas are
 241 established within geographic areas that are designated in a
 242 local comprehensive plan for urban infill development, urban
 243 redevelopment, downtown revitalization, or urban infill and
 244 redevelopment under s. 163.2517. Areas that are designated as
 245 such in a future local comprehensive plan shall be
 246 transportation concurrency exception areas; however, the local
 247 government shall implement long-term strategies to support and
 248 fund mobility within the designated exception area, including
 249 alternative modes of transportation.

250 2. A local government may grant an exception from the
 251 concurrency requirement for transportation facilities if the
 252 proposed development is otherwise consistent with the adopted

253 local government comprehensive plan and:

254 a. Is a project that promotes public transportation; ~~or~~

255 b. Is located within an area designated in the

256 comprehensive plan as for:

257 1. ~~Urban infill development;~~

258 2. ~~Urban redevelopment;~~

259 3. ~~Downtown revitalization;~~

260 4. ~~Urban infill and redevelopment under s. 163.2517; or~~

261 5. an urban service area specifically designated as a

262 transportation concurrency exception area, which includes lands

263 appropriate for compact, contiguous urban development, which

264 does not exceed the amount of land needed to accommodate the

265 projected population growth at densities consistent with the

266 adopted comprehensive plan within the 10-year planning period,

267 and which is served or is planned to be served with public

268 facilities and services as provided by the capital improvements

269 element; or-

270 c. Is an agricultural enclave, as defined in s.

271 163.3164(33), which is located within a transportation

272 concurrency backlog area.

273 (c) Projects that have special part-time demands.--The

274 Legislature also finds that developments located within urban

275 infill, urban redevelopment, ~~existing~~ urban service areas, or

276 downtown revitalization areas or areas designated as urban

277 infill and redevelopment areas under s. 163.2517, which pose

278 only special part-time demands on the transportation system, are

279 exempt should be excepted from the concurrency requirement for

280 transportation facilities. A special part-time demand is one

281 that does not have more than 200 scheduled events during any
 282 calendar year and does not affect the 100 highest traffic volume
 283 hours.

284 (d) Establishment of transportation concurrency exception
 285 areas.--A local government that adopts transportation
 286 concurrency exception areas under subparagraph (b)2. shall:

287 1. Establish guidelines in the comprehensive plan for
 288 granting transportation concurrency exceptions, the exceptions
 289 authorized in paragraphs (b) and (c) and subsections (7) and
 290 (15) which must be consistent with and support a comprehensive
 291 strategy adopted in the plan to promote and facilitate
 292 development consistent with the planning and public policy goals
 293 upon which the establishment of the concurrency exception areas
 294 was predicated the purpose of the exceptions.

295 ~~2.(e) The local government shall Adopt into the plan and~~
 296 ~~Implement long-term strategies to support and fund mobility~~
 297 ~~within the designated exception area, including alternative~~
 298 ~~modes of transportation. The plan amendment must also~~
 299 ~~demonstrate how strategies will support the purpose of the~~
 300 ~~exception and how mobility within the designated exception area~~
 301 ~~will be provided. In addition, the strategies must address urban~~
 302 ~~design; appropriate land use mixes, including intensity and~~
 303 ~~density; and network connectivity plans needed to promote urban~~
 304 ~~infill, redevelopment, or downtown revitalization. The~~
 305 ~~comprehensive plan amendment designating the concurrency~~
 306 ~~exception area must be accompanied by data and analysis~~
 307 ~~justifying the size of the area.~~

308 3.(f) Before designating ~~Prior to the designation of a~~

309 transportation concurrency exception area pursuant to
 310 subparagraph (b)2., consult with the state land planning agency
 311 ~~and the Department of Transportation shall be consulted by the~~
 312 ~~local government~~ to assess the impact that the proposed
 313 exception area is expected to have on the adopted level-of-
 314 service standards established for Strategic Intermodal System
 315 facilities, ~~as defined in s. 339.64,~~ and roadway facilities
 316 funded in accordance with s. 339.2819 and. ~~Further, the local~~
 317 ~~government~~ shall, in consultation with ~~the state land planning~~
 318 ~~agency and the Department of Transportation,~~ develop a plan to
 319 mitigate any impacts to the Strategic Intermodal System.

320 4. Meet with adjacent jurisdictions that may be impacted
 321 by the designation and discuss strategies for minimizing the
 322 impacts., including, if appropriate, the development of a long-
 323 ~~term concurrency management system pursuant to subsection (9)~~
 324 ~~and s. 163.3177(3) (d).~~ The exceptions may be available only
 325 within the specific geographic area of the jurisdiction
 326 designated in the plan. Pursuant to s. 163.3184, any affected
 327 person may challenge a plan amendment establishing these
 328 guidelines and the areas within which an exception could be
 329 granted.

