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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/24/2009	.	
	.	
	.	
	.	

The Committee on Community Affairs (Bennett) recommended the following:

1 **Senate Amendment (with title amendment)**

2

3 Delete everything after the enacting clause

4 and insert:

5 Section 1. Subsections (29) and (32) of section 163.3164,

6 Florida Statutes, are amended, and subsections (34), (35), and

7 (36) are added to that section, to read:

8 163.3164 Local Government Comprehensive Planning and Land

9 Development Regulation Act; definitions.—As used in this act:

10 (29) "~~Existing~~ Urban service area" means built-up areas

11 where public facilities and services, including, but not limited

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12 to, central water and sewer ~~such as sewage treatment systems~~,
13 roads, schools, and recreation areas are already in place. In
14 addition, for a county that qualifies as a dense urban land area
15 under subsection (34), the nonrural area of the county, which
16 has been adopted into the county charter as a rural area, or
17 areas identified in the comprehensive plan as urban service
18 areas or urban growth boundaries on or before July, 1, 2009, are
19 also urban service areas under this definition.
20 (32) “Financial feasibility” means that sufficient revenues
21 are currently available or will be available from committed
22 funding sources for the first 3 years, or will be available from
23 committed or planned funding sources for years 4 and 5, of a 5-
24 year capital improvement schedule for financing capital
25 improvements, including ~~such as~~ ad valorem taxes, bonds, state
26 and federal funds, tax revenues, impact fees, and developer
27 contributions, which are adequate to fund the projected costs of
28 the capital improvements identified in the comprehensive plan
29 and necessary to ensure that adopted level-of-service standards
30 are achieved and maintained within the period covered by the 5-
31 year schedule of capital improvements. A comprehensive plan or
32 comprehensive plan amendment shall be deemed financially
33 feasible for transportation ~~and school~~ facilities throughout the
34 planning period addressed by the capital improvements schedule
35 if it can be demonstrated that the level-of-service standards
36 will be achieved and maintained by the end of the planning
37 period even if in a particular year such improvements are not
38 concurrent as required by s. 163.3180. A comprehensive plan
39 shall be deemed financially feasible for school facilities
40 throughout the planning period addressed by the capital

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41 improvements schedule if it can be demonstrated that the level-
42 of-service standards will be achieved and maintained by the end
43 of the planning period, even if in a particular year such
44 improvements are not concurrent as required in s. 163.3180.
45 (34) "Dense urban land area" means:
46 (a) A municipality that has an average of at least 1,000
47 people per square mile of area and a minimum total population of
48 at least 5,000;
49 (b) A county, including the municipalities located therein,
50 which has an average of at least 1,000 people per square mile of
51 land area; or
52 (c) A county, including the municipalities located therein,
53 which has a population of at least 1 million.
54
55 The Office of Economic and Demographic Research within the
56 Legislature shall annually calculate the population and density
57 criteria needed to determine which jurisdictions qualify as
58 dense urban land areas by using the most recent land area data
59 from the decennial census conducted by the Bureau of the Census
60 of the United States Department of Commerce and the latest
61 available population estimates determined pursuant to s.
62 186.901. If any local government has had an annexation,
63 contraction, or new incorporation, the Office of Economic and
64 Demographic Research shall determine the population density
65 using the new jurisdictional boundaries as recorded in
66 accordance with s. 171.091. The Office of Economic and
67 Demographic Research shall submit to the state land planning
68 agency a list of jurisdictions that meet the total population
69 and density criteria necessary for designation as a dense urban

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70 land area by July 1, 2009, and every year thereafter. The state
71 land planning agency shall publish the list of jurisdictions on
72 its Internet website within 7 days after the list is received.
73 The designation of a jurisdictions that qualifies or does not
74 qualify as a dense urban land area is effective upon publication
75 on the state land planning agency's Internet website.
76 (35) "Backlog" or "backlogged transportation facility"
77 means a facility or facilities on which the adopted level-of-
78 service standard is exceeded by the existing trips plus
79 background trips.
80 (36) "Background trips" means trips other than existing
81 trips from any source other than the development project under
82 review which are forecast by established traffic modeling
83 standards to be coincident with the particular stage or phase of
84 the development under review.
85 Section 2. Paragraph (e) of subsection (3) of section
86 163.3177, Florida Statutes, is amended, and paragraph (f) is
87 added to that subsection, to read:
88 163.3177 Required and optional elements of comprehensive
89 plan; studies and surveys.—
90 (3)(e) At the discretion of the local government and
91 notwithstanding the requirements in ~~of~~ this subsection, a
92 comprehensive plan, as revised by an amendment to the plan's
93 future land use map, shall be deemed to be financially feasible
94 and to have achieved and maintained level-of-service standards
95 as required in ~~by~~ this section with respect to transportation
96 facilities if the amendment to the future land use map is
97 supported by a:
98 1. Condition in a development order for a development of

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99 regional impact or binding agreement that addresses
100 proportionate-share mitigation consistent with s. 163.3180(12);
101 or
102 2. Binding agreement addressing proportionate fair-share
103 mitigation consistent with s. 163.3180(16)(g) ~~s. 163.3180(16)(f)~~
104 and the property subject to the amendment to the future land use
105 map is located within an area designated in a comprehensive plan
106 for urban infill, urban redevelopment, downtown revitalization,
107 urban infill and redevelopment, or an urban service area. The
108 binding agreement must be based on the maximum amount of
109 development identified by the future land use map amendment or
110 as may be otherwise restricted through a special area plan
111 policy or map notation in the comprehensive plan.
112 (f) A local government's comprehensive plan and plan
113 amendments for land uses within all transportation concurrency
114 exception areas that are designated and maintained in accordance
115 with s. 163.3180(5) shall be deemed to meet the requirement in
116 this section to achieve and maintain level-of-service standards
117 for transportation.
118 Section 3. Section 163.3180, Florida Statutes, is amended
119 to read:
120 163.3180 Concurrency.—
121 (1) APPLICABILITY OF CONCURRENCY REQUIREMENT.—
122 (a) *Public facility types.—*Sanitary sewer, solid waste,
123 drainage, potable water, parks and recreation, schools, and
124 transportation facilities, including mass transit, where
125 applicable, are the only public facilities and services subject
126 to the concurrency requirement on a statewide basis. Additional
127 public facilities and services are ~~may~~ not ~~be made~~ subject to

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128 concurrency on a statewide basis without appropriate study and
129 approval by the Legislature; however, any local government may
130 extend the concurrency requirement ~~so that it applies~~ to apply
131 to additional public facilities within its jurisdiction.
132 (b) *Transportation methodologies.*—Local governments shall
133 use professionally accepted techniques for measuring level of
134 service for automobiles, bicycles, pedestrians, transit, and
135 trucks. These techniques may be used to evaluate increased
136 accessibility by multiple modes and reductions in vehicle miles
137 of travel in an area or zone. The state land planning agency and
138 the Department of Transportation shall develop methodologies to
139 assist local governments in implementing this multimodal level-
140 of-service analysis and~~. The Department of Community Affairs and~~
141 ~~the Department of Transportation~~ shall provide technical
142 assistance to local governments in applying the ~~these~~
143 methodologies.
144 (2) PUBLIC FACILITY AVAILABILITY STANDARDS.—
145 (a) *Sanitary sewer, solid waste, drainage, adequate water*
146 *supply, and potable water facilities.*—Consistent with public
147 health and safety, sanitary sewer, solid waste, drainage,
148 adequate water supplies, and potable water facilities shall be
149 in place and available to serve new development no later than
150 the date on which ~~issuance by~~ the local government issues ~~of~~ a
151 certificate of occupancy or its functional equivalent. Before
152 approving ~~Prior to approval of~~ a building permit or its
153 functional equivalent, the local government shall consult with
154 the applicable water supplier to determine whether adequate
155 water supplies to serve the new development will be available by
156 ~~no later than~~ the anticipated date of issuance ~~by the local~~

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157 ~~government~~ of the ~~a~~ certificate of occupancy or its functional
158 equivalent. A local government may meet the concurrency
159 requirement for sanitary sewer through the use of onsite sewage
160 treatment and disposal systems approved by the Department of
161 Health to serve new development.
162 (b) *Parks and recreation facilities.*—Consistent with the
163 public welfare, and except as otherwise provided in this
164 section, parks and recreation facilities to serve new
165 development shall be in place or under actual construction
166 within ~~no later than~~ 1 year after ~~issuance by~~ the local
167 government issues ~~of~~ a certificate of occupancy or its
168 functional equivalent. However, the acreage for such facilities
169 must ~~shall~~ be dedicated or be acquired by the local government
170 before it issues ~~prior to issuance by the local government of~~
171 the ~~a~~ certificate of occupancy or its functional equivalent, or
172 funds in the amount of the developer's fair share shall be
173 committed no later than the date on which the local government
174 approves commencement of ~~government's approval to commence~~
175 construction.
176 (c) *Transportation facilities.*—Consistent with the public
177 welfare, and except as otherwise provided in this section,
178 transportation facilities needed to serve new development must
179 ~~shall~~ be in place or under actual construction within 3 years
180 after the local government approves a building permit or its
181 functional equivalent that results in traffic generation.
182 (3) ESTABLISHING LEVEL-OF-SERVICE STANDARDS.—Governmental
183 entities that are not responsible for providing, financing,
184 operating, or regulating public facilities needed to serve
185 development may not establish binding level-of-service standards

