A bill to be entitled
An act relating to community transportation projects;
amending s. 163.3164, F.S.; defining the term
"mobility plan" for purposes of the Community Planning
Act; amending s. 163.3180, F.S.; providing that
certain development projects may not be delayed or
prohibited by the local government due to failure of
an adopted transportation level-of-service standard or
the local government's adopted schedule and plan if
the applicant has provided full payment for the
applicant's measurable transportation impacts;
requiring the local government to calculate
proportionate share contributions based only on the
capital improvements necessary to mitigate the
applicant's impacts; amending s. 163.3182, F.S.,
relating to transportation development authorities;
providing that transportation projects to relieve
transportation deficiencies may include projects
within and outside the designated deficiency area and
mass transit improvements may extend beyond a
deficiency area under certain circumstances; amending
s. 190.006, F.S., relating to community development
districts; revising requirements for replacement of
appointed members by election; providing requirements
for replacement by election of board members for
certain transit-oriented developments; providing an
effective date.
Be It Enacted by the Legislature of the State of Florida:

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

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

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

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

163.3180 Concurrency; transportation mobility plans; level of service.—

(5)

(h) Local governments that implement transportation concurrency, transportation mobility plans, or level-of-service standards or schedules for public facility construction must:
1. Consult with the Department of Transportation when proposed plan amendments affect facilities on the strategic intermodal system.

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

3. Allow an applicant for a development-of-regional-impact development order, a rezoning, or other land use development permit to satisfy the transportation concurrency requirements of the local comprehensive plan, the local government's concurrency management system, and s. 380.06, when applicable, if:
   a. The applicant enters into a binding agreement to pay for or construct its proportionate share of required improvements.
   b. The proportionate-share contribution or construction is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility.
   c.(I) The local government has provided a means by which the landowner will be assessed a proportionate share of the cost of providing the transportation facilities necessary to serve
the proposed development. An applicant shall not be held responsible for the additional cost of reducing or eliminating deficiencies.

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

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

(B) In using the proportionate-share formula provided in this subparagraph, the applicant, in its traffic analysis, shall identify those roads or facilities that have a transportation deficiency in accordance with the transportation deficiency as defined in sub-subparagraph e. The proportionate-share formula provided in this subparagraph shall be applied only to those facilities that are determined to be significantly impacted by the project traffic under review. If any road is determined to be transportation deficient without the project traffic under review, the costs of correcting that deficiency shall be removed.
from the project's proportionate-share calculation and the
necessary transportation improvements to correct that deficiency
shall be considered to be in place for purposes of the
proportionate-share calculation. The improvement necessary to
correct the transportation deficiency is the funding
responsibility of the entity that has maintenance responsibility
for the facility. The development's proportionate share shall be
calculated only for the needed transportation improvements that
are greater than the identified deficiency.

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

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

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

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

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

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

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

Section 3. Paragraph (b) of subsection (3) of section
163.3182, Florida Statutes, is amended to read:

163.3182  Transportation deficiencies.—

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

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

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

190.006  Board of supervisors; members and meetings.—

(3)(a)1. If the board proposes to exercise the ad valorem taxing power authorized by s. 190.021, the district board shall call an election at which the members of the board of supervisors will be elected. Such election shall be held in conjunction with a primary or general election unless the district bears the cost of a special election. Each member shall
be elected by the qualified electors of the district for a term of 4 years, except that, at the first such election, three members shall be elected for a period of 4 years and two members shall be elected for a period of 2 years. All elected board members must be qualified electors of the district.

2.a. Regardless of whether a district has proposed to levy ad valorem taxes, commencing 6 years after the initial appointment of members or, for a district exceeding 5,000 acres in area or for a compact, urban, mixed-use district or a transit-oriented development pursuant to s. 163.3164(47) exceeding 25 acres in area, 10 years after the initial appointment of members, the position of each member whose term has expired shall be filled by a qualified elector of the district, elected by the qualified electors of the district. However, for those districts established after June 21, 1991, and for those existing districts established after December 31, 1983, which have less than 50 qualified electors on June 21, 1991, sub-subparagraphs b. and d. shall apply. If, in the 6th year after the initial appointment of members, or 10 years after such initial appointment for districts exceeding 5,000 acres in area or for a compact, urban, mixed-use district or a transit-oriented development pursuant to s. 163.3164(47) exceeding 25 acres in area, there are not at least 250 qualified electors in the district, or for a district exceeding 5,000 acres or for a compact, urban, mixed-use district or a transit-oriented development pursuant to s. 163.3164(47) exceeding 25 acres in area, there are not at least 500 qualified electors, members of the board shall continue to be elected by landowners.
b. After the 6th or 10th year, once a district reaches 250 or 500 qualified electors, respectively, then the positions of two board members whose terms are expiring shall be filled by qualified electors of the district, elected by the qualified electors of the district for 4-year terms. The remaining board member whose term is expiring shall be elected for a 4-year term by the landowners and is not required to be a qualified elector. Thereafter, as terms expire, board members shall be qualified electors elected by qualified electors of the district for a term of 4 years.

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

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

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