

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Randolph offered the following:

2  
3 **Amendment**

4 Remove lines 3263-3425 and insert:

5 (1)(a) Sanitary sewer, solid waste, drainage, potable  
6 water, ~~parks and recreation, schools,~~ and transportation  
7 facilities, including mass transit, where applicable, are the  
8 only public facilities and services subject to the concurrency  
9 requirement on a statewide basis. Additional public facilities  
10 and services may not be made subject to concurrency on a  
11 statewide basis without ~~appropriate study and~~ approval by the  
12 Legislature; however, any local government may extend the  
13 concurrency requirement so that it applies to additional public  
14 facilities within its jurisdiction. If concurrency is applied to  
15 other public facilities, the local government comprehensive plan  
16 must provide the principles, guidelines, standards, and

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17 strategies, including adopted levels of service, to guide its  
18 application. In order for a local government to rescind any  
19 optional concurrency provisions, a comprehensive plan amendment  
20 is required. An amendment rescinding optional concurrency issues  
21 is not subject to state review. The local government  
22 comprehensive plan must demonstrate, for required or optional  
23 concurrency requirements, that the levels of service adopted can  
24 be reasonably met. Infrastructure needed to ensure that adopted  
25 level-of-service standards are achieved and maintained for the  
26 5-year period of the capital improvement schedule must be  
27 identified pursuant to the requirements of s. 163.3177(3).

28 ~~(b) Local governments shall use professionally accepted~~  
29 ~~techniques for measuring level of service for automobiles,~~  
30 ~~bicycles, pedestrians, transit, and trucks. These techniques may~~  
31 ~~be used to evaluate increased accessibility by multiple modes~~  
32 ~~and reductions in vehicle miles of travel in an area or zone.~~  
33 ~~The Department of Transportation shall develop methodologies to~~  
34 ~~assist local governments in implementing this multimodal level-~~  
35 ~~of-service analysis. The Department of Community Affairs and the~~  
36 ~~Department of Transportation shall provide technical assistance~~  
37 ~~to local governments in applying these methodologies.~~

38 (2) (a) Consistent with public health and safety, sanitary  
39 sewer, solid waste, drainage, adequate water supplies, and  
40 potable water facilities shall be in place and available to  
41 serve new development no later than the issuance by the local  
42 government of a certificate of occupancy or its functional  
43 equivalent. Prior to approval of a building permit or its  
44 functional equivalent, the local government shall consult with

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45 the applicable water supplier to determine whether adequate  
46 water supplies to serve the new development will be available no  
47 later than the anticipated date of issuance by the local  
48 government of a certificate of occupancy or its functional  
49 equivalent. A local government may meet the concurrency  
50 requirement for sanitary sewer through the use of onsite sewage  
51 treatment and disposal systems approved by the Department of  
52 Health to serve new development.

53 ~~(b) Consistent with the public welfare, and except as~~  
54 ~~otherwise provided in this section, parks and recreation~~  
55 ~~facilities to serve new development shall be in place or under~~  
56 ~~actual construction no later than 1 year after issuance by the~~  
57 ~~local government of a certificate of occupancy or its functional~~  
58 ~~equivalent. However, the acreage for such facilities shall be~~  
59 ~~dedicated or be acquired by the local government prior to~~  
60 ~~issuance by the local government of a certificate of occupancy~~  
61 ~~or its functional equivalent, or funds in the amount of the~~  
62 ~~developer's fair share shall be committed no later than the~~  
63 ~~local government's approval to commence construction.~~

64 (b)(e) Consistent with the public welfare, and except as  
65 otherwise provided in this section, transportation facilities  
66 needed to serve new development shall be in place or under  
67 actual construction within 3 years after the local government  
68 approves a building permit or its functional equivalent that  
69 results in traffic generation.

70 (3) Governmental entities that are not responsible for  
71 providing, financing, operating, or regulating public facilities  
72 needed to serve development may not establish binding level-of-  
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73 service standards on governmental entities that do bear those  
74 responsibilities. ~~This subsection does not limit the authority~~  
75 ~~of any agency to recommend or make objections, recommendations,~~  
76 ~~comments, or determinations during reviews conducted under s.~~  
77 ~~163.3184.~~

78 (4)(a) The concurrency requirement as implemented in local  
79 comprehensive plans applies to state and other public facilities  
80 and development to the same extent that it applies to all other  
81 facilities and development, as provided by law.

