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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/04/2010	.	
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The Committee on Community Affairs (Bennett) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (35) is added to section 163.3164,
Florida Statutes, to read:

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

(35) "Transit oriented development" means a project or
projects in areas that may be served by existing or anticipated
transit service and are compact, mixed-use, interconnected,
pedestrian and bicycle friendly communities designed to reduce



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13 per capita greenhouse gas emissions and vehicular trips and
14 include the densities, intensities, and amenities needed to
15 support frequent transit service on identified or dedicated
16 transit facilities that enable an individual to live, work,
17 play, and shop in a community without the need to rely solely on
18 a motor vehicle for mobility.

19 Section 2. Paragraph (a) of subsection (12) of section
20 163.3180, Florida Statutes, is amended and paragraph (h) is
21 added to subsection (5) and subsection (18) is added that
22 section to read:

23 163.3180 Concurrency.—

24 (5)

25 (h) Any proposed comprehensive plan amendment directly
26 related to the creation of a transportation concurrency
27 exception area is exempt from s. 163.3187(1) and may use the
28 alternative state review process in s. 163.32465.

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

35 1. The development of regional impact which, based on its
36 location or mix of land uses, is designed to encourage
37 pedestrian or other nonautomotive modes of transportation;

38 2. The proportionate-share contribution for local and
39 regionally significant traffic impacts is sufficient to pay for
40 one or more required mobility improvements that will benefit a
41 regionally significant transportation facility;



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42 3. The owner and developer of the development of regional
43 impact pays or assures payment of the proportionate-share
44 contribution; and

45 4. If the regionally significant transportation facility to
46 be constructed or improved is under the maintenance authority of
47 a governmental entity, as defined by s. 334.03(12), other than
48 the local government with jurisdiction over the development of
49 regional impact, the developer is required to enter into a
50 binding and legally enforceable commitment to transfer funds to
51 the governmental entity having maintenance authority or to
52 otherwise assure construction or improvement of the facility.

53
54 The proportionate-share contribution may be applied to any
55 transportation facility to satisfy the provisions of this
56 subsection and the local comprehensive plan, but, for the
57 purposes of this subsection, the amount of the proportionate-
58 share contribution shall be calculated based upon the cumulative
59 number of trips from the proposed development expected to reach
60 roadways during the peak hour from the complete buildout of a
61 stage or phase being approved, divided by the change in the peak
62 hour maximum service volume of roadways resulting from
63 construction of an improvement necessary to maintain the adopted
64 level of service, multiplied by the construction cost, at the
65 time of developer payment, of the improvement necessary to
66 maintain the adopted level of service. If the number of trips
67 used to calculate the proportionate-share contribution includes
68 trips from an earlier phase of the development, the
69 determination of mitigation for the subsequent phase of
70 development shall account for any mitigation required by the



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71 development order and provided by the developer for the earlier
72 phase, calculated at present value. For purposes of this
73 paragraph, the term "present value" means the fair market value
74 of a right-of-way at the time of contribution and, if
75 applicable, the actual dollar value of the construction
76 improvements on the date of completion as adjusted by the
77 Consumer Price Index. For purposes of this subsection,
78 "construction cost" includes all associated costs of the
79 improvement. Proportionate-share mitigation shall be limited to
80 ensure that a development of regional impact meeting the
81 requirements of this subsection mitigates its impact on the
82 transportation system but is not responsible for the additional
83 cost of reducing or eliminating backlogs. This subsection also
84 applies to Florida Quality Developments pursuant to s. 380.061
85 and to detailed specific area plans implementing optional sector
86 plans pursuant to s. 163.3245.

87 (18) COSTS OF MITIGATION.—The costs of mitigation for
88 transportation impacts shall be distributed to all affected
89 jurisdictions by the local government having jurisdiction over
90 project or development approval. Distribution shall be
91 proportionate to the percentage of the total transportation
92 mitigation costs incurred by an affected jurisdiction unless
93 otherwise agreed to by the effected jurisdictions. Any dispute
94 between jurisdictions shall be resolved pursuant to the
95 governmental dispute process in Chapter 164.