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186 to apply to ~~on~~ governmental entities that do bear those
187 responsibilities. This subsection does not limit the authority
188 of any agency to recommend or make objections, recommendations,
189 comments, or determinations during reviews conducted under s.
190 163.3184.
191 (4) APPLICATION OF CONCURRENCY TO PUBLIC FACILITIES.—
192 (a) *State and other public facilities.*—The concurrency
193 requirement as implemented in local comprehensive plans applies
194 to state and other public facilities and development to the same
195 extent that it applies to all other facilities and development,
196 as provided by law.
197 (b) *Public transit facilities.*—The concurrency requirement
198 as implemented in local comprehensive plans does not apply to
199 public transit facilities. For the purposes of this paragraph,
200 public transit facilities include transit stations and
201 terminals; transit station parking; park-and-ride lots;
202 intermodal public transit connection or transfer facilities;
203 fixed bus, guideway, and rail stations; and airport passenger
204 terminals and concourses, air cargo facilities, and hangars for
205 the maintenance or storage of aircraft. As used in this
206 paragraph, the terms "terminals" and "transit facilities" do not
207 include seaports or commercial or residential development
208 constructed in conjunction with a public transit facility.
209 (c) *Infill and redevelopment areas.*—The concurrency
210 requirement, except as it relates to transportation facilities
211 and public schools, as implemented in local government
212 comprehensive plans, may be waived by a local government for
213 urban infill and redevelopment areas designated pursuant to s.
214 163.2517 if such a waiver does not endanger public health or

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215 safety as defined ~~by the local government~~ in the ~~its~~ local
216 government's ~~government~~ comprehensive plan. The waiver must
217 ~~shall~~ be adopted as a plan amendment using ~~pursuant to~~ the
218 process set forth in s. 163.3187(3)(a). A local government may
219 grant a concurrency exception pursuant to subsection (5) for
220 transportation facilities located within these urban infill and
221 redevelopment areas. Affordable housing developments that serve
222 residents who have incomes at or below 60 percent of the area
223 median income and are proposed to be located on arterial
224 roadways that have public transit available are exempt from
225 transportation concurrency requirements.
226 (5) COUNTERVAILING PLANNING AND PUBLIC POLICY GOALS.—
227 (a) The Legislature finds that under limited circumstances
228 ~~dealing with transportation facilities,~~ countervailing planning
229 and public policy goals may come into conflict with the
230 requirement that adequate public transportation facilities and
231 services be available concurrent with the impacts of such
232 development. The Legislature further finds that ~~often~~ the
233 unintended result of the concurrency requirement for
234 transportation facilities is often the discouragement of urban
235 infill development and redevelopment. Such unintended results
236 directly conflict with the goals and policies of the state
237 comprehensive plan and the intent of this part. The Legislature
238 also finds that in urban centers transportation cannot be
239 effectively managed and mobility cannot be improved solely
240 through the expansion of roadway capacity, that the expansion of
241 roadway capacity is not always physically or financially
242 possible, and that a range of transportation alternatives are
243 essential to satisfy mobility needs, reduce congestion, and

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244 achieve healthy, vibrant centers. ~~Therefore, exceptions from the~~
245 ~~concurrency requirement for transportation facilities may be~~
246 ~~granted as provided by this subsection.~~
247 (b)1. The following are transportation concurrency
248 exception areas:
249 a. A municipality that qualifies as a dense urban land area
250 under s. 163.3164(34);
251 b. An urban service area under s. 163.3164(29) which has
252 been adopted into the local comprehensive plan and is located
253 within a county that qualifies as a dense urban land area under
254 s. 163.3164(34); and
255 c. A county, including the municipalities located therein,
256 which has a population of at least 900,000 and qualifies as a
257 dense urban land area under s. 163.3164(34), but does not have
258 an urban service area designated in the local comprehensive
259 plan.
260 2. A municipality that does not qualify as a dense urban
261 land area pursuant to s. 163.3164(34) may designate in its local
262 comprehensive plan the following areas as transportation
263 concurrency exception areas:
264 a. Urban infill as defined in s. 163.3164(27);
265 b. Community redevelopment areas as defined in s.
266 163.340(10);
267 c. Downtown revitalization areas as defined in s.
268 163.3164(25);
269 d. Urban infill and redevelopment under s. 163.2517; or
270 e. Urban service areas as defined in s. 163.3164(29) or
271 areas within a designated urban service boundary under s.
272 163.3177(14).

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273 3. A county that does not qualify as a dense urban land
274 area pursuant to s. 163.3164(34) may designate in its local
275 comprehensive plan the following areas as transportation
276 concurrency exception areas:
277 a. Urban infill as defined in s. 163.3164(27);
278 b. Urban infill and redevelopment under s. 163.2517; or
279 c. Urban service areas as defined in s. 163.3164(29).
280 4. A local government that has a transportation concurrency
281 exception area designated pursuant to subparagraph 1.,
282 subparagraph 2., or subparagraph 3. must, within 2 years after
283 the designated area becomes exempt, adopt into its local
284 comprehensive plan land use and transportation strategies to
285 support and fund mobility within the exception area, including
286 alternative modes of transportation. Local governments are
287 encouraged to adopt complementary land use and transportation
288 strategies that reflect the region's shared vision for its
289 future. If the state land planning agency finds insufficient
290 cause for the failure to adopt into its comprehensive plan land
291 use and transportation strategies to support and fund mobility
292 within the designated exception area after 2 years, it shall
293 submit the finding to the Administration Commission, which may
294 impose any of the sanctions set forth in s. 163.3184(11)(a) and
295 (b) against the local government.
296 5. Transportation concurrency exception areas designated
297 under subparagraph 1., subparagraph 2., or subparagraph 3. do
298 not apply to designated transportation concurrency districts
299 located within a county that has a population of at least 1.5
300 million, has implemented and uses a transportation-related
301 concurrency assessment to support alternative modes of

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transportation, including, but not limited to, mass transit, and does not levy transportation impact fees within the concurrency district.

6. A local government that does not have a transportation concurrency exception area designated pursuant to subparagraph 1., subparagraph 2., or subparagraph 3. may grant an exception from the concurrency requirement for transportation facilities if the proposed development is otherwise consistent with the adopted local government comprehensive plan and is a project that promotes public transportation or is located within an area designated in the comprehensive plan for:

a.~~1.~~ Urban infill development;

b.~~2.~~ Urban redevelopment;

c.~~3.~~ Downtown revitalization;

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

e.~~5.~~ An urban service area specifically designated as a transportation concurrency exception area which includes lands appropriate for compact, contiguous urban development, which does not exceed the amount of land needed to accommodate the projected population growth at densities consistent with the adopted comprehensive plan within the 10-year planning period, and which is served or is planned to be served with public facilities and services as provided by the capital improvements element.

(c) The Legislature also finds that developments located within urban infill, urban redevelopment, ~~existing~~ urban service, or downtown revitalization areas or areas designated as urban infill and redevelopment areas under s. 163.2517, which pose only special part-time demands on the transportation

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331 system, are exempt ~~should be excepted~~ from the concurrency
332 requirement for transportation facilities. A special part-time
333 demand is one that does not have more than 200 scheduled events
334 during any calendar year and does not affect the 100 highest
335 traffic volume hours.
336 (d) Except for transportation concurrency exception areas
337 designated pursuant to subparagraph (b)1., subparagraph (b)2.,
338 or subparagraph (b)3., the following requirements apply: ~~A local~~
339 ~~government shall establish guidelines in the comprehensive plan~~
340 ~~for granting the exceptions authorized in paragraphs (b) and (c)~~
341 ~~and subsections (7) and (15) which must be consistent with and~~
342 ~~support a comprehensive strategy adopted in the plan to promote~~
343 ~~the purpose of the exceptions.~~
344 1.~~(e)~~ The local government shall both adopt into the
345 comprehensive plan and implement long-term strategies to support
346 and fund mobility within the designated exception area,
347 including alternative modes of transportation. The plan
348 amendment must also demonstrate how strategies will support the
349 purpose of the exception and how mobility within the designated
350 exception area will be provided.
351 2. ~~In addition,~~ The strategies must address urban design;
352 appropriate land use mixes, including intensity and density; and
353 network connectivity plans needed to promote urban infill,
354 redevelopment, or downtown revitalization. The comprehensive
355 plan amendment designating the concurrency exception area must
356 be accompanied by data and analysis justifying the size of the
357 area.
358 (e)~~(f)~~ Before designating ~~Prior to the designation of~~ a
359 concurrency exception area pursuant to subparagraph (b)6., the

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360 state land planning agency and the Department of Transportation
361 shall be consulted by the local government to assess the impact
362 that the proposed exception area is expected to have on the
363 adopted level-of-service standards established for regional
364 transportation facilities identified pursuant to s. 186.507,
365 including the Strategic Intermodal System ~~facilities, as defined~~
366 ~~in s. 339.64,~~ and roadway facilities funded in accordance with
367 s. 339.2819. Further, the local government shall provide a plan
368 for the mitigation of~~, in consultation with the state land~~
369 ~~planning agency and the Department of Transportation, develop a~~
370 ~~plan to mitigate any~~ impacts to the Strategic Intermodal System,
371 including, if appropriate, access management, parallel reliever
372 roads, transportation demand management, and other measures ~~the~~
373 ~~development of a long-term concurrency management system~~
374 ~~pursuant to subsection (9) and s. 163.3177(3)(d)~~. ~~The exceptions~~
375 ~~may be available only within the specific geographic area of the~~
376 ~~jurisdiction designated in the plan. Pursuant to s. 163.3184,~~
377 ~~any affected person may challenge a plan amendment establishing~~
378 ~~these guidelines and the areas within which an exception could~~
379 ~~be granted.~~
380 ~~(g) Transportation concurrency exception areas existing~~
381 ~~prior to July 1, 2005, must, at a minimum, meet the provisions~~
382 ~~of this section by July 1, 2006, or at the time of the~~
383 ~~comprehensive plan update pursuant to the evaluation and~~
384 ~~appraisal report, whichever occurs last.~~
385 (f) The designation of a transportation concurrency
386 exception area does not limit a local government's home rule
387 power to adopt ordinances or impose fees. This subsection does
388 not affect any contract or agreement entered into or development