330 ~~(g) Transportation concurrency exception areas existing~~
 331 ~~prior to July 1, 2005, must, at a minimum, meet the provisions~~
 332 ~~of this section by July 1, 2006, or at the time of the~~
 333 ~~comprehensive plan update pursuant to the evaluation and~~
 334 ~~appraisal report, whichever occurs last.~~

335 (6) DE MINIMIS IMPACT.--The Legislature finds that a de
 336 minimis impact is consistent with this part. A de minimis impact

337 is an impact that does ~~would~~ not affect more than 1 percent of
 338 the maximum volume at the adopted level of service of the
 339 affected transportation facility as determined by the local
 340 government. An ~~No~~ impact is not ~~will be~~ de minimis if the sum of
 341 existing roadway volumes and the projected volumes from approved
 342 projects on a transportation facility exceeds ~~would exceed~~ 110
 343 percent of the maximum volume at the adopted level of service of
 344 the affected transportation facility; ~~provided~~ however, the ~~that~~
 345 ~~an~~ impact of a single family home on an existing lot is ~~will~~
 346 ~~constitute~~ a de minimis impact on all roadways regardless of the
 347 level of the deficiency of the roadway. Further, an ~~no~~ impact is
 348 not ~~will be~~ de minimis if it exceeds ~~would exceed~~ the adopted
 349 level-of-service standard of any affected designated hurricane
 350 evacuation routes. Each local government shall maintain
 351 sufficient records to ensure that the 110-percent criterion is
 352 not exceeded. ~~Each local government shall submit annually, with~~
 353 ~~its updated capital improvements element, a summary of the de~~
 354 ~~minimis records. If the state land planning agency determines~~
 355 ~~that the 110-percent criterion has been exceeded, the state land~~
 356 ~~planning agency shall notify the local government of the~~
 357 ~~exceedance and that no further de minimis exceptions for the~~
 358 ~~applicable roadway may be granted until such time as the volume~~
 359 ~~is reduced below the 110 percent. The local government shall~~
 360 ~~provide proof of this reduction to the state land planning~~
 361 ~~agency before issuing further de minimis exceptions.~~

362 (7) CONCURRENCY MANAGEMENT AREAS.--In order to promote
 363 urban development and infill development and redevelopment, one
 364 or more transportation concurrency management areas may be

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365 designated in a local government comprehensive plan. A
366 transportation concurrency management area must be a compact
367 geographic area that has ~~with~~ an existing network of roads where
368 multiple, viable alternative travel paths or modes are available
369 for common trips. A local government may establish an areawide
370 level-of-service standard for such a transportation concurrency
371 management area based upon an analysis that provides for a
372 justification for the areawide level of service, how urban
373 ~~infill~~ development, infill, and ~~or~~ redevelopment will be
374 promoted, and how mobility will be accomplished within the
375 transportation concurrency management area. ~~Before~~ Prior to the
376 ~~designation of~~ a concurrency management area is designated, the
377 local government shall consult with the state land planning
378 agency and the Department of Transportation ~~shall be consulted~~
379 ~~by the local government~~ to assess the impact that the proposed
380 concurrency management area is expected to have on the adopted
381 level-of-service standards established for Strategic Intermodal
382 System facilities, ~~as defined in s. 339.64, and roadway~~
383 ~~facilities funded in accordance with s. 339.2819~~. Further, the
384 local government shall, in cooperation with the state land
385 planning agency and the Department of Transportation, develop a
386 plan to mitigate any impacts to the Strategic Intermodal System,
387 including, if appropriate, the development of a long-term
388 concurrency management system pursuant to subsection (9) and s.
389 163.3177(3)(d). ~~Transportation concurrency management areas~~
390 ~~existing prior to July 1, 2005, shall meet, at a minimum, the~~
391 ~~provisions of this section by July 1, 2006, or at the time of~~
392 ~~the comprehensive plan update pursuant to the evaluation and~~

393 ~~appraisal report, whichever occurs last.~~ The state land planning
 394 agency shall amend chapter 9J-5, Florida Administrative Code, to
 395 be consistent with this subsection.

396 (8) URBAN REDEVELOPMENT.--When assessing the
 397 transportation impacts of proposed urban redevelopment within an
 398 established existing urban service area, 150 ~~110~~ percent of the
 399 actual transportation impact caused by the previously existing
 400 development must be reserved for the redevelopment, even if the
 401 previously existing development had ~~has~~ a lesser or nonexisting
 402 impact pursuant to the calculations of the local government.
 403 Redevelopment requiring less than 150 ~~110~~ percent of the
 404 previously existing capacity shall not be prohibited due to the
 405 reduction of transportation levels of service below the adopted
 406 standards. ~~This does not preclude the appropriate assessment of~~
 407 ~~fees or accounting for the impacts within the concurrency~~
 408 ~~management system and capital improvements program of the~~
 409 ~~affected local government.~~ This subsection ~~paragraph~~ does not
 410 affect local government requirements for appropriate development
 411 permits.

412 (9) LONG-TERM CONCURRENCY MANAGEMENT.--

413 (a) Each local government may adopt, as a part of its
 414 plan, long-term transportation and school concurrency management
 415 systems that have ~~with~~ a planning period of up to 10 years for
 416 specially designated districts or areas where significant
 417 backlogs exist. The plan may include interim level-of-service
 418 standards on certain facilities and must ~~shall~~ rely on the local
 419 government's schedule of capital improvements for up to 10 years
 420 as a basis for issuing development orders authorizing the ~~that~~

421 ~~authorize~~ commencement of construction in the ~~these~~ designated
 422 districts or areas. The concurrency management system must be
 423 designed to correct existing deficiencies and set priorities for
 424 addressing backlogged facilities. The concurrency management
 425 system must be financially feasible and consistent with other
 426 portions of the adopted local plan, including the future land
 427 use map.

