

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1177 (2024)

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Committee/Subcommittee hearing bill: State Affairs Committee
2 Representative Duggan offered the following:

3
4 **Amendment (with title amendment)**

5 Remove lines 73-215 and insert:

6 Section 3. Paragraphs (a) through (i) of subsection (5) of
7 section 163.3180, Florida Statutes, are redesignated as
8 paragraphs (b) through (j), respectively, present paragraphs (h)
9 and (i) are amended, and a new paragraph (a) is added to that
10 subsection, to read:

11 163.3180 Concurrency.—

12 (5) (a) Local governments shall have exclusive power and
13 responsibility to evaluate transportation impacts, apply
14 concurrency, and assess any fee related to transportation
15 improvements set forth in this subsection.

16 (i) ~~(h)~~1. Notwithstanding any provision in a development
17 order, an agreement, a local comprehensive plan, or a local land

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18 development regulation, local governments that continue to
19 implement a transportation concurrency system, whether in the
20 form adopted into the comprehensive plan before the effective
21 date of the Community Planning Act, chapter 2011-139, Laws of
22 Florida, or as subsequently modified, must:

23 a. Consult with the Department of Transportation when
24 proposed plan amendments affect facilities on the strategic
25 intermodal system.

26 b. Exempt public transit facilities from concurrency. For
27 the purposes of this sub-subparagraph, public transit facilities
28 include transit stations and terminals; transit station parking;
29 park-and-ride lots; intermodal public transit connection or
30 transfer facilities; fixed bus, guideway, and rail stations; and
31 airport passenger terminals and concourses, air cargo
32 facilities, and hangars for the assembly, manufacture,
33 maintenance, or storage of aircraft. As used in this sub-
34 subparagraph, the terms "terminals" and "transit facilities" do
35 not include seaports or commercial or residential development
36 constructed in conjunction with a public transit facility.

37 c. Allow an applicant for a development-of-regional-impact
38 development order, development agreement, rezoning, or other
39 land use development permit to satisfy the transportation
40 concurrency requirements of the local comprehensive plan, the
41 local government's concurrency management system, and s. 380.06,
42 when applicable, if:

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43 (I) The applicant in good faith offers to enter into a
44 binding agreement to pay for or construct its proportionate
45 share of required improvements in a manner consistent with this
46 subsection.

47 (II) The proportionate-share contribution or construction
48 is sufficient to accomplish one or more mobility improvements
49 that will benefit a regionally significant transportation
50 facility. A local government may accept contributions from
51 multiple applicants for a planned improvement if it maintains
52 contributions in a separate account designated for that purpose.

53 d. Provide the basis upon which the landowners will be
54 assessed a proportionate share of the cost addressing the
55 transportation impacts resulting from a proposed development.

56 e. Credit the fair market value of any land dedicated to a
57 governmental entity for transportation facilities against the
58 total proportionate share payments computed pursuant to this
59 section.

60 2. An applicant ~~is shall~~ not ~~be held~~ responsible for the
61 additional cost of reducing or eliminating deficiencies. When an
62 applicant contributes or constructs its proportionate share
63 pursuant to this paragraph, a local government may not require
64 payment or construction of transportation facilities whose costs
65 would be greater than a development's proportionate share of the
66 improvements necessary to mitigate the development's impacts.

67 a. The proportionate-share contribution shall be

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68 | calculated based upon the number of trips from the proposed
69 | development expected to reach roadways during the peak hour from
70 | the stage or phase being approved, divided by the change in the
71 | peak hour maximum service volume of roadways resulting from
72 | construction of an improvement necessary to maintain or achieve
73 | the adopted level of service, multiplied by the construction
74 | cost, at the time of development payment, of the improvement
75 | necessary to maintain or achieve the adopted level of service.

76 | b. In using the proportionate-share formula provided in
77 | this subparagraph, the applicant, in its traffic analysis, shall
78 | identify those roads or facilities that have a transportation
79 | deficiency in accordance with the transportation deficiency as
80 | defined in subparagraph 4. The proportionate-share formula
81 | provided in this subparagraph shall be applied only to those
82 | facilities that are determined to be significantly impacted by
83 | the project traffic under review. If any road is determined to
84 | be transportation deficient without the project traffic under
85 | review, the costs of correcting that deficiency shall be removed
86 | from the project's proportionate-share calculation and the
87 | necessary transportation improvements to correct that deficiency
88 | shall be considered to be in place for purposes of the
89 | proportionate-share calculation. The improvement necessary to
90 | correct the transportation deficiency is the funding
91 | responsibility of the entity that has maintenance responsibility
92 | for the facility. The development's proportionate share shall be

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93 calculated only for the needed transportation improvements that
94 are greater than the identified deficiency.

95 c. When the provisions of subparagraph 1. and this
96 subparagraph have been satisfied for a particular stage or phase
97 of development, all transportation impacts from that stage or
98 phase for which mitigation was required and provided shall be
99 deemed fully mitigated in any transportation analysis for a
100 subsequent stage or phase of development. Trips from a previous
101 stage or phase that were not analyzed ~~did not result in impacts~~
102 ~~for which mitigation was required or provided~~ may be
103 cumulatively analyzed ~~with trips from a subsequent stage or~~
104 ~~phase to determine whether an impact requires mitigation for the~~
105 ~~subsequent stage or phase.~~

106 d. In projecting the number of trips to be generated by
107 the development under review, any trips assigned to a toll-
108 financed facility shall be eliminated from the analysis.

109 e. The applicant shall receive a credit on a dollar-for-
110 dollar basis for impact fees, mobility fees, and other
111 transportation concurrency mitigation requirements paid or
112 payable in the future for the project. The credit shall be
113 reduced up to 20 percent by the percentage share that the
114 project's traffic represents of the added capacity of the
115 selected improvement, or by the amount specified by local
116 ordinance, whichever yields the greater credit.

117 3. This subsection does not require a local government to

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118 approve a development that, for reasons other than
119 transportation impacts, is not qualified for approval pursuant
120 to the applicable local comprehensive plan and land development
121 regulations.

122 4. As used in this subsection, the term "transportation
123 deficiency" means a facility or facilities on which the adopted
124 level-of-service standard is exceeded by the existing,
125 committed, and vested trips, plus additional projected
126 background trips from any source other than the development
127 project under review, and trips that are forecast by established
128 traffic standards, including traffic modeling, consistent with
129 the University of Florida's Bureau of Economic and Business
130 Research medium population projections. Additional projected
131 background trips are to be coincident with the particular stage
132 or phase of development under review.

133 (j)~~(i)~~ If a local government elects to repeal
134 transportation concurrency, it is encouraged to adopt an
135 alternative mobility funding system that uses one or more of the
136 tools and techniques identified in paragraph (g)~~(f)~~. Any
137 alternative mobility funding system adopted may not be used to
138 deny, time, or phase an application for site plan approval, plat
139 approval, final subdivision approval, building permits, or the
140 functional equivalent of such approvals provided that the
141 developer agrees to pay for the development's identified
142 transportation impacts via the funding mechanism implemented by

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143 the local government. The revenue from the funding mechanism
144 used in the alternative system must be used to implement the
145 needs of the local government's plan which serves as the basis
146 for the fee imposed. A mobility fee-based funding system must
147 comply with s. 163.31801 governing impact fees. An alternative
148 system that is not mobility fee-based shall not be applied in a
149 manner that imposes upon new development any responsibility for
150 funding an existing transportation deficiency as defined in
151 paragraph (i)~~(h)~~.

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

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Remove lines 11-13 and insert:

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properties;