



Legislative Update

- Recent Legislation has resulted in significant changes
 - Growth Management
 - Transportation
- This workshop's focus is on transportation
- Recognize the interrelationship between transportation and growth management

Recent Legislation



- Senate Bill **360** (2005)
 - Growth Management
- House Bill **683** (2006)
 - Growth Management
- House Bill **7203** (2007)
 - Growth Management
- House Bill **985** (2007)
 - Transportation

SB 360 (2005) – Growth Management

- Financial feasibility in comprehensive planning
- Annual capital improvement element review
- Increased requirements for concurrency options
 - Funding, mobility, SIS impacts
 - Existing TCEA, TCMA, MMTD to be reevaluated
- Increased emphasis and requirements regarding water and schools
- Encourages community vision & urban service boundary (USB)
 - Map amendments in USB without state & regional review

SB 360 (2005) – Growth Management

- Changed definition of “committed” improvement
 - Now within 3 years of Building Permit
 - Non-FIHS was within 3 years of Certificate of Occupancy (CO)
 - FIHS was within 5 years of Certificate of Occupancy (CO)

SB 360 (2005) – Growth Management

- Required Proportionate Fair-Share Ordinance
- Established proportionate fair-share requirements and process
- Annual de minimis reporting
- Local governments encouraged to coordinate with adjacent governments on concurrency methodology

SB 360 (2005) – Growth Management 

- Transportation Regional Incentive Program (TRIP)
 - Distributed by FDOT Districts
 - Supports an integrated regional transportation system
 - FDOT LOS standards apply
- DRI Exemptions if:
 - Within an urban service boundary or urban infill area
 - Binding agreement with adjacent local government & FDOT to mitigate impacts
 - Has adopted a proportionate fair-share ordinance

SB 360 (2005) – Growth Management 

- Funding of \$542 million each year
 - 10% for New Starts Transit Program
 - 5% for Small County Outreach Program
 - Of remaining 85%
 - 75% for SIS
 - 25% for TRIP



HB 683 (2006) – Growth Management 

- Development of Regional Impacts
 - Addressed essentially build out conditions
 - Doubled substantial deviation thresholds
 - Increased thresholds if workforce housing is provided
 - New exemptions (hospitals, petroleum storage facilities, waterport and marina development, self storage, nursing home, ALF)
 - Extension more than 7 years is presumed to be a substantial deviation

HB 7203 (2007) – Growth Management



- Financial Feasibility – Revised to allow achievement of LOS standard by end of planning period
- Application of proportionate share for DRIs was broadened beyond multi-use DRIs
- Proportionate share (DRIs and sub DRIs) not required to address backlogs
- Proportionate share funded significant improvement satisfies concurrency even if there remains a failure on other impacted facilities

HB 7203 (2007) – Growth Management



- At the discretion of the Local Government, Prop Share and Fair-Share agreements satisfy financial feasibility and concurrency requirements for a comprehensive plan future land use map amendment
- Transportation Concurrency Backlog Areas
 - Allows local governments to create to fund improvement with tax increments

HB 7203 (2007) – Growth Management



- Three year extension for active DRIs
 - Dates in development order change effective July 1, 2007
- Airports are exempt from concurrency
- Pinellas and Broward Counties, Jacksonville, Miami, Tampa and Hialeah are pilots for alternative to state review
 - May expand to other areas in the future

HB 985 (2007) – Transportation

- MPOs are separate and distinct legal entities
- FDOT allowed to establish a pilot project for a regional multimodal transportation concurrency district (inserted for Pinellas Co. application)
 - May expand to other areas in the future
- Includes same concurrency backlog language as in HB 7203



HB 985 (2007) – Transportation

- Allows future concurrency credits for R/W donations or improvements
- Florida Turnpike Enterprise bond increased from \$4.5B to \$10B
- Tolls required to be indexed to CPI at least every 5 years



HB 985 (2007) – Transportation

- Additional criteria allowing FDOT to enter public-private partnerships (P3s) to advance projects
- With the exception of the Turnpike, FDOT can lease toll facilities
- Revised TRIP to allow the use of federal funds for the local match
- Recipients of transit block grants required to identify improvements to enhance profitability



Legislative Update Summary

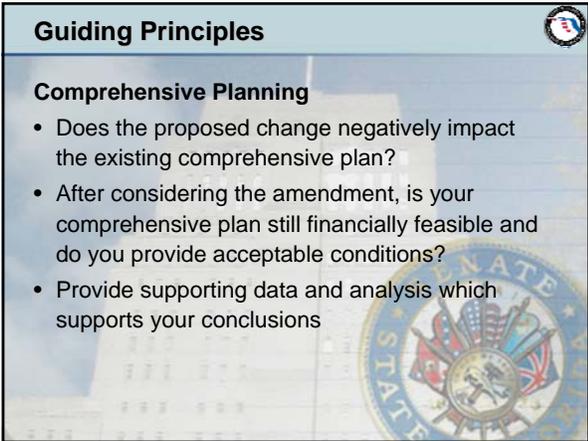
- Guiding Principles
- Important Things to Remember



Guiding Principles

Comprehensive Planning

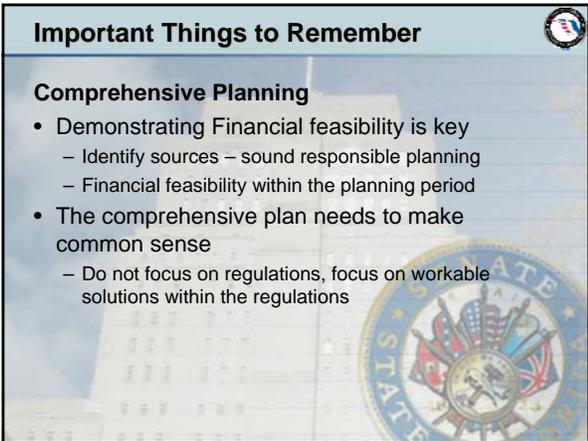
- Does the proposed change negatively impact the existing comprehensive plan?
- After considering the amendment, is your comprehensive plan still financially feasible and do you provide acceptable conditions?
- Provide supporting data and analysis which supports your conclusions



Important Things to Remember

Comprehensive Planning

- Demonstrating Financial feasibility is key
 - Identify sources – sound responsible planning
 - Financial feasibility within the planning period
- The comprehensive plan needs to make common sense
 - Do not focus on regulations, focus on workable solutions within the regulations



Important Things to Remember

Developments of Regional Impact

- Potential DRI exemption areas
- Not required to address backlogs (DRIs or sub-DRIs)
 - Not defined yet
 - ECFRPC Intersection Methodology
- Application of active DRI free 3-years
 - All dates changed on July 1, 2007
 - M&M for future phases must evaluate actual phase year

Important Things to Remember

Proportionate (Fair) Share

- Proportionate Share option for single use DRIs
- Prop. Share and Prop. Fair-Share agreements may satisfy financial feasibility and concurrency requirements for a comprehensive plan FLUM amendment
- Prop. Share and Prop. Fair-Share funded “significant improvements” satisfy concurrency even if there remains a failure on other impacted facilities
- More information later in the workshop

Important Things to Remember

Backlog Areas / Authorities

- Must eliminate all concurrency deficiencies in 10 years
- Likely will require bonding of tax increments to fund improvement
- Often times, concurrency deficiencies are caused by development outside of the deficient area

Questions and Discussion