428 (b) If a local government has a transportation or school
 429 facility backlog for existing development which cannot be
 430 adequately addressed in a 10-year plan, the state land planning
 431 agency may allow the local government ~~it~~ to develop a plan and
 432 long-term schedule of capital improvements covering up to 15
 433 years for good and sufficient cause. The state land planning
 434 agency's determination must be ~~based~~ based on a general comparison
 435 between the ~~that~~ local government and all other similarly
 436 situated local jurisdictions, using the following factors:

- 437 1. The extent of the backlog.
- 438 2. For roads, whether the backlog is on local or state
 439 roads.
- 440 3. The cost of eliminating the backlog.
- 441 4. The local government's tax and other revenue-raising
 442 efforts.

443 (c) The local government may issue approvals to commence
 444 construction notwithstanding this section, consistent with and
 445 in areas that are subject to a long-term concurrency management
 446 system.

447 (d) If the local government adopts a long-term concurrency
 448 management system, it must evaluate the system periodically. At

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449 a minimum, the local government must assess its progress toward
450 improving levels of service within the long-term concurrency
451 management district or area in the evaluation and appraisal
452 report and determine any changes that are necessary to
453 accelerate progress in meeting acceptable levels of service.

454 (10) TRANSPORTATION LEVEL-OF-SERVICE STANDARDS.--With
455 regard to roadway facilities on the Strategic Intermodal System
456 which are designated in accordance with s. 339.63 ~~ss. 339.61,~~
457 ~~339.62, 339.63, and 339.64, the Florida Intrastate Highway~~
458 ~~System as defined in s. 338.001, and roadway facilities funded~~
459 ~~in accordance with s. 339.2819,~~ local governments shall adopt
460 the level-of-service standard established by the Department of
461 Transportation by rule; however, if a project involves qualified
462 jobs created and certified by the Office of Tourism, Trade, and
463 Economic Development or if the project is a nonresidential
464 project located within an area designated by the Governor as a
465 rural area of critical economic concern under s. 288.0656(7),
466 the affected local government, after consulting with the
467 Department of Transportation, may adopt into its comprehensive
468 plan a lower level-of-service standard than the standard adopted
469 by the Department of Transportation. The lower level-of-service
470 standard shall apply only to a project meeting this exception
471 and the adopted level-of-service standard shall otherwise apply.
472 For all other roads on the State Highway System, local
473 governments shall establish an adequate level-of-service
474 standard that need not be consistent with any level-of-service
475 standard established by the Department of Transportation. In
476 establishing adequate level-of-service standards for any

477 arterial roads, or collector roads as appropriate, which
 478 traverse multiple jurisdictions, local governments shall
 479 consider compatibility with the roadway facility's adopted
 480 level-of-service standards in adjacent jurisdictions. Each local
 481 government within a county shall use a professionally accepted
 482 methodology for measuring impacts on transportation facilities
 483 for the purposes of implementing its concurrency management
 484 system. Counties are encouraged to coordinate with adjacent
 485 counties, and local governments within a county are encouraged
 486 to coordinate, for the purpose of using common methodologies for
 487 measuring impacts on transportation facilities and for the
 488 purpose of implementing their concurrency management systems.

489 (11) LIMITATION OF LIABILITY.--In order to limit a local
 490 government's ~~the~~ liability ~~of local governments,~~ the ~~a~~ local
 491 government shall ~~may~~ allow a landowner to proceed with the
 492 development of a specific parcel of land notwithstanding a
 493 failure of the development to satisfy transportation
 494 concurrency, if ~~when all~~ the following factors ~~are shown to~~
 495 exist:

496 (a) The local government having ~~with~~ jurisdiction over the
 497 property has adopted a local comprehensive plan that is in
 498 compliance.

499 (b) The proposed development is ~~would be~~ consistent with
 500 the future land use designation for the specific property and
 501 with pertinent portions of the adopted local plan, as determined
 502 by the local government.

503 (c) The local plan includes a financially feasible capital
 504 improvements element that provides for transportation facilities

505 adequate to serve the proposed development, and the local
 506 government has not implemented that element.

507 (d) The local government has provided a means for
 508 assessing ~~by which~~ the landowner for ~~will be assessed~~ a fair
 509 share of the cost of providing the transportation facilities
 510 necessary to serve the proposed development.

511 (e) The landowner has made a binding commitment to the
 512 local government to pay the fair share of the cost of providing
 513 the transportation facilities to serve the proposed development.

514 (12) REGIONAL IMPACT PROPORTIONATE-SHARE CONTRIBUTION.--

515 (a) A development of regional impact satisfies ~~may satisfy~~
 516 the transportation concurrency requirements of the local
 517 comprehensive plan, the local government's concurrency
 518 management system, and s. 380.06 by paying ~~payment of~~ a
 519 proportionate-share contribution for local and regionally
 520 significant traffic impacts, if:

521 1.(a) The development of regional impact which, based on
 522 its location or mix of land uses, is designed to encourage
 523 pedestrian or other nonautomotive modes of transportation;

524 2.(b) The proportionate-share contribution for local and
 525 regionally significant traffic impacts is sufficient to pay for
 526 one or more ~~required~~ mobility improvements that will benefit the
 527 network of a regionally significant transportation facilities
 528 facility;

529 3.(c) The owner and developer of the development of
 530 regional impact pays or assures payment of the proportionate-
 531 share contribution; and

532 4.(d) ~~If~~ The regionally significant transportation

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533 facility to be constructed or improved is under the maintenance
534 authority of a governmental entity, as defined by s. 334.03(12),
535 other than the local government having ~~with~~ jurisdiction over
536 the development of regional impact, the developer must ~~is~~
537 ~~required to~~ enter into a binding and legally enforceable
538 commitment to transfer funds to the governmental entity having
539 maintenance authority or to otherwise assure construction or
540 improvement of the facility.