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389 order rendered before the creation of the transportation
390 concurrency exception area except as provided in s.
391 380.06(29)(e).
392 (g) The Office of Program Policy Analysis and Government
393 Accountability shall submit to the President of the Senate and
394 the Speaker of the House of Representatives by February 1, 2015,
395 a report on transportation concurrency exception areas created
396 pursuant to this subsection. At a minimum, the report shall
397 address the methods that local governments have used to
398 implement and fund transportation strategies to achieve the
399 purposes of designated transportation concurrency exception
400 areas and the effects of the strategies on mobility, congestion,
401 urban design, the density and intensity of land use mixes, and
402 network connectivity plans used to promote urban infill,
403 redevelopment, or downtown revitalization.
404 (6) DE MINIMIS IMPACT.—The Legislature finds that a de
405 minimis impact is consistent with this part. A de minimis impact
406 is an impact that does ~~would~~ not affect more than 1 percent of
407 the maximum volume at the adopted level of service of the
408 affected transportation facility as determined by the local
409 government. An ~~No~~ impact is not ~~will be~~ de minimis if the sum of
410 existing roadway volumes and the projected volumes from approved
411 projects on a transportation facility exceeds ~~would exceed~~ 110
412 percent of the maximum volume at the adopted level of service of
413 the affected transportation facility; ~~provided~~ however, the ~~that~~
414 ~~an~~ impact of a single family home on an existing lot is ~~will~~
415 ~~constitute~~ a de minimis impact on all roadways regardless of the
416 level of the deficiency of the roadway. Further, an ~~no~~ impact is
417 not ~~will be~~ de minimis if it exceeds ~~would exceed~~ the adopted

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418 level-of-service standard of any affected designated hurricane
419 evacuation routes. Each local government shall maintain
420 sufficient records to ensure that the 110-percent criterion is
421 not exceeded. ~~Each local government shall submit annually, with~~
422 ~~its updated capital improvements element, a summary of the de~~
423 ~~minimis records. If the state land planning agency determines~~
424 ~~that the 110-percent criterion has been exceeded, the state land~~
425 ~~planning agency shall notify the local government of the~~
426 ~~exceedance and that no further de minimis exceptions for the~~
427 ~~applicable roadway may be granted until such time as the volume~~
428 ~~is reduced below the 110 percent. The local government shall~~
429 ~~provide proof of this reduction to the state land planning~~
430 ~~agency before issuing further de minimis exceptions.~~
431 (7) CONCURRENCY MANAGEMENT AREAS.—In order to promote urban
432 development and infill development and redevelopment, one or
433 more transportation concurrency management areas may be
434 designated in a local government comprehensive plan. A
435 transportation concurrency management area must be a compact
436 geographic area that has ~~with~~ an existing network of roads where
437 multiple, viable alternative travel paths or modes are available
438 for common trips. A local government may establish an areawide
439 level-of-service standard for such a transportation concurrency
440 management area based upon an analysis that provides for a
441 justification for the areawide level of service, how urban
442 ~~infill~~ development, infill, and or redevelopment will be
443 promoted, and how mobility will be accomplished within the
444 transportation concurrency management area. Before ~~Prior to the~~
445 ~~designation of~~ a concurrency management area is designated, the
446 local government shall consult with the state land planning

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447 agency and the Department of Transportation ~~shall be consulted~~
448 ~~by the local government~~ to assess the impact that the proposed
449 concurrency management area is expected to have on the adopted
450 level-of-service standards established for Strategic Intermodal
451 System facilities~~, as defined in s. 339.64, and roadway~~
452 ~~facilities funded in accordance with s. 339.2819~~. Further, the
453 local government shall, in cooperation with the state land
454 planning agency and the Department of Transportation, develop a
455 plan to mitigate any impacts to the Strategic Intermodal System,
456 including, if appropriate, the development of a long-term
457 concurrency management system pursuant to subsection (9) and s.
458 163.3177(3)(d). ~~Transportation concurrency management areas~~
459 ~~existing prior to July 1, 2005, shall meet, at a minimum, the~~
460 ~~provisions of this section by July 1, 2006, or at the time of~~
461 ~~the comprehensive plan update pursuant to the evaluation and~~
462 ~~appraisal report, whichever occurs last.~~ The state land planning
463 agency shall amend chapter 9J-5, Florida Administrative Code, to
464 be consistent with this subsection.
465 (8) URBAN REDEVELOPMENT.—When assessing the transportation
466 impacts of proposed urban redevelopment within an established
467 existing urban service area, 150 ~~110~~ percent of the actual
468 transportation impact caused by the previously existing
469 development must be reserved for the redevelopment, even if the
470 previously existing development had ~~has~~ a lesser or nonexisting
471 impact pursuant to the calculations of the local government.
472 Redevelopment requiring less than 150 ~~110~~ percent of the
473 previously existing capacity shall not be prohibited due to the
474 reduction of transportation levels of service below the adopted
475 standards. ~~This does not preclude the appropriate assessment of~~

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~~fees or accounting for the impacts within the concurrency management system and capital improvements program of the affected local government.~~ This subsection ~~paragraph~~ does not affect local government requirements for appropriate development permits.

(9)(a) LONG-TERM CONCURRENCY MANAGEMENT.—Each local government may adopt, as a part of its plan, long-term transportation and school concurrency management systems that have ~~with~~ a planning period of up to 10 years for specially designated districts or areas where significant backlogs exist. The plan may include interim level-of-service standards on certain facilities and must ~~shall~~ rely on the local government's schedule of capital improvements for up to 10 years as a basis for issuing development orders authorizing the ~~that authorize~~ commencement of construction in the ~~these~~ designated districts or areas. The concurrency management system must be designed to correct existing deficiencies and set priorities for addressing backlogged facilities. The concurrency management system must be financially feasible and consistent with other portions of the adopted local plan, including the future land use map.

(b) If a local government has a transportation or school facility backlog for existing development which cannot be adequately addressed in a 10-year plan, the state land planning agency may allow the local government ~~it~~ to develop a plan and long-term schedule of capital improvements covering up to 15 years for good and sufficient cause. The state land planning agency's determination must be~~,~~ based on a general comparison between the ~~that~~ local government and all other similarly situated local jurisdictions, using the following factors: 1.

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The extent of the backlog. 2. For roads, whether the backlog is on local or state roads. 3. The cost of eliminating the backlog. 4. The local government’s tax and other revenue-raising efforts.

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

(d) If the local government adopts a long-term concurrency management system, it must evaluate the system periodically. At a minimum, the local government must assess its progress toward improving levels of service within the long-term concurrency management district or area in the evaluation and appraisal report and determine any changes that are necessary to accelerate progress in meeting acceptable levels of service.

(10) TRANSPORTATION LEVEL-OF-SERVICE STANDARDS.—With regard to roadway facilities on the Strategic Intermodal System which are designated in accordance with s. 339.63 ~~ss. 339.61, 339.62, 339.63, and 339.64, the Florida Intrastate Highway System as defined in s. 338.001, and roadway facilities funded in accordance with s. 339.2819~~, local governments shall adopt the level-of-service standard established by the Department of Transportation by rule; however, if a project involves qualified jobs created and certified by the Office of Tourism, Trade, and Economic Development or if the project is a nonresidential project located within an area designated by the Governor as a rural area of critical economic concern under s. 288.0656(7), the affected local government, after consulting with the Department of Transportation, may adopt into its comprehensive plan a lower level-of-service standard than the standard adopted

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534 by the Department of Transportation. The lower level-of-service
535 standard shall apply only to a project conducted under the
536 Office of Tourism, Trade, and Economic Development. For all
537 other roads on the State Highway System, local governments shall
538 establish an adequate level-of-service standard that need not be
539 consistent with any level-of-service standard established by the
540 Department of Transportation. In establishing adequate level-of-
541 service standards for any arterial roads, or collector roads as
542 appropriate, which traverse multiple jurisdictions, local
543 governments shall consider compatibility with the roadway
544 facility's adopted level-of-service standards in adjacent
545 jurisdictions. Each local government within a county shall use a
546 professionally accepted methodology for measuring impacts on
547 transportation facilities for the purposes of implementing its
548 concurrency management system. Counties are encouraged to
549 coordinate with adjacent counties, and local governments within
550 a county are encouraged to coordinate, for the purpose of using
551 common methodologies for measuring impacts on transportation
552 facilities and for the purpose of implementing their concurrency
553 management systems.
554 (11) LIMITATION OF LIABILITY.—In order to limit a local
555 government's ~~the~~ liability ~~of local governments~~, the ~~a~~ local
556 government shall ~~may~~ allow a landowner to proceed with the
557 development of a specific parcel of land notwithstanding a
558 failure of the development to satisfy transportation
559 concurrency, if ~~when all~~ the following factors ~~are shown to~~
560 exist:
561 (a) The local government having ~~with~~ jurisdiction over the
562 property has adopted a local comprehensive plan that is in

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563 compliance.
564 (b) The proposed development is ~~would be~~ consistent with
565 the future land use designation for the specific property and
566 with pertinent portions of the adopted local plan, as determined
567 by the local government.
568 (c) The local plan includes a financially feasible capital
569 improvements element that provides for transportation facilities
570 adequate to serve the proposed development, and the local
571 government has not implemented that element.
572 (d) The local government has provided a means for assessing
573 ~~by which~~ the landowner for ~~will be assessed~~ a fair share of the
574 cost of providing the transportation facilities necessary to
575 serve the proposed development.
576 (e) The landowner has made a binding commitment to the
577 local government to pay the fair share of the cost of providing
578 the transportation facilities to serve the proposed development.
579 (12) REGIONAL IMPACT PROPORTIONATE-SHARE CONTRIBUTION.—
580 (a) A development of regional impact satisfies ~~may satisfy~~
581 the transportation concurrency requirements of the local
582 comprehensive plan, the local government's concurrency
583 management system, and s. 380.06 by paying ~~payment of~~ a
584 proportionate-share contribution for local and regionally
585 significant traffic impacts, if:
586 1.~~(a)~~ The development of regional impact which, based on
587 its location or mix of land uses, is designed to encourage
588 pedestrian or other nonautomotive modes of transportation;
589 2.~~(b)~~ The proportionate-share contribution for local and
590 regionally significant traffic impacts is sufficient to pay for
591 one or more ~~required~~ mobility improvements that will benefit the

