

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Fresen offered the following:

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3 **Amendment to Amendment (494204) (with title amendment)**

4 Between lines 74 and 75, insert:

5 Section 7. Subsection (12) of section 163.3180, Florida  
6 Statutes, is amended to read:

7 163.3180 Concurrency.—

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

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

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

21           3. The owner and developer of the development of regional  
22 impact pays or assures payment of the proportionate-share  
23 contribution; and

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

32  
33 The proportionate-share contribution may be applied to any  
34 transportation facility to satisfy the provisions of this  
35 subsection and the local comprehensive plan, but, for the  
36 purposes of this subsection, the amount of the proportionate-  
37 share contribution shall be calculated based upon the cumulative  
38 number of trips from the proposed development expected to reach  
39 roadways during the peak hour from the complete buildout of a  
40 stage or phase being approved, divided by the change in the peak  
41 hour maximum service volume of roadways resulting from  
42 construction of an improvement necessary to maintain the adopted  
43 level of service, multiplied by the construction cost, at the  
44 time of developer payment, of the improvement necessary to

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45 maintain the adopted level of service. In using such calculation  
46 methodology, the methodology shall be applied twice. In the  
47 first application of such methodology, all existing trips, plus  
48 projected background trips from any source other than the  
49 development project under review, shall be quantified. In that  
50 quantification, if any road is determined to be backlogged, such  
51 road shall be removed from the development of regional impact  
52 list of significantly and adversely impacted road segments and  
53 from the proportionate-share calculation. The identified backlog  
54 improvement shall be the funding responsibility of the state or  
55 local government. Such methodology shall be applied a second  
56 time with the traffic added from the project under review and  
57 the improvement needed to remove the backlogged condition  
58 considered to be committed for purpose of the calculation.  
59 Whatever roads are then determined to be significantly and  
60 adversely impacted by the project, above the previously  
61 identified backlog impacts, shall be used to establish the  
62 project's proportionate share of the cost of the needed  
63 improvements. For purposes of this subsection, "construction  
64 cost" includes all associated costs of the improvement.  
65 Proportionate-share mitigation shall be limited to ensure that a  
66 development of regional impact meeting the requirements of this  
67 subsection mitigates its impact on the transportation system but  
68 is not responsible for the additional cost of reducing or  
69 eliminating backlogs. This subsection also applies to Florida  
70 Quality Developments pursuant to s. 380.061 and to detailed  
71 specific area plans implementing optional sector plans pursuant  
72 to s. 163.3245.

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

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**T I T L E A M E N D M E N T**

87 Remove line 94 and insert:  
 88 despite any local government limitation; amending s. 163.3180,  
 89 F.S.; providing additional requirements for application of a  
 90 methodology for calculating proportionate-share contribution  
 91 satisfaction of development of regional impact transportation  
 92 concurrency requirements; providing an