



607210

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/14/2009	.	
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The Committee on Transportation (Baker) recommended the following:

Senate Amendment (with title amendment)

Between lines 369 and 370
insert:

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

1.(a) The development of regional impact which, based on



607210

12 its location or mix of land uses, is designed to encourage
13 pedestrian or other nonautomotive modes of transportation;

14 ~~2.(b)~~ The proportionate-share contribution for local and
15 regionally significant traffic impacts is sufficient to pay for
16 one or more required mobility improvements that will benefit a
17 regionally significant transportation facility;

18 ~~3.(e)~~ The owner and developer of the development of
19 regional impact pays or assures payment of the proportionate-
20 share contribution; and

21 ~~4.(d) If~~ The regionally significant transportation facility
22 to be constructed or improved is under the maintenance authority
23 of a governmental entity, as defined by s. 334.03(12), ~~other~~
24 ~~than~~. The local government having ~~with~~ jurisdiction over the
25 development of regional impact must, ~~the developer is required~~
26 ~~to~~ enter into a binding and legally enforceable commitment to
27 transfer funds to the governmental entity having maintenance
28 authority or to otherwise assure construction or improvement of
29 a the facility reasonably related to the mobility demands
30 created by the development.

31
32 (b) The proportionate-share contribution may be applied to any
33 transportation facility to satisfy the provisions of this
34 subsection and the local comprehensive plan, ~~but, for the~~
35 ~~purposes of this subsection,~~ The amount of the proportionate-
36 share contribution shall be calculated based upon the cumulative
37 number of trips from the proposed development expected to reach
38 roadways during the peak hour ~~from~~ at the complete buildout of a
39 stage or phase being approved, divided by the change in the peak
40 hour maximum service volume of the roadways resulting from the



607210

41 construction of an improvement necessary to maintain the adopted
42 level of service, multiplied by the construction cost, at the
43 time of developer payment, of the improvement necessary to
44 maintain the adopted level of service. For purposes of this
45 subparagraph ~~subsection~~, the term "construction cost" includes
46 all associated costs of the improvement. Proportionate-share
47 mitigation shall be limited to ensure that a development of
48 regional impact meeting the requirements of this subsection
49 mitigates its impact on the transportation system but is not
50 responsible for the additional cost of reducing or eliminating
51 backlogs. For purposes of this subparagraph, the term "backlog"
52 means a facility or facilities on which the adopted level-of-
53 service standard is exceeded by the existing trips, plus
54 additional projected background trips from any source other than
55 the development project under review that are forecast by
56 established traffic standards, including traffic modeling,
57 consistent with the University of Florida Bureau of Economic and
58 Business Research medium population projections. Additional
59 projected background trips are to be coincident with the
60 particular stage or phase of development under review.

61 1. A developer shall not be required to fund or construct
62 proportionate-share mitigation that is more extensive than
63 mitigation necessary to offset the impact of the development
64 project under review.

65 2. Proportionate-share mitigation shall be applied as a
66 credit against any transportation impact fees or exactions
67 assessed for the traffic impacts of a development.

68 3. Proportionate-share mitigation may be directed toward
69 one or more specific transportation improvements reasonably



607210

70 related to the mobility demands created by the development and
71 such improvements may address one or more modes of
72 transportation.

73 4. The payment for such improvements that significantly
74 benefit the impacted transportation system satisfies concurrency
75 requirements as a mitigation of the development's stage or phase
76 impacts upon the overall transportation system even if there
77 remains a failure of concurrency on other impacted facilities.

78 5. This subsection also applies to Florida Quality
79 Developments pursuant to s. 380.061 and to detailed specific
80 area plans implementing optional sector plans pursuant to s.
81 163.3245.

82
83 ===== T I T L E A M E N D M E N T =====

84 And the title is amended as follows:

85 Delete line 43

86 and insert:

87 projects; revising the criteria for proportionate-share
88 contributions; creating a definition for "backlog"; revising
89 provisions relating to school