541 (b) The proportionate-share contribution may be applied to
542 any transportation facility to satisfy the provisions of this
543 subsection and the local comprehensive plan, ~~but, for the~~
544 ~~purposes of this subsection,~~

545 1. The ~~amount of the~~ proportionate-share contribution
546 shall be calculated as follows:

547 a. The determination of significantly affected roadways
548 shall be based upon the cumulative number of trips from the
549 previously approved stage or phase of development and the
550 proposed new stage or phase of development expected to reach
551 roadways during the peak hour at ~~from~~ the complete buildout of a
552 stage or phase being approved.

553 b. For significantly affected roadways, the developer's
554 proportionate share shall be based solely upon the number of
555 trips from the proposed new stage or phase being approved which
556 would exceed the peak hour maximum service volume of the roadway
557 at the adopted or existing level of service, whichever has the
558 greater maximum service volume, divided by the change in the
559 peak hour maximum service volume of the roadways resulting from
560 the construction of an improvement necessary to maintain the

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561 adopted or existing level of service, whichever has the greater
562 maximum service volume.

563 2. The calculated proportionate-share contribution shall
564 be multiplied by the construction cost, at the time of developer
565 payment, of the improvement necessary to maintain the adopted or
566 existing level of service, whichever has the greater maximum
567 service volume, in order to determine the proportionate-share
568 contribution. For purposes of this subparagraph ~~subsection~~, the
569 term "construction cost" includes all associated costs of the
570 improvement.

571 3. Proportionate-share mitigation shall be limited to
572 ensure that a development of regional impact meeting the
573 requirements of this subsection mitigates its impact on the
574 transportation system but is not responsible for the additional
575 cost of reducing or eliminating backlogs.

576 4. A developer shall not be required to fund or construct
577 proportionate-share mitigation that is more extensive than
578 mitigation necessary to offset the impact of the development
579 project under review.

580 5. Proportionate-share mitigation shall be applied as a
581 credit against any transportation impact fees or exactions
582 assessed for the traffic impacts of a development.

583 6. Proportionate-share mitigation may be directed toward
584 one or more specific transportation improvements reasonably
585 related to the mobility demands created by the development and
586 such improvements may address one or more modes of
587 transportation.

588 7. The payment for such improvements that significantly

589 benefit the impacted transportation system satisfies concurrency
 590 requirements as a mitigation of the development's stage or phase
 591 impacts upon the overall transportation system even if there
 592 remains a failure of concurrency on other impacted facilities.

593 (c) As used in this subsection, the term:

594 1. "Backlog" or "backlogged transportation facility" means
 595 a facility or facilities on which the adopted level-of-service
 596 standard is exceeded by the existing trips, plus background
 597 trips.

598 2. "Background trips" means trips from sources other than
 599 the development project under review that are forecasted by
 600 established traffic standards, including, but not limited to,
 601 traffic modeling, to be coincident with the particular stage or
 602 phase of development under review.

603
 604 This subsection also applies to Florida Quality Developments
 605 pursuant to s. 380.061 and to detailed specific area plans
 606 implementing optional sector plans pursuant to s. 163.3245.

607 (14) RULEMAKING AUTHORITY.--The state land planning agency
 608 ~~shall, by October 1, 1998,~~ adopt by rule minimum criteria for
 609 the review and determination of compliance of a public school
 610 facilities element adopted by a local government for purposes of
 611 the imposition of school concurrency.

612 (15) MULTIMODAL DISTRICTS.--

613 (a) Multimodal transportation districts may be established
 614 under a local government comprehensive plan in areas delineated
 615 on the future land use map for which the local comprehensive
 616 plan assigns secondary priority to vehicle mobility and primary

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617 priority to assuring a safe, comfortable, and attractive
618 pedestrian environment, with convenient interconnection to
619 transit. Such districts must incorporate community design
620 features that will reduce the number of automobile trips or
621 vehicle miles of travel and will support an integrated,
622 multimodal transportation system. Before ~~Prior to~~ the
623 designation of multimodal transportation districts, the
624 Department of Transportation shall, in consultation with ~~be~~
625 ~~consulted by~~ the local government, ~~to~~ assess the impact that the
626 proposed multimodal district area is expected to have on the
627 adopted level-of-service standards established for Strategic
628 Intermodal System facilities, as provided in s. 339.63 ~~defined~~
629 ~~in s. 339.64~~, and roadway facilities funded in accordance with
630 s. 339.2819. Further, the local government shall, in cooperation
631 with the Department of Transportation, develop a plan to
632 mitigate any impacts to the Strategic Intermodal System,
633 including the development of a long-term concurrency management
634 system pursuant to subsection (9) and s. 163.3177(3)(d).
635 ~~Multimodal transportation districts existing prior to July 1,~~
636 ~~2005, shall meet, at a minimum, the provisions of this section~~
637 ~~by July 1, 2006, or at the time of the comprehensive plan update~~
638 ~~pursuant to the evaluation and appraisal report, whichever~~
639 ~~occurs last.~~

640 (b) Community design elements of ~~such~~ a multimodal
641 transportation district include:

- 642 1. A complementary mix and range of land uses, including
643 educational, recreational, and cultural uses;
- 644 2. Interconnected networks of streets designed to

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645 encourage walking and bicycling, with traffic-calming where
646 desirable;

647 3. Appropriate densities and intensities of use within
648 walking distance of transit stops;

649 4. Daily activities within walking distance of residences,
650 allowing independence to persons who do not drive; and

651 5. Public uses, streets, and squares that are safe,
652 comfortable, and attractive for the pedestrian, with adjoining
653 buildings open to the street and with parking not interfering
654 with pedestrian, transit, automobile, and truck travel modes.