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592 network of a regionally significant transportation facilities
593 facility;
594 3.(c) The owner and developer of the development of
595 regional impact pays or assures payment of the proportionate-
596 share contribution to the local government having jurisdiction
597 over the development of regional impact; and
598 4.(d) If The regionally significant transportation facility
599 to be constructed or improved is under the maintenance authority
600 of a governmental entity, as defined by s. 334.03(12), other
601 than The local government having with jurisdiction over the
602 development of regional impact must, the developer is required
603 to enter into a binding and legally enforceable commitment to
604 transfer funds to the governmental entity having maintenance
605 authority or to otherwise assure construction or improvement of
606 a the facility reasonably related to the mobility demands
607 created by the development.
608 (b) The proportionate-share contribution may be applied to
609 any transportation facility to satisfy the provisions of this
610 subsection and the local comprehensive plan., but, for the
611 purposes of this subsection, The amount of the proportionate-
612 share contribution shall be calculated based upon the cumulative
613 number of trips from the proposed new stage or phase of
614 development expected to reach roadways during the peak hour at
615 from the complete buildout of a stage or phase being approved,
616 divided by two to reflect that each off-site trip represents a
617 trip generated by another development, multiplied by the
618 construction cost at the time of the developer payment, the
619 product of which is divided by the change in the peak hour
620 maximum service volume of the roadways resulting from the

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621 construction of an improvement necessary to maintain the adopted
622 level of service~~, multiplied by the construction cost, at the~~
623 ~~time of developer payment, of the improvement necessary to~~
624 ~~maintain the adopted level of service~~. For purposes of this
625 subparagraph ~~subsection~~, the term "construction cost" includes
626 all associated costs of the improvement. Proportionate-share
627 mitigation shall be limited to ensure that a development of
628 regional impact meeting the requirements of this subsection
629 mitigates its impact on the transportation system but is not
630 responsible for the additional cost of reducing or eliminating
631 backlogs.
632 1. A developer may not be required to fund or construct
633 proportionate-share mitigation that is more extensive than
634 mitigation necessary to offset the impact of the development
635 project under review.
636 2. Proportionate-share mitigation shall be applied as a
637 credit against any transportation impact fees or exactions
638 assessed for the traffic impacts of a development.
639 3. Proportionate-share mitigation may be directed toward
640 one or more specific transportation improvements reasonably
641 related to the mobility demands created by the development and
642 such improvements may address one or more modes of
643 transportation.
644 4. The payment for such improvements that significantly
645 benefit the impacted transportation system satisfies concurrency
646 requirements as a mitigation of the development's stage or phase
647 impacts upon the overall transportation system even if there
648 remains a failure of concurrency on other impacted facilities.
649 5. This subsection also applies to Florida Quality

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650 Developments pursuant to s. 380.061 and to detailed specific
651 area plans implementing optional sector plans pursuant to s.
652 163.3245.
653 (13) SCHOOL CONCURRENCY.—School concurrency shall be
654 established on a districtwide basis and shall include all public
655 schools in the district and all portions of the district,
656 whether located in a municipality or an unincorporated area
657 unless exempt from the public school facilities element pursuant
658 to s. 163.3177(12). The application of school concurrency to
659 development shall be based upon the adopted comprehensive plan,
660 as amended. All local governments within a county, except as
661 provided in paragraph (f), shall adopt and transmit to the state
662 land planning agency the necessary plan amendments, along with
663 the interlocal agreement, for a compliance review pursuant to s.
664 163.3184(7) and (8). The minimum requirements for school
665 concurrency are the following:
666 (a) *Public school facilities element.*—A local government
667 shall adopt and transmit to the state land planning agency a
668 plan or plan amendment which includes a public school facilities
669 element which is consistent with the requirements of s.
670 163.3177(12) and which is determined to be in compliance as
671 defined in s. 163.3184(1)(b). All local government public school
672 facilities plan elements within a county must be consistent with
673 each other as well as the requirements of this part.
674 (b) *Level-of-service standards.*—The Legislature recognizes
675 that an essential requirement for a concurrency management
676 system is the level of service at which a public facility is
677 expected to operate.
678 1. Local governments and school boards imposing school

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679 concurrency shall exercise authority in conjunction with each
680 other to establish jointly adequate level-of-service standards,
681 as defined in chapter 9J-5, Florida Administrative Code,
682 necessary to implement the adopted local government
683 comprehensive plan, based on data and analysis.
684 2. Public school level-of-service standards shall be
685 included and adopted into the capital improvements element of
686 the local comprehensive plan and shall apply districtwide to all
687 schools of the same type. Types of schools may include
688 elementary, middle, and high schools as well as special purpose
689 facilities such as magnet schools.
690 3. Local governments and school boards shall have the
691 option to utilize tiered level-of-service standards to allow
692 time to achieve an adequate and desirable level of service as
693 circumstances warrant.
694 (c) *Service areas.*—The Legislature recognizes that an
695 essential requirement for a concurrency system is a designation
696 of the area within which the level of service will be measured
697 when an application for a residential development permit is
698 reviewed for school concurrency purposes. This delineation is
699 also important for purposes of determining whether the local
700 government has a financially feasible public school capital
701 facilities program that will provide schools which will achieve
702 and maintain the adopted level-of-service standards.
703 1. In order to balance competing interests, preserve the
704 constitutional concept of uniformity, and avoid disruption of
705 existing educational and growth management processes, local
706 governments are encouraged to initially apply school concurrency
707 to development only on a districtwide basis so that a

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708 concurrency determination for a specific development will be
709 based upon the availability of school capacity districtwide. To
710 ensure that development is coordinated with schools having
711 available capacity, within 5 years after adoption of school
712 concurrency, local governments shall apply school concurrency on
713 a less than districtwide basis, such as using school attendance
714 zones or concurrency service areas, as provided in subparagraph
715 2.
716 2. For local governments applying school concurrency on a
717 less than districtwide basis, such as utilizing school
718 attendance zones or larger school concurrency service areas,
719 local governments and school boards shall have the burden to
720 demonstrate that the utilization of school capacity is maximized
721 to the greatest extent possible in the comprehensive plan and
722 amendment, taking into account transportation costs and court-
723 approved desegregation plans, as well as other factors. In
724 addition, in order to achieve concurrency within the service
725 area boundaries selected by local governments and school boards,
726 the service area boundaries, together with the standards for
727 establishing those boundaries, shall be identified and included
728 as supporting data and analysis for the comprehensive plan.
729 3. Where school capacity is available on a districtwide
730 basis but school concurrency is applied on a less than
731 districtwide basis in the form of concurrency service areas, if
732 the adopted level-of-service standard cannot be met in a
733 particular service area as applied to an application for a
734 development permit and if the needed capacity for the particular
735 service area is available in one or more contiguous service
736 areas, as adopted by the local government, then the local

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737 government may not deny an application for site plan or final
738 subdivision approval or the functional equivalent for a
739 development or phase of a development on the basis of school
740 concurrency, and if issued, development impacts shall be shifted
741 to contiguous service areas with schools having available
742 capacity.
743 (d) *Financial feasibility.*—The Legislature recognizes that
744 financial feasibility is an important issue because the premise
745 of concurrency is that the public facilities will be provided in
746 order to achieve and maintain the adopted level-of-service
747 standard. This part and chapter 9J-5, Florida Administrative
748 Code, contain specific standards to determine the financial
749 feasibility of capital programs. These standards were adopted to
750 make concurrency more predictable and local governments more
751 accountable.
752 1. A comprehensive plan amendment seeking to impose school
753 concurrency shall contain appropriate amendments to the capital
754 improvements element of the comprehensive plan, consistent with
755 the requirements of s. 163.3177(3) and rule 9J-5.016, Florida
756 Administrative Code. The capital improvements element shall set
757 forth a financially feasible public school capital facilities
758 program, established in conjunction with the school board, that
759 demonstrates that the adopted level-of-service standards will be
760 achieved and maintained.
761 2. Such amendments shall demonstrate that the public school
762 capital facilities program meets all of the financial
763 feasibility standards of this part and chapter 9J-5, Florida
764 Administrative Code, that apply to capital programs which
765 provide the basis for mandatory concurrency on other public

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766 facilities and services.
767 3. When the financial feasibility of a public school
768 capital facilities program is evaluated by the state land
769 planning agency for purposes of a compliance determination, the
770 evaluation shall be based upon the service areas selected by the
771 local governments and school board.
772 (e) *Availability standard.*—Consistent with the public
773 welfare, a local government may not deny an application for site
774 plan, final subdivision approval, or the functional equivalent
775 for a development or phase of a development authorizing
776 residential development for failure to achieve and maintain the
777 level-of-service standard for public school capacity in a local
778 school concurrency management system where adequate school
779 facilities will be in place or under actual construction within
780 3 years after the issuance of final subdivision or site plan
781 approval, or the functional equivalent. School concurrency is
782 satisfied if the developer executes a legally binding commitment
783 to provide mitigation proportionate to the demand for public
784 school facilities to be created by actual development of the
785 property, including, but not limited to, the options described
786 in subparagraph 1. Options for proportionate-share mitigation of
787 impacts on public school facilities must be established in the
788 public school facilities element and the interlocal agreement
789 pursuant to s. 163.31777.
790 1. Appropriate mitigation options include the contribution
791 of land; the construction, expansion, or payment for land
792 acquisition or construction of a public school facility; or the
793 creation of mitigation banking based on the construction of a
794 public school facility in exchange for the right to sell

