



641638

CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
4/24/2008	.	
	.	
	.	

---

---

1 The Committee on Transportation and Economic Development  
2 Appropriations (Margolis) recommended the following **substitute**  
3 **for amendment (227172):**

4  
5 **Senate Amendment (with title amendment)**

6 Between line(s) 472 and 473,  
7 insert:

8 Section 4. Subsections (9) and (12) of section 163.3180,  
9 Florida Statutes, are amended to read:

10 163.3180 Concurrency.--

11 (9) (a) Each local government may adopt as a part of its  
12 plan, long-term transportation and school concurrency management  
13 systems with a planning period of up to 10 years for specially  
14 designated districts or areas where significant backlogs exist.  
15 The plan may include interim level-of-service standards on  
16 certain facilities and shall rely on the local government's  
17 schedule of capital improvements for up to 10 years as a basis



641638

18 | for issuing development orders that authorize commencement of  
19 | construction in these designated districts or areas. The  
20 | concurrency management system must be designed to correct  
21 | existing deficiencies and set priorities for addressing  
22 | backlogged facilities. The concurrency management system must be  
23 | financially feasible and consistent with other portions of the  
24 | adopted local plan, including the future land use map.

25 |       (b) If a local government has a transportation or school  
26 | facility backlog for existing development which cannot be  
27 | adequately addressed in a 10-year plan, the state land planning  
28 | agency may allow it to develop a plan and long-term schedule of  
29 | capital improvements covering up to 15 years for good and  
30 | sufficient cause, based on a general comparison between that  
31 | local government and all other similarly situated local  
32 | jurisdictions, using the following factors:

- 33 |       1. The extent of the backlog.
- 34 |       2. For roads, whether the backlog is on local or state  
35 | roads.
- 36 |       3. The cost of eliminating the backlog.
- 37 |       4. The local government's tax and other revenue-raising  
38 | efforts.

39 |       (c) The local government may issue approvals to commence  
40 | construction notwithstanding this section, consistent with and in  
41 | areas that are subject to a long-term concurrency management  
42 | system.

43 |       (d) If the local government adopts a long-term concurrency  
44 | management system, it must evaluate the system periodically. At a  
45 | minimum, the local government must assess its progress toward  
46 | improving levels of service within the long-term concurrency  
47 | management district or area in the evaluation and appraisal



641638

48 | report and determine any changes that are necessary to accelerate  
49 | progress in meeting acceptable levels of service.

50 |       (e) The Department of Transportation shall establish an  
51 | approved transportation methodology that recognizes that a  
52 | planned, sustainable development of regional impact is likely to  
53 | achieve an internal capture rate greater than 30 percent when  
54 | fully developed. The transportation methodology must use a  
55 | regional transportation model that incorporates professionally  
56 | accepted modeling techniques applicable to well-planned,  
57 | sustainable communities of the size, location, mix of uses, and  
58 | design features consistent with such communities. The adopted  
59 | transportation methodology shall serve as the basis for  
60 | sustainable development traffic impact assessments by the  
61 | department. The methodology review must be completed and in use  
62 | by March 1, 2009.

63 |       (12) A development of regional impact may satisfy the  
64 | transportation concurrency requirements of the local  
65 | comprehensive plan, the local government's concurrency management  
66 | system, and s. 380.06 by payment of a proportionate-share  
67 | contribution for local and regionally significant traffic  
68 | impacts, if:

69 |       (a) The development of regional impact which, based on its  
70 | location or mix of land uses, is designed to encourage pedestrian  
71 | or other nonautomotive modes of transportation;

72 |       (b) The proportionate-share contribution for local and  
73 | regionally significant traffic impacts is sufficient to pay for  
74 | one or more required mobility improvements that will benefit a  
75 | regionally significant transportation facility;



641638

76 (c) The owner and developer of the development of regional  
77 impact pays or assures payment of the proportionate-share  
78 contribution; and

79 (d) If the regionally significant transportation facility  
80 to be constructed or improved is under the maintenance authority  
81 of a governmental entity, as defined by s. 334.03(12), other than  
82 the local government with jurisdiction over the development of  
83 regional impact, the developer is required to enter into a  
84 binding and legally enforceable commitment to transfer funds to  
85 the governmental entity having maintenance authority or to  
86 otherwise assure construction or improvement of the facility.

87  
88 The proportionate-share contribution may be applied to any  
89 transportation facility to satisfy the provisions of this  
90 subsection and the local comprehensive plan, but, for the  
91 purposes of this subsection, the amount of the proportionate-  
92 share contribution shall be calculated based upon the cumulative  
93 number of trips from the proposed development expected to reach  
94 roadways during the peak hour from the complete buildout of a  
95 stage or phase being approved, divided by the change in the peak  
96 hour maximum service volume of roadways resulting from  
97 construction of an improvement necessary to maintain the adopted  
98 level of service, multiplied by the construction cost, at the  
99 time of developer payment, of the improvement necessary to  
100 maintain the adopted level of service. The determination of  
101 mitigation for a subsequent phase or stage of development shall  
102 account for any mitigation required by the development order and  
103 provided by the developer for any earlier phase or stage,  
104 calculated at present value. For purposes of this subsection, the  
105 term "present value" means the fair market value of right-of-way



641638

106 at the time of contribution or the actual dollar value of the  
107 construction improvements contribution adjusted by the Consumer  
108 Price Index. For purposes of this subsection, "construction cost"  
109 includes all associated costs of the improvement. Proportionate-  
110 share mitigation shall be limited to ensure that a development of  
111 regional impact meeting the requirements of this subsection  
112 mitigates its impact on the transportation system but is not  
113 responsible for the additional cost of reducing or eliminating  
114 backlogs. For purposes of this subsection, "backlogged  
115 transportation facility" is defined as one on which the adopted  
116 level-of-service standard is exceeded by the existing trips plus  
117 committed trips. A developer may not be required to fund or  
118 construct proportionate share mitigation for any backlogged  
119 transportation facility which is more extensive than mitigation  
120 necessary to offset the impact of the development project in  
121 question. This subsection also applies to Florida Quality  
122 Developments pursuant to s. 380.061 and to detailed specific area  
123 plans implementing optional sector plans pursuant to s. 163.3245.  
124

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

126 And the title is amended as follows:

127       On line(s) 12, after the semicolon,  
128 insert:

129       amending s. 163.3180, F.S.; requiring the Department of  
130       Transportation to establish a transportation methodology  
131       to serve as the basis for sustainable development impact  
132       assessments; defining the terms "present value" and  
133       "backlogged transportation facility";