655 (c) Local governments may establish multimodal level-of-
656 service standards that rely primarily on nonvehicular modes of
657 transportation within the district, if ~~when~~ justified by an
658 analysis demonstrating that the existing and planned community
659 design will provide an adequate level of mobility within the
660 district based upon professionally accepted multimodal level-of-
661 service methodologies. The analysis must also demonstrate that
662 the capital improvements required to promote community design
663 are financially feasible over the development or redevelopment
664 timeframe for the district and that community design features
665 within the district provide convenient interconnection for a
666 multimodal transportation system. Local governments may issue
667 development permits in reliance upon all planned community
668 design capital improvements that are financially feasible over
669 the development or redevelopment timeframe for the district,
670 regardless of ~~without regard to~~ the period ~~of time~~ between
671 development or redevelopment and the scheduled construction of
672 the capital improvements. A determination of financial

673 feasibility shall be based upon currently available funding or
 674 funding sources that could reasonably be expected to become
 675 available over the planning period.

676 (d) Local governments may reduce impact fees or local
 677 access fees for development within multimodal transportation
 678 districts based on the reduction of vehicle trips per household
 679 or vehicle miles of travel expected from the development pattern
 680 planned for the district.

681 (e) ~~By December 1, 2007,~~ The Department of Transportation,
 682 in consultation with the state land planning agency and
 683 interested local governments, may designate a study area for
 684 conducting a pilot project to determine the benefits of and
 685 barriers to establishing a regional multimodal transportation
 686 concurrency district that extends over more than one local
 687 government jurisdiction. If designated:

688 1. The study area must be in a county that has a
 689 population of at least 1,000 persons per square mile, be within
 690 an urban service area, and have the consent of the local
 691 governments within the study area. The Department of
 692 Transportation and the state land planning agency shall provide
 693 technical assistance.

694 2. The local governments within the study area and the
 695 Department of Transportation, in consultation with the state
 696 land planning agency, shall cooperatively create a multimodal
 697 transportation plan that meets the requirements in ~~of~~ this
 698 section. The multimodal transportation plan must include viable
 699 local funding options and incorporate community design features,
 700 including a range of mixed land uses and densities and

701 intensities, which will reduce the number of automobile trips or
 702 vehicle miles of travel while supporting an integrated,
 703 multimodal transportation system.

704 3. In order to effectuate the multimodal transportation
 705 concurrency district, participating local governments may adopt
 706 appropriate comprehensive plan amendments.

707 4. The Department of Transportation, in consultation with
 708 the state land planning agency, shall submit a report by March
 709 1, 2009, to the Governor, the President of the Senate, and the
 710 Speaker of the House of Representatives on the status of the
 711 pilot project. The report must identify any factors that support
 712 or limit the creation and success of a regional multimodal
 713 transportation district including intergovernmental
 714 coordination.

715 (16) PROPORTIONATE FAIR-SHARE MITIGATION.--It is the
 716 intent of the Legislature to provide a method by which the
 717 impacts of development on transportation facilities can be
 718 mitigated by the cooperative efforts of the public and private
 719 sectors. The ~~methodology used to calculate~~ proportionate fair-
 720 share mitigation shall be calculated as follows: mitigation
 721 ~~under this section shall be as provided for in subsection (12).~~

722 (a) The determination of significantly affected roadways
 723 shall be based upon the cumulative number of trips from the
 724 previously approved stage or phase of development and the
 725 proposed new stage or phase of development expected to reach
 726 roadways during the peak hour at the complete buildout of a
 727 stage or phase being approved.

728 (b) For significantly affected roadways, the developer's

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729 proportionate fair-share mitigation shall be based solely upon
730 the number of trips from the proposed new stage or phase being
731 approved which would exceed the peak hour maximum service volume
732 of the roadway at the adopted or existing level of service,
733 whichever has the greater maximum service volume, divided by the
734 change in the peak hour maximum service volume of the roadways
735 resulting from the construction of an improvement necessary to
736 maintain the adopted or existing level of service, whichever has
737 the greater maximum service volume.

738 (c)(a) ~~By December 1, 2006,~~ Each local government shall
739 adopt by ordinance a methodology for assessing proportionate
740 fair-share mitigation options consistent with this section. ~~By~~
741 ~~December 1, 2005,~~ the Department of Transportation shall develop
742 a model transportation concurrency management ordinance with
743 methodologies for assessing proportionate fair-share mitigation
744 options.

745 (d)(b)1. In its transportation concurrency management
746 system, a local government shall, ~~by December 1, 2006,~~ include
747 methodologies that will be applied to calculate proportionate
748 fair-share mitigation. A developer may choose to satisfy all
749 transportation concurrency requirements by contributing or
750 paying proportionate fair-share mitigation if transportation
751 facilities or facility segments identified as mitigation for
752 traffic impacts are specifically identified for funding in the
753 5-year schedule of capital improvements in the capital
754 improvements element of the local plan or the long-term
755 concurrency management system or if such contributions or
756 payments to such facilities or segments are reflected in the 5-

757 | year schedule of capital improvements in the next regularly
 758 | scheduled update of the capital improvements element. Updates to
 759 | the 5-year capital improvements element which reflect
 760 | proportionate fair-share contributions may not be found not in
 761 | compliance based on ss. 163.3164(32) and 163.3177(3) if
 762 | additional contributions, payments or funding sources are
 763 | reasonably anticipated during a period not to exceed 10 years to
 764 | fully mitigate impacts on the transportation facilities.

