

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 2274

SPONSOR: Senator Dawson

SUBJECT: Broward County

DATE: April 20, 2001 REVISED: 04/23/01 _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bowman</u>	<u>Yeatman</u>	<u>CA</u>	<u>Fav/2 amendments</u>
2.	_____	_____	<u>RC</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill creates by special act, an exception to general law transportation concurrency requirements by granting “a local government in Broward County” the authority to grant such an exception under certain circumstances.

II. Present Situation:

Concurrency

The concurrency requirement of the Local Government Comprehensive Planning and Land Development Regulation Act (part II, chapter 163, Florida Statutes) is a growth-management tool designed to accommodate development by ensuring that adequate facilities are available as growth occurs. The “cornerstone” of the concurrency requirement is the concept that development should be coordinated with capital improvements planning to ensure that the necessary public facilities are available for, or within a reasonable time of, the impacts of new development. Under the requirements for local comprehensive plans, each local government must adopt levels of service (LOS) standards for certain types of public services and facilities. See section 163.3180, Florida Statutes. Generally, these LOS standards apply to sanitary sewer, solid waste, drainage, potable water, parks and recreation, roads and mass transit. Pursuant to section 163.3180(2)(c), Florida Statutes, the local government must ensure that transportation facilities needed to serve new development are in place or under actual construction within three years after issuance of the certificate of occupancy. The intent is to keep new development from significantly reducing the adopted LOS by increasing the capacity of the infrastructure to meet the demands of new development.

In 1995, the Legislature adopted section 163.3180(5)(b), Florida Statutes, which provides exemptions to transportation concurrency requirements for local governments if such requirements discourage urban infill development, redevelopment, or downtown revitalization. In order to promote infill development and redevelopment, one or more transportation concurrency management areas may be designated in a local government comprehensive plan.

Currently, nearly half of Broward County is designated as a transportation concurrency exception area. Most of the land designated is east of the Florida Turnpike.

Regional Activity Center/South Florida Education Center

The current definition of a regional activity center, a land-use designation, may be found in Rule 28-24.014(10)(c)(2), Florida Administrative Code. This rule provides that a regional activity center is a compact, high-intensity, high-density, multi-use area designated as appropriate for intensive growth by the local government.

There are regional activity centers throughout the state. Broward County has in its Local Comprehensive Plan six such centers. One such center is in the Town of Davie. This center contains approximately 2,244 acres centered on the South Florida Education Center complex. The South Florida Education Center is a complex of schools and universities that occupy approximately 27 percent of all the land within the regional activity center. The schools that currently occupy or have a facility at the complex are: Nova Southeastern; Florida Atlantic University; Broward Community College; University of Florida; Florida International University; Florida Division of Forestry; Criminal Justice Institute; Instructional Television Center; Broward Fire Academy; McFarther vocational center; Broward County Cooperative Extension Service; and the Nova Schools Complex which consists of one high school, one middle school, and two elementary schools. With the exception of this regional activity center, Broward County's other regional activity centers qualify for a transportation facilities concurrency exception under current statute by virtue of fulfilling other requirements as an urban infill area, etc.

III. Effect of Proposed Changes:

Section 1: This bill authorizes local governments, within Broward County, to grant an exception from transportation facilities concurrency under specified conditions. A local government may grant an exception to a proposed development if the proposed development is consistent with the adopted local comprehensive plan and the development either: (1) promotes public transportation or (2) is located within a regional activity center, defined in the Broward County Comprehensive Plan, and is within an area that contains major public and private postsecondary higher education institutions.

Section 2: This act is effective upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

New development within a Regional Activity Center defined within the Broward County Comprehensive Plan, and within an area that contains major public and private postsecondary institution of higher learning, may not have to provide mitigation for transportation impacts.

C. Government Sector Impact:

If the Town of Davie in Broward County grants an exception from the transportation facilities concurrency requirements for the 2,244-acre regional activity center located within its boundaries (the South Florida Education Center complex), it is estimated that approximately \$800 million in direct and indirect benefits and \$42 million in ad valorem taxes will be generated.

VI. Technical Deficiencies:

None.

VII. Related Issues:

It is unclear whether this bill exempts the local government choosing the option provided in the bill, from the remaining requirements in section 163.3180(5), F. S. This subsection requires the establishment of guidelines for granting the exception and the consideration of the impacts on the Florida Intrastate Highway System. In addition, local governments are required to designate an exception area in their comprehensive plan.

The Department of Community Affairs has raised some of the following issues:

- Areas currently not in a transportation concurrency exception area implement concurrency mitigation in order to correct the LOS deficiencies before developing.
- The bill conflicts with the intent of the transportation concurrency exception, which allows exceptions in urban infill areas where concurrency requirements cannot be resolved.

- The proposed exception does not address impacts to the Florida Intrastate Highway System, I-595, and the Florida Turnpike.
- This exception would be more appropriate as a statewide exception rather than limiting it to one location.
- There are other alternatives that could be considered.

VIII. Amendments:

#1 by Comprehensive Planning, Local & Military Affairs:

Narrows the eligibility criteria for the exception to s. 163.3180(5)(b), transportation concurrency, created by the bill by changing the “or” to “and” in front of “is located within a Regional Activity Center as defined in the Broward County Comprehensive Plan.

#2 by Comprehensive Planning, Local & Military Affairs:

Requires that the local government entitled to the transportation concurrency exception created by the bill must have considered the proposed development’s impact on the Florida Intrastate Highway System.

This Senate staff analysis does not reflect the intent or official position of the bill’s sponsor or the Florida Senate.