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795 capacity credits. Such options must include execution by the
796 applicant and the local government of a development agreement
797 that constitutes a legally binding commitment to pay
798 proportionate-share mitigation for the additional residential
799 units approved by the local government in a development order
800 and actually developed on the property, taking into account
801 residential density allowed on the property prior to the plan
802 amendment that increased the overall residential density. The
803 district school board must be a party to such an agreement. As a
804 condition of its entry into such a development agreement, the
805 local government may require the landowner to agree to
806 continuing renewal of the agreement upon its expiration.
807 2. If the education facilities plan and the public
808 educational facilities element authorize a contribution of land;
809 the construction, expansion, or payment for land acquisition; or
810 the construction or expansion of a public school facility, or a
811 portion thereof, as proportionate-share mitigation, the local
812 government shall credit such a contribution, construction,
813 expansion, or payment toward any other impact fee or exaction
814 imposed by local ordinance for the same need, on a dollar-for-
815 dollar basis at fair market value.
816 3. Any proportionate-share mitigation must be directed by
817 the school board toward a school capacity improvement identified
818 in a financially feasible 5-year district work plan that
819 satisfies the demands created by the development in accordance
820 with a binding developer’s agreement.
821 4. If a development is precluded from commencing because
822 there is inadequate classroom capacity to mitigate the impacts
823 of the development, the development may nevertheless commence if

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824 there are accelerated facilities in an approved capital
825 improvement element scheduled for construction in year four or
826 later of such plan which, when built, will mitigate the proposed
827 development, or if such accelerated facilities will be in the
828 next annual update of the capital facilities element, the
829 developer enters into a binding, financially guaranteed
830 agreement with the school district to construct an accelerated
831 facility within the first 3 years of an approved capital
832 improvement plan, and the cost of the school facility is equal
833 to or greater than the development's proportionate share. When
834 the completed school facility is conveyed to the school
835 district, the developer shall receive impact fee credits usable
836 within the zone where the facility is constructed or any
837 attendance zone contiguous with or adjacent to the zone where
838 the facility is constructed.
839 5. This paragraph does not limit the authority of a local
840 government to deny a development permit or its functional
841 equivalent pursuant to its home rule regulatory powers, except
842 as provided in this part.
843 (f) *Intergovernmental coordination.*—
844 1. When establishing concurrency requirements for public
845 schools, a local government shall satisfy the requirements for
846 intergovernmental coordination set forth in s. 163.3177(6)(h)1.
847 and 2., except that a municipality is not required to be a
848 signatory to the interlocal agreement required by ss.
849 163.3177(6)(h)2. and 163.31777(6), as a prerequisite for
850 imposition of school concurrency, and as a nonsignatory, shall
851 not participate in the adopted local school concurrency system,
852 if the municipality meets all of the following criteria for

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853 having no significant impact on school attendance:
854 a. The municipality has issued development orders for fewer
855 than 50 residential dwelling units during the preceding 5 years,
856 or the municipality has generated fewer than 25 additional
857 public school students during the preceding 5 years.
858 b. The municipality has not annexed new land during the
859 preceding 5 years in land use categories which permit
860 residential uses that will affect school attendance rates.
861 c. The municipality has no public schools located within
862 its boundaries.
863 d. At least 80 percent of the developable land within the
864 boundaries of the municipality has been built upon.
865 2. A municipality which qualifies as having no significant
866 impact on school attendance pursuant to the criteria of
867 subparagraph 1. must review and determine at the time of its
868 evaluation and appraisal report pursuant to s. 163.3191 whether
869 it continues to meet the criteria pursuant to s. 163.31777(6).
870 If the municipality determines that it no longer meets the
871 criteria, it must adopt appropriate school concurrency goals,
872 objectives, and policies in its plan amendments based on the
873 evaluation and appraisal report, and enter into the existing
874 interlocal agreement required by ss. 163.3177(6)(h)2. and
875 163.31777, in order to fully participate in the school
876 concurrency system. If such a municipality fails to do so, it
877 will be subject to the enforcement provisions of s. 163.3191.
878 (g) *Interlocal agreement for school concurrency.*—When
879 establishing concurrency requirements for public schools, a
880 local government must enter into an interlocal agreement that
881 satisfies the requirements in ss. 163.3177(6)(h)1. and 2. and

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882 163.31777 and the requirements of this subsection. The
883 interlocal agreement shall acknowledge both the school board's
884 constitutional and statutory obligations to provide a uniform
885 system of free public schools on a countywide basis, and the
886 land use authority of local governments, including their
887 authority to approve or deny comprehensive plan amendments and
888 development orders. The interlocal agreement shall be submitted
889 to the state land planning agency by the local government as a
890 part of the compliance review, along with the other necessary
891 amendments to the comprehensive plan required by this part. In
892 addition to the requirements of ss. 163.3177(6)(h) and
893 163.31777, the interlocal agreement shall meet the following
894 requirements:
895 1. Establish the mechanisms for coordinating the
896 development, adoption, and amendment of each local government's
897 public school facilities element with each other and the plans
898 of the school board to ensure a uniform districtwide school
899 concurrency system.
900 2. Establish a process for the development of siting
901 criteria which encourages the location of public schools
902 proximate to urban residential areas to the extent possible and
903 seeks to collocate schools with other public facilities such as
904 parks, libraries, and community centers to the extent possible.
905 3. Specify uniform, districtwide level-of-service standards
906 for public schools of the same type and the process for
907 modifying the adopted level-of-service standards.
908 4. Establish a process for the preparation, amendment, and
909 joint approval by each local government and the school board of
910 a public school capital facilities program which is financially

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911 feasible, and a process and schedule for incorporation of the
912 public school capital facilities program into the local
913 government comprehensive plans on an annual basis.
914 5. Define the geographic application of school concurrency.
915 If school concurrency is to be applied on a less than
916 districtwide basis in the form of concurrency service areas, the
917 agreement shall establish criteria and standards for the
918 establishment and modification of school concurrency service
919 areas. The agreement shall also establish a process and schedule
920 for the mandatory incorporation of the school concurrency
921 service areas and the criteria and standards for establishment
922 of the service areas into the local government comprehensive
923 plans. The agreement shall ensure maximum utilization of school
924 capacity, taking into account transportation costs and court-
925 approved desegregation plans, as well as other factors. The
926 agreement shall also ensure the achievement and maintenance of
927 the adopted level-of-service standards for the geographic area
928 of application throughout the 5 years covered by the public
929 school capital facilities plan and thereafter by adding a new
930 fifth year during the annual update.
931 6. Establish a uniform districtwide procedure for
932 implementing school concurrency which provides for:
933 a. The evaluation of development applications for
934 compliance with school concurrency requirements, including
935 information provided by the school board on affected schools,
936 impact on levels of service, and programmed improvements for
937 affected schools and any options to provide sufficient capacity;
938 b. An opportunity for the school board to review and
939 comment on the effect of comprehensive plan amendments and

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940 rezonings on the public school facilities plan; and
941 c. The monitoring and evaluation of the school concurrency
942 system.
943 7. Include provisions relating to amendment of the
944 agreement.
945 8. A process and uniform methodology for determining
946 proportionate-share mitigation pursuant to subparagraph (e)1.
947 (h) *Local government authority.*—This subsection does not
948 limit the authority of a local government to grant or deny a
949 development permit or its functional equivalent prior to the
950 implementation of school concurrency.
951 (14) RULEMAKING AUTHORITY.—The state land planning agency
952 shall~~, by October 1, 1998,~~ adopt by rule minimum criteria for
953 the review and determination of compliance of a public school
954 facilities element adopted by a local government for purposes of
955 the imposition of school concurrency.
956 (15)(a) MULTIMODAL DISTRICTS.—Multimodal transportation
957 districts may be established under a local government
958 comprehensive plan in areas delineated on the future land use
959 map for which the local comprehensive plan assigns secondary
960 priority to vehicle mobility and primary priority to assuring a
961 safe, comfortable, and attractive pedestrian environment, with
962 convenient interconnection to transit. Such districts must
963 incorporate community design features that will reduce the
964 number of automobile trips or vehicle miles of travel and will
965 support an integrated, multimodal transportation system. Before
966 ~~Prior to~~ the designation of multimodal transportation districts,
967 the Department of Transportation shall, in consultation with ~~be~~
968 ~~consulted by~~ the local government, ~~to~~ assess the impact that the

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969 proposed multimodal district area is expected to have on the
970 adopted level-of-service standards established for Strategic
971 Intermodal System facilities, as provided in s. 339.63 ~~defined~~
972 ~~in s. 339.64~~, and roadway facilities funded in accordance with
973 s. 339.2819. Further, the local government shall, in cooperation
974 with the Department of Transportation, develop a plan to
975 mitigate any impacts to the Strategic Intermodal System,
976 including the development of a long-term concurrency management
977 system pursuant to subsection (9) and s. 163.3177(3)(d).
978 ~~Multimodal transportation districts existing prior to July 1,~~
979 ~~2005, shall meet, at a minimum, the provisions of this section~~
980 ~~by July 1, 2006, or at the time of the comprehensive plan update~~
981 ~~pursuant to the evaluation and appraisal report, whichever~~
982 ~~occurs last.~~
983 (b) Community design elements of ~~such~~ a multimodal
984 transportation district include:
985 1. A complementary mix and range of land uses, including
986 educational, recreational, and cultural uses;
987 2. Interconnected networks of streets designed to encourage
988 walking and bicycling, with traffic-calming where desirable;
989 3. Appropriate densities and intensities of use within
990 walking distance of transit stops;
991 4. Daily activities within walking distance of residences,
992 allowing independence to persons who do not drive; and
993 5. Public uses, streets, and squares that are safe,
994 comfortable, and attractive for the pedestrian, with adjoining
995 buildings open to the street and with parking not interfering
996 with pedestrian, transit, automobile, and truck travel modes.
997 (c) Local governments may establish multimodal level-of-