765 | 2. Proportionate fair-share mitigation shall be applied as
 766 | a credit against all transportation impact fees or any exactions
 767 | assessed for the traffic impacts of a development ~~to the extent~~
 768 | ~~that all or a portion of the proportionate fair-share mitigation~~
 769 | ~~is used to address the same capital infrastructure improvements~~
 770 | ~~contemplated by the local government's impact fee ordinance.~~

771 | (e) ~~(e)~~ Proportionate fair-share mitigation includes,
 772 | without limitation, separately or collectively, private funds,
 773 | contributions of land, or ~~and~~ construction and contribution of
 774 | facilities and may include public funds as determined by the
 775 | local government. Proportionate fair-share mitigation may be
 776 | directed toward one or more specific transportation improvements
 777 | reasonably related to the mobility demands created by the
 778 | development and such improvements may address one or more modes
 779 | of travel. The fair market value of the proportionate fair-share
 780 | mitigation may ~~shall~~ not differ based on the form of mitigation.
 781 | A local government may not require a development to pay more
 782 | than its proportionate fair-share contribution regardless of the
 783 | method of mitigation. Proportionate fair-share mitigation shall
 784 | be limited to ensure that a development meeting the requirements

785 of this section mitigates its impact on the transportation
 786 system but is not responsible for the additional cost of
 787 reducing or eliminating backlogs.

788 (f)~~(d)~~ This subsection does not require a local government
 789 to approve a development that is not otherwise qualified for
 790 approval pursuant to the applicable local comprehensive plan and
 791 land development regulations; however, a development that
 792 satisfies the requirements of s. 163.3180 shall not be denied on
 793 the basis of a failure to mitigate its transportation impacts
 794 under the local comprehensive plan or land development
 795 regulations. This paragraph does not limit a local government
 796 from imposing lawfully adopted transportation impact fees.

797 (g)~~(e)~~ Mitigation for development impacts to facilities on
 798 the Strategic Intermodal System made pursuant to this subsection
 799 requires the concurrence of the Department of Transportation.

800 (h)~~(f)~~ If the funds in an adopted 5-year capital
 801 improvements element are insufficient to fully fund construction
 802 of a transportation improvement required by the local
 803 government's concurrency management system, a local government
 804 and a developer may still enter into a binding proportionate-
 805 share agreement authorizing the developer to construct that
 806 amount of development on which the proportionate share is
 807 calculated if the proportionate-share amount in such agreement
 808 is sufficient to pay for one or more improvements which will, in
 809 the opinion of the governmental entity or entities maintaining
 810 the transportation facilities, significantly benefit the
 811 impacted transportation system. The improvements funded by the
 812 proportionate-share component must be adopted into the 5-year

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813 capital improvements schedule of the comprehensive plan at the
814 next annual capital improvements element update. The funding of
815 any improvements that significantly benefit the impacted
816 transportation system satisfies concurrency requirements as a
817 mitigation of the development's impact upon the overall
818 transportation system even if there remains a failure of
819 concurrency on other impacted facilities.

820 ~~(i)(g)~~ Except as provided in subparagraph (d)1. ~~(b)1.~~,
821 this section does ~~may~~ not prohibit the state land planning
822 agency ~~Department of Community Affairs~~ from finding other
823 portions of the capital improvements element amendments not in
824 compliance as provided in this chapter.

825 ~~(j)(h)~~ ~~The provisions of~~ This subsection does ~~de~~ not apply
826 to a development of regional impact satisfying the requirements
827 in ~~of~~ subsection (12).

828 (k) A developer shall not be required to fund or construct
829 proportionate-share mitigation that is more extensive than
830 mitigation necessary to offset the impact of the development
831 project under review.

832 (l) The payment for such improvements that significantly
833 benefit the impacted transportation system satisfies concurrency
834 requirements as a mitigation of the development's stage or phase
835 impacts upon the overall transportation system even if there
836 remains a failure of concurrency on other impacted facilities.

837 (m) As used in this subsection, the term:

838 1. "Backlog" or "backlogged transportation facility" means
839 a facility or facilities on which the adopted level-of-service
840 standard is exceeded by the existing trips, plus background

841 trips.

842 2. "Background trips" means trips from sources other than
843 the development project under review that are forecasted by
844 established traffic standards, including, but not limited to,
845 traffic modeling, to be coincident with the particular stage or
846 phase of the development project under review.

847 (18) INCENTIVES FOR CONTRIBUTIONS.--Landowners or
848 developers, including landowners or developers of developments
849 of regional impact, who propose a large-scale development of 500
850 cumulative acres or more may satisfy all of the transportation
851 concurrency requirements by contributing or paying
852 proportionate-share or proportionate fair-share mitigation. If
853 such contribution is made, a local government shall:

854 (a) Designate the traffic impacts for transportation
855 facilities or facility segments as mitigated for funding in the
856 5-year schedule of capital improvements in the capital
857 improvements element of the local comprehensive plan or the
858 long-term concurrency management system; or

859 (b) Reflect that the traffic impacts for transportation
860 facilities or facility segments are mitigated in the 5-year
861 schedule of capital improvements in the next regularly scheduled
862 update of the capital improvements element.

