

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Transportation and Economic Development Appropriations Committee

BILL: SB 1518

INTRODUCER: Senator Altman

SUBJECT: Transportation Concurrency Exception/Aircraft Manufacturing

DATE: March 31, 2010 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wolfgang	Yeatman	CA	Favorable
2.	Carey	Noble	TA	Favorable
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill exempts hangers used for the assembly or manufacture of aircraft from transportation concurrency requirements.

This bill substantially amends section 163.3180 of the Florida Statutes.

II. Present Situation:

Growth Management

Adopted by the 1985 Legislature, the Local Government Comprehensive Planning and Land Development Regulation Act¹ - also known as Florida’s Growth Management Act - requires all of Florida’s 67 counties and 410 municipalities to adopt Local Government Comprehensive Plans that guide future growth and development. Comprehensive plans contain chapters or “elements” that address future land use, housing, transportation, infrastructure, coastal management, conservation, recreation and open space, intergovernmental coordination, and capital improvements. A key component of the Act is its “concurrency” provision that requires infrastructure facilities and services to be available concurrent with the impacts of development. The state land planning agency that administers these provisions is the Department of Community Affairs (DCA).

Transportation Concurrency

The Growth Management Act of 1985 required local governments to use a systematic process to ensure new development does not occur unless adequate transportation infrastructure is in place

¹ See Chapter 163, Part II, F.S.

to support the growth. Transportation concurrency is a growth management strategy aimed at ensuring transportation facilities and services are available “concurrent” with the impacts of development. To carry out concurrency, local governments must define what constitutes an adequate level of service (LOS) for the transportation system and measure whether the service needs of a new development exceed existing capacity and scheduled improvements for that period. The Florida Department of Transportation (FDOT) is responsible for establishing level-of-service standards on the highway component of the strategic intermodal system (SIS) and for developing guidelines to be used by local governments on other roads. The SIS consists of statewide and interregionally significant transportation facilities and services and plays a critical role in moving people and goods to and from other states and nations, as well as between major economic regions in Florida.

In 1992, Transportation Concurrency Management Areas (TCMA) were authorized, allowing an area-wide LOS standard (rather than facility-specific) to promote urban infill and redevelopment and provide greater mobility in those areas through alternatives such as public transit systems. Subsequently, additional relaxations of concurrency were authorized: Transportation Concurrency Exception Areas (TCEA) and Long-term Transportation Concurrency Management Systems. Specifically, the TCEA is intended to “reduce the adverse impact transportation concurrency may have on urban infill and redevelopment” by exempting certain areas from the concurrency requirement. Long-term Transportation Concurrency Management Systems are intended to address significant backlogs. Section 163.3180(4)(b), F.S., exempts public transit facilities from transportation concurrency requirements to promote alternative modes of transportation.

Proportionate Fair-Share Mitigation

Proportionate fair-share mitigation is a method for mitigating the impacts of development on transportation facilities through the cooperative efforts of the public and private sectors. Proportionate fair-share mitigation can be used by a local government to determine a developer’s fair-share of costs to meet concurrency. The developer’s fair-share may be combined with public funds to construct future improvements; however, the improvements must be part of a plan or program adopted by the local government or FDOT. If an improvement is not part of the local government’s plan or program, the developer may still enter into a binding agreement at the local government’s option provided the improvement satisfies part II of ch. 163, F.S., and:

- the proposed improvement satisfies a significant benefit test; or
- the local government plans for additional contributions or payments from developers to fully mitigate transportation impacts in the area within 10 years.

III. Effect of Proposed Changes:

Section 1 amends s. 163.3180(4)(b), F.S., to exempt hangars used for the assembly or manufacture of aircraft from transportation concurrency requirements.

Section 2 provides an effective date.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

Under the provisions of this bill, cities and counties could no longer collect proportionate fair-share revenue to offset the traffic impacts of hangars for the assembly or manufacture of aircraft. Consequently, the bill could be subject to Section 18(b) of Article VII, Florida Constitution, which limits legislative authority to enact laws reducing the revenue-raising authority of municipalities and counties, as such authority existed on February 1, 1989.

The municipal and county authority to raise revenue impacted by the bill did not exist on February 1, 1989. In 2005, the Florida Legislature passed SB 360, which created a methodology for establishing proportionate fair-share revenues to be used for mitigating the impacts of development on transportation. Therefore, the provisions of Section 18(b) of Article VII, Florida Constitution, do not appear to apply to this bill.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

This bill would promote the assembly or manufacture of aircraft in Florida.

C. Government Sector Impact:

Under the provisions of this bill, cities and counties could no longer collect proportionate fair-share revenue to offset the traffic impacts of hangars for the assembly or manufacture of aircraft.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