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998 service standards that rely primarily on nonvehicular modes of
999 transportation within the district, if ~~when~~ justified by an
1000 analysis demonstrating that the existing and planned community
1001 design will provide an adequate level of mobility within the
1002 district based upon professionally accepted multimodal level-of-
1003 service methodologies. The analysis must also demonstrate that
1004 the capital improvements required to promote community design
1005 are financially feasible over the development or redevelopment
1006 timeframe for the district and that community design features
1007 within the district provide convenient interconnection for a
1008 multimodal transportation system. Local governments may issue
1009 development permits in reliance upon all planned community
1010 design capital improvements that are financially feasible over
1011 the development or redevelopment timeframe for the district,
1012 regardless of ~~without regard to~~ the period ~~of time~~ between
1013 development or redevelopment and the scheduled construction of
1014 the capital improvements. A determination of financial
1015 feasibility shall be based upon currently available funding or
1016 funding sources that could reasonably be expected to become
1017 available over the planning period.

1018 (d) Local governments may reduce impact fees or local
1019 access fees for development within multimodal transportation
1020 districts based on the reduction of vehicle trips per household
1021 or vehicle miles of travel expected from the development pattern
1022 planned for the district.

1023 (e) ~~By December 1, 2007,~~ The Department of Transportation,
1024 in consultation with the state land planning agency and
1025 interested local governments, may designate a study area for
1026 conducting a pilot project to determine the benefits of and

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1027 barriers to establishing a regional multimodal transportation
1028 concurrency district that extends over more than one local
1029 government jurisdiction. If designated:
1030 1. The study area must be in a county that has a population
1031 of at least 1,000 persons per square mile, be within an urban
1032 service area, and have the consent of the local governments
1033 within the study area. The Department of Transportation and the
1034 state land planning agency shall provide technical assistance.
1035 2. The local governments within the study area and the
1036 Department of Transportation, in consultation with the state
1037 land planning agency, shall cooperatively create a multimodal
1038 transportation plan that meets the requirements <u>in</u> ~~of~~ this
1039 section. The multimodal transportation plan must include viable
1040 local funding options and incorporate community design features,
1041 including a range of mixed land uses and densities and
1042 intensities, which will reduce the number of automobile trips or
1043 vehicle miles of travel while supporting an integrated,
1044 multimodal transportation system.
1045 3. <u>In order</u> to effectuate the multimodal transportation
1046 concurrency district, participating local governments may adopt
1047 appropriate comprehensive plan amendments.
1048 4. The Department of Transportation, in consultation with
1049 the state land planning agency, shall submit a report by March
1050 1, 2009, to the Governor, the President of the Senate, and the
1051 Speaker of the House of Representatives on the status of the
1052 pilot project. The report must identify any factors that support
1053 or limit the creation and success of a regional multimodal
1054 transportation district including intergovernmental
1055 coordination.

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1056 (16) PROPORTIONATE FAIR-SHARE MITIGATION.—It is the intent
1057 of the Legislature to provide a method by which the impacts of
1058 development on transportation facilities can be mitigated by the
1059 cooperative efforts of the public and private sectors. The
1060 methodology used to calculate proportionate fair-share
1061 mitigation shall be calculated as follows: mitigation under this
1062 section shall be as provided for in subsection (12).
1063 (a) The proportionate fair-share contribution shall be
1064 calculated based upon the cumulative number of trips from the
1065 proposed new stage or phase of development expected to reach
1066 roadways during the peak hour at the complete buildout of a
1067 stage or phase being approved, divided by the change in the peak
1068 hour maximum service volume of the roadways resulting from the
1069 construction of an improvement necessary to maintain the adopted
1070 level of service. The calculated proportionate fair-share
1071 contribution shall be multiplied by the construction cost, at
1072 the time of developer payment, of the improvement necessary to
1073 maintain the adopted level of service in order to determine the
1074 proportionate fair-share contribution. For purposes of this
1075 subparagraph, the term “construction cost” includes all
1076 associated costs of the improvement.
1077 (b)(a) By December 1, 2006, Each local government shall
1078 adopt by ordinance a methodology for assessing proportionate
1079 fair-share mitigation options consistent with this section. By
1080 December 1, 2005, the Department of Transportation shall develop
1081 a model transportation concurrency management ordinance with
1082 methodologies for assessing proportionate fair-share mitigation
1083 options.
1084 (c)(b)1. In its transportation concurrency management

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1085 system, a local government shall~~, by December 1, 2006,~~ include
1086 methodologies that will be applied to calculate proportionate
1087 fair-share mitigation. A developer may choose to satisfy all
1088 transportation concurrency requirements by contributing or
1089 paying proportionate fair-share mitigation if transportation
1090 facilities or facility segments identified as mitigation for
1091 traffic impacts are specifically identified for funding in the
1092 5-year schedule of capital improvements in the capital
1093 improvements element of the local plan or the long-term
1094 concurrency management system or if such contributions or
1095 payments to such facilities or segments are reflected in the 5-
1096 year schedule of capital improvements in the next regularly
1097 scheduled update of the capital improvements element. Updates to
1098 the 5-year capital improvements element which reflect
1099 proportionate fair-share contributions may not be found not in
1100 compliance based on ss. 163.3164(32) and 163.3177(3) if
1101 additional contributions, payments or funding sources are
1102 reasonably anticipated during a period not to exceed 10 years to
1103 fully mitigate impacts on the transportation facilities.
1104 2. Proportionate fair-share mitigation shall be applied as
1105 a credit against all transportation impact fees or any exactions
1106 assessed for the traffic impacts of a development ~~to the extent~~
1107 ~~that all or a portion of the proportionate fair-share mitigation~~
1108 ~~is used to address the same capital infrastructure improvements~~
1109 ~~contemplated by the local government's impact fee ordinance~~.
1110 (d)~~(c)~~ Proportionate fair-share mitigation includes,
1111 without limitation, separately or collectively, private funds,
1112 contributions of land, or ~~and~~ construction and contribution of
1113 facilities and may include public funds as determined by the

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1114 local government. Proportionate fair-share mitigation may be
1115 directed toward one or more specific transportation improvements
1116 reasonably related to the mobility demands created by the
1117 development and such improvements may address one or more modes
1118 of travel. The fair market value of the proportionate fair-share
1119 mitigation may ~~shall~~ not differ based on the form of mitigation.
1120 A local government may not require a development to pay more
1121 than its proportionate fair-share contribution regardless of the
1122 method of mitigation. Proportionate fair-share mitigation shall
1123 be limited to ensure that a development meeting the requirements
1124 of this section mitigates its impact on the transportation
1125 system but is not responsible for the additional cost of
1126 reducing or eliminating backlogs.
1127 (e) ~~(d)~~ This subsection does not require a local government
1128 to approve a development that is not otherwise qualified for
1129 approval pursuant to the applicable local comprehensive plan and
1130 land development regulations; however, a development that
1131 satisfies the requirements of this section shall not be denied
1132 on the basis of a failure to mitigate its transportation impacts
1133 under the local comprehensive plan or land development
1134 regulations. This paragraph does not limit a local government
1135 from imposing lawfully adopted transportation impact fees.
1136 (f) ~~(e)~~ Mitigation for development impacts to facilities on
1137 the Strategic Intermodal System made pursuant to this subsection
1138 requires the concurrence of the Department of Transportation.
1139 (g) ~~(f)~~ If the funds in an adopted 5-year capital
1140 improvements element are insufficient to fully fund construction
1141 of a transportation improvement required by the local
1142 government's concurrency management system, a local government

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1143 and a developer may still enter into a binding proportionate-
1144 share agreement authorizing the developer to construct that
1145 amount of development on which the proportionate share is
1146 calculated if the proportionate-share amount in such agreement
1147 is sufficient to pay for one or more improvements which will, in
1148 the opinion of the governmental entity or entities maintaining
1149 the transportation facilities, significantly benefit the
1150 impacted transportation system. The improvements funded by the
1151 proportionate-share component must be adopted into the 5-year
1152 capital improvements schedule of the comprehensive plan at the
1153 next annual capital improvements element update. The funding of
1154 any improvements that significantly benefit the impacted
1155 transportation system satisfies concurrency requirements as a
1156 mitigation of the development's impact upon the overall
1157 transportation system even if there remains a failure of
1158 concurrency on other impacted facilities.
1159 (h)~~(g)~~ Except as provided in subparagraph (c)1. ~~(b)1.~~, this
1160 section does ~~may~~ not prohibit the state land planning agency
1161 ~~Department of Community Affairs~~ from finding other portions of
1162 the capital improvements element amendments not in compliance as
1163 provided in this chapter.
1164 (i)~~(h) The provisions of~~ This subsection does ~~do~~ not apply
1165 to a development of regional impact satisfying the requirements
1166 in ~~of~~ subsection (12).
1167 (17) AFFORDABLE WORKFORCE HOUSING.—A local government and
1168 the developer of affordable workforce housing units developed in
1169 accordance with s. 380.06(19) or s. 380.0651(3) may identify an
1170 employment center or centers in close proximity to the
1171 affordable workforce housing units. If at least 50 percent of