96 Section 3. Paragraphs (b) and (c) of subsection (2) of
97 section 163.3182, Florida Statutes, are redesignated as
98 paragraphs (c) and (d), respectively, and paragraph (b) is added
99 to that subsection, to read:



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100 163.3182 Transportation concurrency backlogs.-

101 (2) CREATION OF TRANSPORTATION CONCURRENCY BACKLOG
102 AUTHORITIES.-

103 (b) A landowner or developer within a transit oriented
104 development of 100 or more cumulative acres or a large-scale
105 development area of 500 cumulative acres or more may request
106 that the local government establish a transportation concurrency
107 backlog area for roadways significantly affected by traffic
108 impacts resulting from the development if those roadways are or
109 will be backlogged as defined by s. 163.3180(12)(b) and (16)(i).
110 The local government shall designate the transportation
111 concurrency backlog area by ordinance if a development order is
112 issued or a comprehensive plan amendment is approved within the
113 development area and the funding provided is sufficient to
114 address one or more transportation mobility improvements
115 necessary to satisfy the additional deficiencies coexisting or
116 anticipated as a result of the new development. The
117 transportation concurrency backlog area shall be used to satisfy
118 all proportionate-share or proportionate fair-share
119 transportation concurrency contributions of the development not
120 otherwise satisfied by impact fees. The local government shall
121 manage the area by acting as a transportation concurrency
122 backlog authority. The applicable provisions of this section
123 shall apply except that the tax increment shall be used to
124 satisfy transportation concurrency requirements not otherwise
125 satisfied by impact fees.

126 Section 4. Paragraph (u) is added to subsection (24) of
127 section 380.06, Florida Statutes, to read:

128 380.06 Developments of regional impact.-



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129 (24) STATUTORY EXEMPTIONS.-
130

131 If a use is exempt from review as a development of regional
132 impact under paragraphs (a)-(s), but will be part of a larger
133 project that is subject to review as a development of regional
134 impact, the impact of the exempt use must be included in the
135 review of the larger project, unless such exempt use involves a
136 development of regional impact that includes a landowner,
137 tenant, or user that has entered into a funding agreement with
138 the Office of Tourism, Trade, and Economic Development under the
139 Innovation Incentive Program and the agreement contemplates a
140 state award of at least \$50 million.

141 (u) Any transit oriented development as defined in s.
142 163.3164 incorporated into the county or municipality
143 comprehensive plan that has adopted land use and transportation
144 strategies to support and fund mobility including alternative
145 modes of transportation is exempt from review for transportation
146 impacts conducted pursuant to this section. This paragraph does
147 not apply to areas:

148 1. Within the boundary of any area of critical state
149 concern designated pursuant to s. 380.05;

150 2. Within the boundary of the Wekiva Study Area as
151 described in s. 369.316; or

152 3. Within 2 miles of the boundary of the Everglades
153 Protection Area as described in s. 373.4592(2).

154 Section 5. The Legislature finds that this act fulfills an
155 important state interest.

156 Section 6. This act shall take effect July 1, 2010.
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158 ===== T I T L E A M E N D M E N T =====

159 And the title is amended as follows:

160 Delete everything before the enacting clause

161 and insert:

162 A bill to be entitled

163 An act relating to growth management; amending s.
164 163.3164, F.S.; creating a definition of the term
165 "transit oriented development"; amending s. 163.3180,
166 F.S.; expediting the review of comprehensive plan
167 amendments that implement transportation concurrency
168 exception areas; accounting for the time value of
169 money for phased projects; providing for the sharing
170 of costs of mitigation for transportation concurrency;
171 amending s. 163.3182, F.S.; revising provisions
172 relating to transportation concurrency backlog
173 authorities; providing for certain landowners or
174 developers to request a transportation concurrency
175 backlog area for a development area; amending s.
176 380.06, F.S.; exempting transit oriented developments
177 from review of transportation impacts in the
178 development-of-regional-impact process; providing a
179 legislative declaration of important state interest;
180 providing an effective date.