



108518

LEGISLATIVE ACTION

Senate	.	House
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Floor: 1a/AD/2R	.	Floor: C
04/30/2009 05:50 PM	.	05/01/2009 02:59 PM
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Senator Bennett moved the following:

1 **Senate Amendment to Amendment (728458) (with title**
2 **amendment)**

3
4 Between lines 305 and 306
5 insert:

6 Section 5. Paragraphs (a) and (b) of subsection (12) and
7 paragraph (i) of subsection (16) of section 163.3180, Florida
8 Statutes, are created to read:

9 163.3180 Concurrency.—

10 (12) (a) A development of regional impact may satisfy the
11 transportation concurrency requirements of the local
12 comprehensive plan, the local government's concurrency



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13 management system, and s. 380.06 by payment of a proportionate-
14 share contribution for local and regionally significant traffic
15 impacts, if:

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

19 2.(b) The proportionate-share contribution for local and
20 regionally significant traffic impacts is sufficient to pay for
21 one or more required mobility improvements that will benefit a
22 regionally significant transportation facility;

23 3.(c) The owner and developer of the development of
24 regional impact pays or assures payment of the proportionate-
25 share contribution; and

26 4.(d) If the regionally significant transportation facility
27 to be constructed or improved is under the maintenance authority
28 of a governmental entity, as defined by s. 334.03(12), other
29 than the local government with jurisdiction over the development
30 of regional impact, the developer is required to enter into a
31 binding and legally enforceable commitment to transfer funds to
32 the governmental entity having maintenance authority or to
33 otherwise assure construction or improvement of the facility.

34

35 The proportionate-share contribution may be applied to any
36 transportation facility to satisfy the provisions of this
37 subsection and the local comprehensive plan, but, for the
38 purposes of this subsection, the amount of the proportionate-
39 share contribution shall be calculated based upon the cumulative
40 number of trips from the proposed development expected to reach
41 roadways during the peak hour from the complete buildout of a



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42 stage or phase being approved, divided by the change in the peak
43 hour maximum service volume of roadways resulting from
44 construction of an improvement necessary to maintain the adopted
45 level of service, multiplied by the construction cost, at the
46 time of developer payment, of the improvement necessary to
47 maintain the adopted level of service. For purposes of this
48 subsection, "construction cost" includes all associated costs of
49 the improvement. Proportionate-share mitigation shall be limited
50 to ensure that a development of regional impact meeting the
51 requirements of this subsection mitigates its impact on the
52 transportation system but is not responsible for the additional
53 cost of reducing or eliminating backlogs. This subsection also
54 applies to Florida Quality Developments pursuant to s. 380.061
55 and to detailed specific area plans implementing optional sector
56 plans pursuant to s. 163.3245.

57 (b) As used in this subsection, the term "backlog" means a
58 facility or facilities on which the adopted level-of-service
59 standard is exceeded by the existing trips, plus additional
60 projected background trips from any source other than the
61 development project under review that are forecast by
62 established traffic standards, including traffic modeling,
63 consistent with the University of Florida Bureau of Economic and
64 Business Research medium population projections. Additional
65 projected background trips are to be coincident with the
66 particular stage or phase of development under review.

67 (16) It is the intent of the Legislature to provide a
68 method by which the impacts of development on transportation
69 facilities can be mitigated by the cooperative efforts of the
70 public and private sectors. The methodology used to calculate



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71 proportionate fair-share mitigation under this section shall be
72 as provided for in subsection (12).

73 (i) As used in this subsection, the term "backlog" means a
74 facility or facilities on which the adopted level-of-service
75 standard is exceeded by the existing trips, plus additional
76 projected background trips from any source other than the
77 development project under review that are forecast by
78 established traffic standards, including traffic modeling,
79 consistent with the University of Florida Bureau of Economic and
80 Business Research medium population projections. Additional
81 projected background trips are to be coincident with the
82 particular stage or phase of development under review.

83
84 ===== T I T L E A M E N D M E N T =====

85 And the title is amended as follows:

86 Delete line 1331

87 and insert:

88 impact under certain circumstances; amending s. 163.3180,
89 F.S.; providing a definition for "backlog"; amending s.
90 163.3182, F.S.,