82 ~~(b) The concurrency requirement as implemented in local~~  
83 ~~comprehensive plans does not apply to public transit facilities.~~  
84 ~~For the purposes of this paragraph, public transit facilities~~  
85 ~~include transit stations and terminals; transit station parking;~~  
86 ~~park and ride lots; intermodal public transit connection or~~  
87 ~~transfer facilities; fixed bus, guideway, and rail stations; and~~  
88 ~~airport passenger terminals and concourses, air cargo~~  
89 ~~facilities, and hangars for the assembly, manufacture,~~  
90 ~~maintenance, or storage of aircraft. As used in this paragraph,~~  
91 ~~the terms "terminals" and "transit facilities" do not include~~  
92 ~~seaports or commercial or residential development constructed in~~  
93 ~~conjunction with a public transit facility.~~

94 ~~(c) The concurrency requirement, except as it relates to~~  
95 ~~transportation facilities and public schools, as implemented in~~  
96 ~~local government comprehensive plans, may be waived by a local~~  
97 ~~government for urban infill and redevelopment areas designated~~  
98 ~~pursuant to s. 163.2517 if such a waiver does not endanger~~  
99 ~~public health or safety as defined by the local government in~~  
100 ~~its local government comprehensive plan. The waiver shall be~~

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101 ~~adopted as a plan amendment pursuant to the process set forth in~~  
102 ~~s. 163.3187(3) (a). A local government may grant a concurrency~~  
103 ~~exception pursuant to subsection (5) for transportation~~  
104 ~~facilities located within these urban infill and redevelopment~~  
105 ~~areas.~~

106 (5) (a) When concurrency is applied to transportation  
107 facilities, the local government comprehensive plan must provide  
108 the principles, guidelines, standards, and strategies, including  
109 adopted levels of service to guide its application.

110 (b) Local governments shall use professionally accepted  
111 studies to determine appropriate levels of service, which shall  
112 be based on a schedule of facilities that will be necessary to  
113 meet level of service demands reflected in the capital  
114 improvement element.

115 (c) Local governments shall use professionally accepted  
116 techniques for measuring levels of service when evaluating  
117 potential impacts of a proposed development.

118 (d) The premise of concurrency is that the public  
119 facilities will be provided in order to achieve and maintain the  
120 adopted level of service standard. The comprehensive plan shall  
121 contain appropriate amendments to the capital improvements  
122 element of the comprehensive plan, consistent with the  
123 requirements of s. 163.3177(3). The capital improvements element  
124 shall identify facilities necessary to meet adopted levels of  
125 service during a 5-year period.

126 (e) A local government is encouraged to develop policy  
127 guidelines and techniques to address potential negative impacts  
128 on future development:

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- 129        1. In urban infill and redevelopment, and urban service  
130 areas.
- 131        2. With special part-time demands on the transportation  
132 system.
- 133        3. With de minimis impacts.
- 134        4. On community desired types of development, such as  
135 redevelopment, or job creation projects.
- 136        (f) Local governments are encouraged to develop tools and  
137 techniques to complement the application of transportation  
138 concurrency such as:
- 139            1. Adoption of long-term strategies to facilitate  
140 development patterns that support multimodal solutions,  
141 including urban design, and appropriate land use mixes,  
142 including intensity and density.
- 143            2. Adoption of an areawide level of service not dependent  
144 on any single road segment function.
- 145            3. Exempting or discounting impacts of locally desired  
146 development, such as development in urban areas, redevelopment,  
147 job creation, and mixed use on the transportation system.
- 148            4. Assigning secondary priority to vehicle mobility and  
149 primary priority to ensuring a safe, comfortable, and attractive  
150 pedestrian environment, with convenient interconnection to  
151 transit.
- 152            5. Establishing multimodal level of service standards that  
153 rely primarily on nonvehicular modes of transportation where  
154 existing or planned community design will provide adequate level  
155 of mobility.

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156 6. Reducing impact fees or local access fees to promote  
157 development within urban areas, multimodal transportation  
158 districts, and a balance of mixed use development in certain  
159 areas or districts, or for affordable or workforce housing.

160 (g) Local governments are encouraged to coordinate with  
161 adjacent local governments for the purpose of using common  
162 methodologies for measuring impacts on transportation  
163 facilities.

164 (h) Local governments' transportation concurrency elements  
165 must: