

HB 319

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1 A bill to be entitled
2 An act relating to community transportation projects;
3 amending s. 163.3164, F.S.; defining the term
4 "mobility plan" for purposes of the Community Planning
5 Act; amending s. 163.3180, F.S.; providing that
6 certain development projects may not be delayed or
7 prohibited by the local government due to failure of
8 an adopted transportation level-of-service standard or
9 the local government's adopted schedule and plan if
10 the applicant has provided full payment for the
11 applicant's measurable transportation impacts;
12 requiring the local government to calculate
13 proportionate share contributions based only on the
14 capital improvements necessary to mitigate the
15 applicant's impacts; amending s. 163.3182, F.S.,
16 relating to transportation development authorities;
17 providing that transportation projects to relieve
18 transportation deficiencies may include projects
19 within and outside the designated deficiency area and
20 mass transit improvements may extend beyond a
21 deficiency area under certain circumstances; amending
22 s. 190.006, F.S., relating to community development
23 districts; revising requirements for replacement of
24 appointed members by election; providing requirements
25 for replacement by election of board members for
26 certain transit-oriented developments; providing an
27 effective date.
28

29 | Be It Enacted by the Legislature of the State of Florida:

30 |
 31 | Section 1. Subsections (31) through (51) of section
 32 | 163.3164, Florida Statutes, are renumbered as subsections (32)
 33 | through (52), respectively, and a new subsection (31) is added
 34 | to that section to read:

35 | 163.3164 Community Planning Act; definitions.—As used in
 36 | this act:

37 | (31) "Mobility plan" means an integrated land use and
 38 | transportation plan adopted into a comprehensive plan that
 39 | promotes compact, mixed-use, and interconnected development
 40 | served by a multimodal transportation system that includes
 41 | identified measurable standards for roads, pedestrian and
 42 | bicycle facilities, and, where feasible and appropriate,
 43 | frequent transit and rail service to provide individuals with
 44 | viable transportation options other than a motor vehicle. A
 45 | mobility fee adopted as part of a mobility plan must include
 46 | standards for transportation impacts for bicycle, pedestrian,
 47 | and transit mobility and may not include transportation
 48 | deficiency costs as identified in s. 163.3180(5).

49 | Section 2. Paragraph (h) of subsection (5) of section
 50 | 163.3180, Florida Statutes, is amended to read:

51 | 163.3180 Concurrency; transportation mobility plans; level
 52 | of service.—

53 | (5)

54 | (h) Local governments that implement transportation
 55 | concurrency, transportation mobility plans, or level-of-service
 56 | standards or schedules for public facility construction must:

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57 | 1. Consult with the Department of Transportation when
58 | proposed plan amendments affect facilities on the strategic
59 | intermodal system.

60 | 2. Exempt public transit facilities from concurrency. For
61 | the purposes of this subparagraph, public transit facilities
62 | include transit stations and terminals; transit station parking;
63 | park-and-ride lots; intermodal public transit connection or
64 | transfer facilities; fixed bus, guideway, and rail stations; and
65 | airport passenger terminals and concourses, air cargo
66 | facilities, and hangars for the assembly, manufacture,
67 | maintenance, or storage of aircraft. As used in this
68 | subparagraph, the terms "terminals" and "transit facilities" do
69 | not include seaports or commercial or residential development
70 | constructed in conjunction with a public transit facility.

71 | 3. Allow an applicant for a development-of-regional-impact
72 | development order, a rezoning, or other land use development
73 | permit to satisfy the transportation concurrency requirements of
74 | the local comprehensive plan, the local government's concurrency
75 | management system, and s. 380.06, when applicable, if:

76 | a. The applicant enters into a binding agreement to pay
77 | for or construct its proportionate share of required
78 | improvements.

79 | b. The proportionate-share contribution or construction is
80 | sufficient to accomplish one or more mobility improvements that
81 | will benefit a regionally significant transportation facility.

82 | c.(I) The local government has provided a means by which
83 | the landowner will be assessed a proportionate share of the cost
84 | of providing the transportation facilities necessary to serve

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85 | the proposed development. An applicant shall not be held
86 | responsible for the additional cost of reducing or eliminating
87 | deficiencies.

88 | (II) When an applicant contributes or constructs its
89 | proportionate share pursuant to this subparagraph, a local
90 | government may not require payment or construction of
91 | transportation facilities whose costs would be greater than a
92 | development's proportionate share of the improvements necessary
93 | to mitigate the development's impacts.

94 | (A) The proportionate-share contribution shall be
95 | calculated based upon the number of trips from the proposed
96 | development expected to reach roadways during the peak hour from
97 | the stage or phase being approved, divided by the change in the
98 | peak hour maximum service volume of roadways resulting from
99 | construction of an improvement necessary to maintain or achieve
100 | the adopted level of service, multiplied by the construction
101 | cost, at the time of development payment, of the improvement
102 | necessary to maintain or achieve the adopted level of service.

103 | (B) In using the proportionate-share formula provided in
104 | this subparagraph, the applicant, in its traffic analysis, shall
105 | identify those roads or facilities that have a transportation
106 | deficiency in accordance with the transportation deficiency as
107 | defined in sub-subparagraph e. The proportionate-share formula
108 | provided in this subparagraph shall be applied only to those
109 | facilities that are determined to be significantly impacted by
110 | the project traffic under review. If any road is determined to
111 | be transportation deficient without the project traffic under
112 | review, the costs of correcting that deficiency shall be removed

113 from the project's proportionate-share calculation and the
114 necessary transportation improvements to correct that deficiency
115 shall be considered to be in place for purposes of the
116 proportionate-share calculation. The improvement necessary to
117 correct the transportation deficiency is the funding
118 responsibility of the entity that has maintenance responsibility
119 for the facility. The development's proportionate share shall be
120 calculated only for the needed transportation improvements that
121 are greater than the identified deficiency.

122 (C) When the provisions of this subparagraph have been
123 satisfied for a particular stage or phase of development, all
124 transportation impacts from that stage or phase for which
125 mitigation was required and provided shall be deemed fully
126 mitigated in any transportation analysis for a subsequent stage
127 or phase of development. Trips from a previous stage or phase
128 that did not result in impacts for which mitigation was required
129 or provided may be cumulatively analyzed with trips from a
130 subsequent stage or phase to determine whether an impact
131 requires mitigation for the subsequent stage or phase.

132 (D) In projecting the number of trips to be generated by
133 the development under review, any trips assigned to a toll-
134 financed facility shall be eliminated from the analysis.

135 (E) The applicant shall receive a credit on a dollar-for-
136 dollar basis for impact fees, mobility fees, and other
137 transportation concurrency mitigation requirements paid or
138 payable in the future for the project. The credit shall be
139 reduced up to 20 percent by the percentage share that the
140 project's traffic represents of the added capacity of the

141 selected improvement, or by the amount specified by local
142 ordinance, whichever yields the greater credit.

143 d. This subsection does not require a local government to
144 approve a development that is not otherwise qualified for
145 approval pursuant to the applicable local comprehensive plan and
146 land development regulations.

147 e. As used in this subsection, the term "transportation
148 deficiency" means a facility or facilities on which the adopted
149 level-of-service standard is exceeded by the existing,
150 committed, and vested trips, plus additional projected
151 background trips from any source other than the development
152 project under review, and trips that are forecast by established
153 traffic standards, including traffic modeling, consistent with
154 the University of Florida's Bureau of Economic and Business
155 Research medium population projections. Additional projected
156 background trips are to be coincident with the particular stage
157 or phase of development under review.

158 4. Not prohibit or delay an applicant's project due to
159 failure of an adopted transportation level-of-service standard
160 or the local government's adopted schedule and plan for adequate
161 public facility construction if the applicant has provided full
162 payment for the applicant's measurable transportation impacts.

163 5. Calculate proportionate share contributions based only
164 on the capital improvements necessary to mitigate the
165 applicant's impacts and may not include any other costs,
166 including costs associated with mass transit operation or
167 maintenance.

168 Section 3. Paragraph (b) of subsection (3) of section

169 | 163.3182, Florida Statutes, is amended to read:

170 | 163.3182 Transportation deficiencies.—

171 | (3) POWERS OF A TRANSPORTATION DEVELOPMENT AUTHORITY.—Each
 172 | transportation development authority created pursuant to this
 173 | section has the powers necessary or convenient to carry out the
 174 | purposes of this section, including the following powers in
 175 | addition to others granted in this section:

176 | (b) To undertake and carry out transportation projects for
 177 | transportation facilities designed to relieve transportation
 178 | deficiencies within the authority's jurisdiction. Transportation
 179 | projects may include transportation facilities that provide for
 180 | alternative modes of travel including sidewalks, bikeways, and
 181 | mass transit which are related to a deficient transportation
 182 | facility. Transportation projects may also include projects
 183 | within and outside the designated deficiency area to relieve
 184 | deficiencies identified by the transportation sufficiency plan.
 185 | Mass transit improvements and service may extend outside a
 186 | deficiency area to an existing or planned logical terminus of a
 187 | selected improvement.

188 | Section 4. Paragraph (a) of subsection (3) of section
 189 | 190.006, Florida Statutes, is amended to read:

190 | 190.006 Board of supervisors; members and meetings.—

191 | (3) (a) 1. If the board proposes to exercise the ad valorem
 192 | taxing power authorized by s. 190.021, the district board shall
 193 | call an election at which the members of the board of
 194 | supervisors will be elected. Such election shall be held in
 195 | conjunction with a primary or general election unless the
 196 | district bears the cost of a special election. Each member shall

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197 | be elected by the qualified electors of the district for a term
198 | of 4 years, except that, at the first such election, three
199 | members shall be elected for a period of 4 years and two members
200 | shall be elected for a period of 2 years. All elected board
201 | members must be qualified electors of the district.

202 | 2.a. Regardless of whether a district has proposed to levy
203 | ad valorem taxes, commencing 6 years after the initial
204 | appointment of members or, for a district exceeding 5,000 acres
205 | in area or for a compact, urban, mixed-use district or a
206 | transit-oriented development pursuant to s. 163.3164(47)
207 | exceeding 25 acres in area, 10 years after the initial
208 | appointment of members, the position of each member whose term
209 | has expired shall be filled by a qualified elector of the
210 | district, elected by the qualified electors of the district.
211 | However, for those districts established after June 21, 1991,
212 | and for those existing districts established after December 31,
213 | 1983, which have less than 50 qualified electors on June 21,
214 | 1991, sub-subparagraphs b. and d. shall apply. If, in the 6th
215 | year after the initial appointment of members, or 10 years after
216 | such initial appointment for districts exceeding 5,000 acres in
217 | area or for a compact, urban, mixed-use district or a transit-
218 | oriented development pursuant to s. 163.3164(47) exceeding 25
219 | acres in area, there are not at least 250 qualified electors in
220 | the district, or for a district exceeding 5,000 acres or for a
221 | compact, urban, mixed-use district or a transit-oriented
222 | development pursuant to s. 163.3164(47) exceeding 25 acres in
223 | area, there are not at least 500 qualified electors, members of
224 | the board shall continue to be elected by landowners.

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225 b. After the 6th or 10th year, once a district reaches 250
226 or 500 qualified electors, respectively, then the positions of
227 two board members whose terms are expiring shall be filled by
228 qualified electors of the district, elected by the qualified
229 electors of the district for 4-year terms. The remaining board
230 member whose term is expiring shall be elected for a 4-year term
231 by the landowners and is not required to be a qualified elector.
232 Thereafter, as terms expire, board members shall be qualified
233 electors elected by qualified electors of the district for a
234 term of 4 years.

235 c. Once a district qualifies to have any of its board
236 members elected by the qualified electors of the district, the
237 initial and all subsequent elections by the qualified electors
238 of the district shall be held at the general election in
239 November. The board shall adopt a resolution if necessary to
240 implement this requirement when the board determines the number
241 of qualified electors as required by sub-subparagraph d., to
242 extend or reduce the terms of current board members.

243 d. On or before June 1 of each year, the board shall
244 determine the number of qualified electors in the district as of
245 the immediately preceding April 15. The board shall use and rely
246 upon the official records maintained by the supervisor of
247 elections and property appraiser or tax collector in each county
248 in making this determination. Such determination shall be made
249 at a properly noticed meeting of the board and shall become a
250 part of the official minutes of the district.

251 Section 5. This act shall take effect upon becoming a law.