863
864 Updates to the 5-year capital improvements element which reflect
865 proportionate-share or proportionate fair-share contributions
866 are deemed compliant with s. 163.3164(32) or s. 163.3177(3) if
867 additional contributions, payments, or funding sources are
868 reasonably anticipated during a period not to exceed 10 years

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869 and would fully mitigate impacts on the transportation
870 facilities and facility segments.

871 Section 4. Subsection (2) of section 163.3182, Florida
872 Statutes, is amended to read:

873 163.3182 Transportation concurrency backlogs.--

874 (2) CREATION OF TRANSPORTATION CONCURRENCY BACKLOG
875 AUTHORITIES.--

876 (a) A county or municipality may create a transportation
877 concurrency backlog authority if it has an identified
878 transportation concurrency backlog.

879 (b) No later than 2012, each local government that has an
880 identified transportation concurrency backlog shall adopt one or
881 more transportation concurrency backlog areas as part of its
882 capital improvements element update to its financially feasible
883 submission to the state land planning agency. On a biannual
884 basis, the creation of additional areas shall be submitted to
885 the state land planning agency until the local government has
886 demonstrated by no later than 2027 that the backlog existing in
887 2012 has been mitigated through construction or planned
888 construction of the necessary transportation mobility
889 improvements. If, because of economic conditions, the local
890 government cannot meet the biannual requirements of the capital
891 improvements update for new areas, it may request from the state
892 land planning agency a one-time waiver of the requirement to
893 file the biannual creation of new transportation concurrency
894 backlog authority areas.

895 (c) Landowners or developers within a large-scale
896 development area of 500 cumulative acres or more may request the

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897 local government to create a transportation concurrency backlog
898 area coterminous with the boundaries of the development area. If
899 a development permit is issued or a comprehensive plan amendment
900 is approved within the development area, the local government
901 shall designate the transportation concurrency backlog area if
902 the funding is sufficient to address one or more transportation
903 capacity improvements necessary to satisfy the additional
904 deficiencies coexisting or anticipated with the new development.
905 The transportation concurrency backlog area shall be created by
906 ordinance and shall be used to satisfy all fair share or
907 proportionate fair-share transportation concurrency
908 contributions of the development which are not otherwise
909 satisfied by impact fees. The local government shall manage the
910 area acting as a transportation concurrency backlog authority
911 and all applicable provisions of this section apply, except that
912 the tax increment shall be used to satisfy transportation
913 concurrency requirements not otherwise satisfied by impact fees.

914 (d) ~~(b)~~ Acting as the transportation concurrency backlog
915 authority within the authority's jurisdictional boundary, the
916 governing body of a county or municipality shall adopt and
917 implement a plan to eliminate all identified transportation
918 concurrency backlogs within the authority's jurisdiction using
919 funds provided pursuant to subsection (5) and as otherwise
920 provided pursuant to this section.

921 (e) Notwithstanding any general law, special act, or
922 ordinance to the contrary, a local government shall not require
923 any payments for transportation concurrency beyond a subject
924 development's traffic impacts as identified pursuant to impact

925 fees or s. 163.3180(12) or (16), nor shall a condition of a
 926 development order or permit require such payments. If payments
 927 required to satisfy a development's share of transportation
 928 concurrency costs do not mitigate all traffic impacts of the
 929 planned development area because of existing or future backlog
 930 conditions, the landowner or developer shall be entitled to
 931 petition the local government for designation of a
 932 transportation concurrency backlog area pursuant to this
 933 section, which shall satisfy any remaining concurrency backlog
 934 requirements in the impacted area.

935 Section 5. Paragraph (a) of subsection (7) of section
 936 380.06, Florida Statutes, is amended to read:

937 380.06 Developments of regional impact.--

938 (7) PREAPPLICATION PROCEDURES.--

939 (a) Before filing an application for development approval,
 940 the developer shall contact the regional planning agency having
 941 ~~with~~ jurisdiction over the proposed development to arrange a
 942 preapplication conference. Upon the request of the developer or
 943 the regional planning agency, other affected state and regional
 944 agencies shall participate in the ~~this~~ conference and shall
 945 identify the types of permits issued by the agencies, the level
 946 of information required, and the permit issuance procedures as
 947 applied to the proposed development. The levels of service
 948 required in the transportation methodology must be the same
 949 levels of service used to evaluate concurrency and proportionate
 950 share pursuant to s. 163.3180. The regional planning agency
 951 shall provide ~~the developer~~ information to the developer
 952 regarding ~~about~~ the development-of-regional-impact process and

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953 the use of preapplication conferences to identify issues,
954 coordinate appropriate state and local agency requirements, and
955 otherwise promote a proper and efficient review of the proposed
956 development. If an agreement is reached regarding assumptions
957 and methodology to be used in the application for development
958 approval, the reviewing agencies may not subsequently object to
959 those assumptions and methodologies, unless subsequent changes
960 to the project or information obtained during the review make
961 those assumptions and methodologies inappropriate.

962 Section 6. Transportation mobility fee.--

963 (1) The Legislature finds that the existing transportation
964 concurrency system has not adequately addressed Florida's
965 transportation needs in an effective, predictable, and equitable
966 manner and is not producing a sustainable transportation system
967 for the state. The current system is complex, lacks uniformity
968 among jurisdictions, is too focused on roadways to the detriment
969 of desired land use patterns and transportation alternatives,
970 results in unjustified financial inequities between comparable
971 applicants, and frequently prevents the attainment of important
972 growth management goals. Therefore, the Legislature has
973 determined that the state shall evaluate and, as deemed
974 feasible, implement a different adequate public facility
975 requirement for transportation which would utilize a mobility
976 fee based either on net external trip volume generated or
977 vehicle and people miles traveled. The mobility fee shall be
978 designed to provide for mobility needs, ensure that development
979 provides mitigation for its impacts on the transportation system
980 in approximate proportionality to those impacts, fairly

981 distribute financial burdens among all applicants for
982 development permits, and promote compact, mixed-use, and energy
983 efficient development. Therefore, the Legislature directs the
984 Department of Community Affairs and the Department of
985 Transportation, both of whom are currently performing
986 independent mobility fee studies, to coordinate and use those
987 studies in developing a methodology for a mobility fee system as
988 follows:

989 (a) The uniform mobility fee methodology for statewide
990 application shall replace the existing transportation
991 concurrency management systems adopted and implemented by local
992 governments. The independent, yet coordinated, studies shall
993 focus upon developing a methodology that includes the following:

994 1. A determination of the amount, distribution, and timing
995 of vehicular and people miles traveled by applying
996 professionally accepted standards and practices in the
997 disciplines of land use and transportation planning, including
998 requirements of constitutional and statutory law.

999 2. The development of an equitable mobility fee which
1000 provides funding for future mobility needs whereby new
1001 development mitigates in approximate proportionality for its
1002 impacts on the transportation system, yet is not delayed or held
1003 accountable for system backlogs or failures that are not
1004 directly attributable to the proposed development.

1005 3. The replacement of transportation financial feasibility
1006 obligations, proportionate-share contributions for developments
1007 of regional impacts, proportionate fair-share contributions, and
1008 locally adopted transportation impact fees with the mobility

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1009 fee, such that a single transportation fee, whether based on
1010 number of trips or vehicle miles traveled, may be applied
1011 uniformly on a statewide basis by application of the mobility
1012 fee formula developed by these studies.

1013 4. Applicability of the mobility fee on a statewide or
1014 more limited geographic basis and, if the latter, the preferred
1015 methodology in lieu of the existing concurrency or impact fee
1016 system for equitably mitigating transportation impacts from new
1017 development in those geographic areas where the mobility fee is
1018 not recommended.

1019 5. The ability for developer contributions of land for
1020 right-of-way or developer-funded improvements to the
1021 transportation network to be recognized as credits against the
1022 mobility fee via mutually acceptable agreements reached with the
1023 impacted jurisdiction.

1024 6. An equitable methodology for distribution of the
1025 mobility fee proceeds among those jurisdictions responsible for
1026 construction and maintenance of the impacted roadways, such that
1027 100 percent of the collected mobility fees are utilized for
1028 improvements to the overall transportation network of the
1029 impacted jurisdiction.

1030 (b) No later than February 15, 2010, the Secretary of
1031 Community Affairs and the Secretary of Transportation shall
1032 provide an interim joint report to the President of the Senate
1033 and the Speaker of the House of Representatives which contains
1034 the status of the mobility fee methodology study. A second
1035 interim joint report shall be provided on or before February 15,
1036 2011. On or before December 1, 2010, the Department of Community

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1037 Affairs, with input from the Department of Transportation, shall
1038 develop and submit to the Legislature proposed amendments to
1039 chapter 9J-5, Florida Administrative Code, incorporating the
1040 mobility fee methodology developed from the studies. The 2011
1041 Legislature shall consider the amendments and approve as
1042 submitted, approve with revisions, or reject. If approved as
1043 submitted, the amendments shall go into effect on July 1, 2011.
1044 If approved with revisions, the Department of Community Affairs
1045 shall adopt the amendments as revised such that they will become
1046 effective not later than July 1, 2011. The Legislature declares
1047 that changes made to chapter 9J-5, Florida Administrative Code,
1048 pursuant to this paragraph shall not be subject to rule
1049 challenges under s. 120.56(2), Florida Statutes, or to drawout
1050 proceedings under s. 120.54(3)(c)2., Florida Statutes.

1051 (2) In order to facilitate the replacement of the current
1052 dysfunctional transportation concurrency system, the Legislature
1053 directs that s. 163.3180, Florida Statutes, relating to
1054 transportation, be repealed effective October 1, 2012, unless
1055 the amendments to chapter 9J-5, Florida Administrative Code, are
1056 rejected and s. 163.3180, Florida Statutes, is reenacted by the
1057 Legislature.

1058 Section 7. The Department of Transportation shall
1059 establish an approved transportation methodology that recognizes
1060 that a planned, sustainable, or self-sufficient development area
1061 will likely achieve a community internal capture rate in excess
1062 of 30 percent when fully developed. A sustainable or self-
1063 sufficient development area consists of 500 acres or more of
1064 large-scale developments individually or collectively designed

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1065 to achieve self containment by providing a balance of land uses
1066 to fulfill a majority of the community's needs. The adopted
1067 transportation methodology shall use a regional transportation
1068 model that incorporates professionally accepted modeling
1069 techniques applicable to well-planned, sustainable communities
1070 of the size, location, mix of uses, and design features
1071 consistent with such communities. The adopted transportation
1072 methodology shall serve as the basis for sustainable or self-
1073 sufficient development's traffic impact assessments by the
1074 department. The methodology review must be completed and in use
1075 no later than July 1, 2009.

1076 Section 8. This act shall take effect July 1, 2009.