



LEGISLATIVE ACTION

Senate	.	House
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Floor: WD/2R	.	
04/30/2009 10:41 AM	.	
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Senator Bennett moved the following:

**Senate Amendment (with title amendment)**

Between lines 1468 and 1469  
insert:

Section 28. Paragraphs (a) and (b) of subsection (12) and paragraph (i) of subsection (16) of section 163.3180, Florida Statutes, are created to read:

163.3180 Concurrency.—

(12) (a) A development of regional impact may satisfy the transportation concurrency requirements of the local comprehensive plan, the local government's concurrency management system, and s. 380.06 by payment of a proportionate-



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13 share contribution for local and regionally significant traffic  
14 impacts, if:

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

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

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

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

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



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

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

66 (16) It is the intent of the Legislature to provide a  
67 method by which the impacts of development on transportation  
68 facilities can be mitigated by the cooperative efforts of the  
69 public and private sectors. The methodology used to calculate  
70 proportionate fair-share mitigation under this section shall be



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71 as provided for in subsection (12).

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

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

85 And the title is amended as follows:

86 Delete line 138

87 and insert:

88 amending s. 163.3180, F.S.; providing a definition for  
89 "backlog"; providing an effective date.