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1172 the units are occupied by an employee or employees of an
1173 identified employment center or centers, all of the affordable
1174 workforce housing units are exempt from transportation
1175 concurrency requirements, and the local government may not
1176 reduce any transportation trip-generation entitlements of an
1177 approved development-of-regional-impact development order. As
1178 used in this subsection, the term "close proximity" means 5
1179 miles from the nearest point of the development of regional
1180 impact to the nearest point of the employment center, and the
1181 term "employment center" means a place of employment that
1182 employs at least 25 or more full-time employees.
1183 (18) INCENTIVES FOR CONTRIBUTIONS.—Landowners or
1184 developers, including landowners or developers of developments
1185 of regional impact, who propose a large-scale development of 500
1186 cumulative acres or more may satisfy all of the transportation
1187 concurrency requirements by contributing or paying proportionate
1188 share or proportionate fair-share mitigation. If such
1189 contribution is made, a local government shall:
1190 (a) Designate the traffic impacts for transportation
1191 facilities or facility segments as mitigated for funding in the
1192 5-year schedule of capital improvements in the capital
1193 improvements element of the local comprehensive plan or the
1194 long-term concurrency management system; or
1195 (b) Reflect that the traffic impacts for transportation
1196 facilities or facility segments are mitigated in the 5-year
1197 schedule of capital improvements in the next regularly scheduled
1198 update of the capital improvements element. Updates to the 5-
1199 year capital improvements element which reflect proportionate
1200 share or proportionate fair-share contributions are deemed

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1201 compliant with s. 163.3164(32) or s. 163.3177(3) if additional
1202 contributions, payments, or funding sources are reasonably
1203 anticipated during a period not to exceed 10 years and would
1204 fully mitigate impacts on the transportation facilities and
1205 facility segments.
1206 (19) COSTS OF MITIGATION.—The costs of mitigation for
1207 concurrency impacts shall be distributed to all affected
1208 jurisdictions by the local government having jurisdiction over
1209 project or development approval. Distribution shall be
1210 proportionate to the percentage of the total concurrency
1211 mitigation costs incurred by an affected jurisdiction.
1212 Section 4. Subsection (2) of section 163.3182, Florida
1213 Statutes, is amended to read:
1214 163.3182 Transportation concurrency backlogs.—
1215 (2) CREATION OF TRANSPORTATION CONCURRENCY BACKLOG
1216 AUTHORITIES.—
1217 (a) A county or municipality may create a transportation
1218 concurrency backlog authority if it has an identified
1219 transportation concurrency backlog.
1220 (b) No later than 2012, a local government that has an
1221 identified transportation concurrency backlog shall adopt one or
1222 more transportation concurrency backlog areas as part of the
1223 local government’s capital improvements element update to its
1224 submission of financial feasibility to the state land planning
1225 agency. Any additional areas that a local government creates
1226 shall be submitted biannually to the state land planning agency
1227 until the local government has demonstrated, no later than 2027,
1228 that the backlog existing in 2012 has been mitigated through
1229 construction or planned construction of the necessary

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1230 transportation mobility improvements. If a local government is
1231 unable to meet the biannual requirements of the capital
1232 improvements element update for new areas as a result of
1233 economic conditions, the local government may request from the
1234 state land planning agency a one-time waiver of the requirement
1235 to file the biannual creation of new transportation concurrency
1236 backlog authority areas.
1237 (c) Landowners or developers within a large-scale
1238 development area of 500 cumulative acres or more may request the
1239 local government to create a transportation concurrency backlog
1240 area for the development area for roadways significantly
1241 affected by traffic from the development if those roadways are
1242 or will be backlogged as defined by s. 163.3164(35). If a
1243 development permit is issued or a comprehensive plan amendment
1244 is approved within the development area, the local government
1245 shall designate the transportation concurrency backlog area
1246 unless the funding is insufficient to address one or more
1247 transportation capacity improvements necessary to satisfy the
1248 additional deficiencies coexisting or anticipated with the new
1249 development. The transportation concurrency backlog area shall
1250 be created by ordinance and shall be used to satisfy all
1251 proportionate share or proportionate fair-share transportation
1252 concurrency contributions of the development not otherwise
1253 satisfied by impact fees. The local government shall manage the
1254 area acting as a transportation concurrency backlog authority
1255 and all applicable provisions of this section apply, except that
1256 the tax increment shall be used to satisfy transportation
1257 concurrency requirements not otherwise satisfied by impact fees.
1258 (d) ~~(b)~~ Acting as the transportation concurrency backlog

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1259 authority within the authority’s jurisdictional boundary, the
1260 governing body of a county or municipality shall adopt and
1261 implement a plan to eliminate all identified transportation
1262 concurrency backlogs within the authority’s jurisdiction using
1263 funds provided pursuant to subsection (5) and as otherwise
1264 provided pursuant to this section.
1265 (e) Notwithstanding any general law, special act, or
1266 ordinance to the contrary, a local government may not require
1267 any payments for transportation concurrency exceeding a
1268 development’s traffic impacts as identified pursuant to impact
1269 fees or s. 163.3180(12) or (16) and may not require such
1270 payments as a condition of a development order or permit. If
1271 such payments required to satisfy a development’s share of
1272 transportation concurrency costs do not mitigate all traffic
1273 impacts of the planned development area because of existing or
1274 future backlog conditions, the owner or developer may petition
1275 the local government for designation of a transportation
1276 concurrency backlog area pursuant to this section, which shall
1277 satisfy any remaining concurrency backlog requirements in the
1278 impacted area.
1279 Section 5. Paragraph (a) of subsection (7) of section
1280 380.06, Florida Statutes, is amended to read:
1281 380.06 Developments of regional impact.—
1282 (7) PREAPPLICATION PROCEDURES.—
1283 (a) Before filing an application for development approval,
1284 the developer shall contact the regional planning agency having
1285 ~~with~~ jurisdiction over the proposed development to arrange a
1286 preapplication conference. Upon the request of the developer or
1287 the regional planning agency, other affected state and regional

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1288 agencies shall participate in the ~~this~~ conference and shall
1289 identify the types of permits issued by the agencies, the level
1290 of information required, and the permit issuance procedures as
1291 applied to the proposed development. The levels of service
1292 required in the transportation methodology must be the same
1293 levels of service used to evaluate concurrency and proportionate
1294 share pursuant to s. 163.3180. The regional planning agency
1295 shall provide ~~the developer~~ information to the developer
1296 regarding ~~about~~ the development-of-regional-impact process and
1297 the use of preapplication conferences to identify issues,
1298 coordinate appropriate state and local agency requirements, and
1299 otherwise promote a proper and efficient review of the proposed
1300 development. If an agreement is reached regarding assumptions
1301 and methodology to be used in the application for development
1302 approval, the reviewing agencies may not subsequently object to
1303 those assumptions and methodologies unless subsequent changes to
1304 the project or information obtained during the review make those
1305 assumptions and methodologies inappropriate.
1306 Section 6. Present subsection (19) of section 403.973,
1307 Florida Statutes, is redesignated as subsection (20), and a new
1308 subsection (19) is added to that section, to read:
1309 403.973 Expedited permitting; comprehensive plan
1310 amendments.—
1311 (19) It is the intent of the Legislature to encourage and
1312 facilitate the location of businesses in the state which will
1313 create jobs and high wages, diversify the state's economy, and
1314 promote the development of energy saving technologies and other
1315 clean technologies to be used in Florida communities. It is also
1316 the intent of the Legislature to provide incentives in

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1317 regulatory process for mixed use projects that are regional
1318 centers for clean technology (RCCT) to accomplish the goals of
1319 this section and meet additional performance criteria for
1320 conservation, reduced energy and water consumption, and other
1321 practices for creating a sustainable community.
1322 (a) In order to qualify for the incentives in this
1323 subsection, a proposed RCCT project must:
1324 1. Create new jobs in development, manufacturing, and
1325 distribution in the clean technology industry, including, but
1326 not limited to, energy and fuel saving, alternative energy
1327 production, or carbon-reduction technologies. Overall job
1328 creation must be at a minimum ratio of one job for every
1329 household in the project and produce no fewer than 10,000 jobs
1330 upon completion of the project.
1331 2. Provide at least 25 percent of site-wide demand for
1332 electricity by new renewable energy sources.
1333 3. Use building design and construction techniques and
1334 materials to reduce project-wide energy demand by at least 25
1335 percent compared to 2009 average per capita consumption for the
1336 state.
1337 4. Use conservation and construction techniques and
1338 materials to reduce potable water consumption by at least 25
1339 percent compared to 2009 average per capita consumption for the
1340 state.
1341 5. Have a projected per capita carbon emissions at least 25
1342 percent below the 2009 average per capita carbon emissions for
1343 the state.
1344 6. Contain at least 25,000 acres, at least 50 percent of
1345 which will be dedicated to conservation or open space. The

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1346 project site must be directly accessible to a crossroad of two
1347 Strategic Intermodal System facilities and may not be located in
1348 a coastal high-hazard area.
1349 7. Be planned to contain a mix of land uses, including, at
1350 minimum, 5 million square feet of combined research and
1351 development, industrial uses, and commercial land uses, and a
1352 balanced mix of housing to meet the demands for jobs and wages
1353 created within the project.
1354 8. Be designed to greatly reduce the need for automobile
1355 usage through an intramodal mass transit system, site design,
1356 and other strategies to reduce vehicle miles travelled.
1357 (b) The office shall certify a RCCT project as eligible for
1358 the incentives in this subsection within 30 days after receiving
1359 an application that meets the criteria paragraph (a). The
1360 application must be received within 180 days after July 1, 2009,
1361 in order to qualify for this incentive. The recommendation from
1362 the governing body of the county or municipality in which the
1363 project may be located is required in order for the office to
1364 certify that any project is eligible for the expedited review
1365 and incentives under this subsection. The office may decertify a
1366 project that has failed to meet the criteria in this subsection
1367 and the commitments set forth in the application.
1368 (c)1. The office shall direct the creation of regional
1369 permit action teams through a memorandum of agreement as set
1370 forth in subsections (4)-(6). The RCCT project shall be eligible
1371 for the expedited permitting and other incentives provided in
1372 this section.
1373 2. Notwithstanding any other provisions of law,
1374 applications for comprehensive plan amendments received before

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1375 June 1, 2009, which are associated with RCCT projects certified
1376 under this subsection, including text amendments that set forth
1377 parameters for establishing a RCCT project map amendment, shall
1378 be processed pursuant to the provisions of s. 163.3187(1)(c) and
1379 (3). The Legislature finds that a project meeting the criteria
1380 for certification under this subsection meets the requirements
1381 for land use allocation need based on population projections,
1382 discouragement of urban sprawl, the provisions of s.
1383 163.3177(6)(a) and (11), and implementing rules.
1384 3. Any development projects within the certified project
1385 which are subject to development-of-regional-impact review
1386 pursuant to the applicable provisions of chapter 380 shall be
1387 reviewed pursuant to that chapter and applicable rules. If a
1388 RCCT project qualifies as a development of regional impact, the
1389 application must be submitted within 180 days after the adoption
1390 of the related comprehensive plan amendment. Notwithstanding any
1391 other provisions of law, the state land planning agency may not
1392 appeal a local government development order issued under chapter
1393 380 unless the agency having regulatory authority over the
1394 subject area of the appeal has recommended an appeal.
1395 Section 7. Transportation mobility fee.—
1396 (1)(a) The Legislature finds that the existing
1397 transportation concurrency system has not adequately addressed
1398 the transportation needs of this state in an effective,
1399 predictable, and equitable manner and is not producing a
1400 sustainable transportation system for the state. The Legislature
1401 finds that the current system is complex, lacks uniformity among
1402 jurisdictions, is too focused on roadways to the detriment of
1403 desired land use patterns and transportation alternatives, and

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1404 frequently prevents the attainment of important growth
1405 management goals.
1406 (b) The Legislature determines that the state shall
1407 evaluate and, as deemed feasible, implement a different adequate
1408 public facility requirement for transportation which uses a
1409 mobility fee. The mobility fee shall be designed to provide for
1410 mobility needs, ensure that development provides mitigation for
1411 its impacts on the transportation system in approximate
1412 proportionality to those impacts, fairly distribute financial
1413 burdens, and promote compact, mixed-use, and energy efficient
1414 development.
1415 (2) The Legislature directs the state land planning agency
1416 and the Department of Transportation, both of which are
1417 currently performing independent mobility fee studies, to
1418 coordinate and use those studies in developing a methodology for
1419 a mobility fee system as follows:
1420 (a) The uniform mobility fee methodology for statewide
1421 application is intended to replace existing transportation
1422 concurrency management systems adopted and implemented by local
1423 governments. The studies shall focus upon developing a
1424 methodology that includes:
1425 1. A determination of the amount, distribution, and timing
1426 of vehicular and people-miles traveled by applying
1427 professionally accepted standards and practices in the
1428 disciplines of land use and transportation planning, including
1429 requirements of constitutional and statutory law.
1430 2. The development of an equitable mobility fee that
1431 provides funding for future mobility needs whereby new
1432 development mitigates in approximate proportionality its impacts

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1433 on the transportation system, yet is not delayed or held
1434 accountable for system backlogs or failures that are not
1435 directly attributable to the proposed development.
1436 3. The replacement of transportation-related financial
1437 feasibility obligations, proportionate-share contributions for
1438 developments of regional impacts, proportionate fair-share
1439 contributions, and locally adopted transportation impact fees
1440 with the mobility fee, such that a single transportation fee may
1441 be applied uniformly on a statewide basis by application of the
1442 mobility fee formula developed by these studies.
1443 4. Applicability of the mobility fee on a statewide or more
1444 limited geographic basis, accounting for special requirements
1445 arising from implementation for urban, suburban, and rural
1446 areas, including recommendations for an equitable implementation
1447 in these areas.
1448 5. The feasibility of developer contributions of land for
1449 right-of-way or developer-funded improvements to the
1450 transportation network to be recognized as credits against the
1451 mobility fee by entering into mutually acceptable agreements
1452 reached with the impacted jurisdiction.
1453 6. An equitable methodology for distribution of the
1454 mobility fee proceeds among those jurisdictions responsible for
1455 construction and maintenance of the impacted roadways, such that
1456 the collected mobility fees are used for improvements to the
1457 overall transportation network of the impacted jurisdiction.
1458 (b) The state land planning agency and the Department of
1459 Transportation shall develop and submit to the President of the
1460 Senate and the Speaker of the House of Representatives, no later
1461 than July 15, 2009, an initial interim joint report on the

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1462 status of the mobility fee methodology study, no later than
1463 October 1, 2009, a second interim joint report on the status of
1464 the mobility fee methodology study, and no later than December
1465 1, 2009, a final joint report on the mobility fee methodology
1466 study, complete with recommended legislation and a plan to
1467 implement the mobility fee as a replacement for the existing
1468 transportation concurrency management systems adopted and
1469 implemented by local governments. The final joint report shall
1470 also contain, but is not limited to, an economic analysis of
1471 implementation of the mobility fee, activities necessary to
1472 implement the fee, and potential costs and benefits at the state
1473 and local levels and to the private sector.
1474 Section 8. The Legislature directs the Department of
1475 Transportation to establish an approved transportation
1476 methodology which recognizes that a planned, sustainable, or
1477 self-sufficient development area will likely achieve a community
1478 internal capture rate in excess of 30 percent when fully
1479 developed. A sustainable or self-sufficient development area
1480 consists of 500 acres or more of large-scale developments
1481 individually or collectively designed to achieve self
1482 containment by providing a balance of land uses to fulfill a
1483 majority of the community's needs. The adopted transportation
1484 methodology shall use a regional transportation model that
1485 incorporates professionally accepted modeling techniques
1486 applicable to well-planned, sustainable communities of the size,
1487 location, mix of uses, and design features consistent with such
1488 communities. The adopted transportation methodology shall serve
1489 as the basis for sustainable or self-sufficient development's
1490 traffic impact assessments by the department. The methodology

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1491 review must be completed and in use no later than July 1, 2009.
1492 Section 9. This act shall take effect July 1, 2009.
1493
1494 ================= T I T L E A M E N D M E N T ================
1495 And the title is amended as follows:
1496 Delete everything before the enacting clause
1497 and insert:
1498 A bill to be entitled
1499 An act relating to growth management; amending s.
1500 163.3164, F.S.; revising definitions; providing a
1501 definition for the terms "dense urban land area,"
1502 "backlog" or "backlogged transportation facility," and
1503 "background trips"; amending s. 163.3177, F.S.;
1504 conforming a cross-reference; providing that a local
1505 government's comprehensive plan or plan amendments for
1506 land uses within a transportation concurrency
1507 exception area meets the level-of-service standards
1508 for transportation; amending s. 163.3180, F.S.;
1509 revising concurrency requirements; providing
1510 legislative findings relating to transportation
1511 concurrency exception areas; providing for the
1512 applicability of transportation concurrency exception
1513 areas; deleting certain requirements for
1514 transportation concurrency exception areas; providing
1515 that the designation of a transportation concurrency
1516 exception area does not limit a local government's
1517 home rule power to adopt ordinances or impose fees and
1518 does not affect any contract or agreement entered into
1519 or development order rendered before such designation;

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1520 requiring that the Office of Program Policy Analysis
1521 and Government Accountability submit a report to the
1522 Legislature concerning the effects of the
1523 transportation concurrency exception areas; providing
1524 for an exemption from level-of-service standards for
1525 proposed development related to qualified job-creation
1526 projects; clarifying the calculation of the
1527 proportionate-share contribution for local and
1528 regionally significant traffic impacts which is paid
1529 by a development of regional impact for the purpose of
1530 satisfying certain concurrency requirements; amending
1531 s. 163.3182, F.S.; revising provisions relating to
1532 transportation concurrency backlog authorities;
1533 requiring that a local government adopt one or more
1534 transportation concurrency backlog areas as part its
1535 capital improvements element update; requiring that a
1536 local government biannually submit new areas to the
1537 state land planning agency until certain conditions
1538 are met; providing an exception; providing for certain
1539 landowners or developers to request a transportation
1540 concurrency backlog area for a development area;
1541 prohibiting a local government from requiring payments
1542 for transportation concurrency which exceed the costs
1543 of mitigating traffic impacts; amending s. 380.06,
1544 F.S.; revising provisions relating to preapplication
1545 procedures for development approval; requiring that
1546 the level-of-service standards required in the
1547 transportation methodology be the same as the
1548 standards used to evaluate concurrency and

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1549 proportionate share; amending s. 403.973, F.S.;
1550 providing legislative intent; providing certain
1551 criteria for regional centers for clean technology
1552 projects to receive expedited permitting; providing
1553 regulatory incentives for projects that meet such
1554 criteria; authorizing the Office of Tourism, Trade,
1555 and Economic Development within the Executive Office
1556 of the Governor to certify and decertify such
1557 projects; authorizing the office to create regional
1558 permit action teams; providing for a transportation
1559 mobility fee; providing legislative findings and
1560 intent; requiring that the state land planning agency
1561 and the Department of Transportation coordinate their
1562 independent mobility fees studies to develop a
1563 methodology for a mobility fee system; providing
1564 guidelines for developing the methodology; requiring
1565 that the state land planning agency and the department
1566 submit joint interim reports to the Legislature by
1567 specified dates; requiring that the Department of
1568 Transportation establish a transportation methodology;
1569 requiring that such methodology be completed and in
1570 use by a specified date; providing an effective date.