

Bill No. CS for CS for CS for SB 1928

Barcode 115580

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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4	04/30/2007 04:08 PM	.	
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11 Senator Baker moved the following amendment:

12  
13 **Senate Amendment**

14 On page 17, line 13, through page 22, line 26, delete  
15 those lines

16  
17 and insert:

18 Section 7. Section 163.3182, Florida Statutes, is  
19 created to read:

20 163.3182 Transportation concurrency backlogs.--

21 (1) DEFINITIONS.--For purposes of this section, the  
22 term:

23 (a) "Transportation construction backlog area" means  
24 the geographic area within the unincorporated portion of a  
25 county or within the municipal boundary of a municipality  
26 designated in a local government comprehensive plan for which  
27 a transportation concurrency backlog authority is created  
28 pursuant to this section. A transportation concurrency backlog  
29 area created within the corporate boundary of a municipality  
30 shall be made pursuant to an interlocal agreement between a  
31 county, a municipality or municipalities, and any affected

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1 taxing authority or authorities.

2 (b) "Authority" or "transportation concurrency backlog  
3 authority" means the governing body of a county or  
4 municipality within which an authority is created.

5 (c) "Governing body" means the council, commission, or  
6 other legislative body charged with governing the county or  
7 municipality within which a transportation concurrency backlog  
8 authority is created pursuant to this section.

9 (d) "Transportation concurrency backlog" means an  
10 identified deficiency where the existing extent of traffic  
11 volume exceeds the level of service standard adopted in a  
12 local government comprehensive plan for a transportation  
13 facility.

14 (e) "Transportation concurrency backlog plan" means  
15 the plan adopted as part of a local government comprehensive  
16 plan by the governing body of a county or municipality acting  
17 as a transportation concurrency backlog authority.

18 (f) "Transportation concurrency backlog project" means  
19 any designated transportation project identified for  
20 construction within the jurisdiction of a transportation  
21 construction backlog authority.

22 (g) "Debt service millage" means any millage levied  
23 pursuant to s. 12, Art. VII of the State Constitution.

24 (h) "Increment revenue" means the amount calculated  
25 pursuant to subsection (5).

26 (i) "Taxing authority" means a public body that levies  
27 or is authorized to levy an ad valorem tax on real property  
28 located within a transportation concurrency backlog area,  
29 except a school district.

30 (2) CREATION OF TRANSPORTATION CONCURRENCY BACKLOG  
31 AUTHORITIES.--

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1       (a) A county or municipality may create a  
2 transportation concurrency backlog authority if it has an  
3 identified transportation concurrency backlog.

4       (b) Acting as the transportation concurrency backlog  
5 authority within the authority's jurisdictional boundary, the  
6 governing body of a county or municipality shall adopt and  
7 implement a plan to eliminate all identified transportation  
8 concurrency backlogs within the authority's jurisdiction using  
9 funds provided pursuant to subsection (5) and as otherwise  
10 provided pursuant to this section.

11       (3) POWERS OF A TRANSPORTATION CONCURRENCY BACKLOG  
12 AUTHORITY.--Each transportation concurrency backlog authority  
13 has the powers necessary or convenient to carry out the  
14 purposes of this section, including the following powers in  
15 addition to others granted in this section:

16       (a) To make and execute contracts and other  
17 instruments necessary or convenient to the exercise of its  
18 powers under this section.

19       (b) To undertake and carry out transportation  
20 concurrency backlog projects for transportation facilities  
21 that have a concurrency backlog within the authority's  
22 jurisdiction. Concurrency backlog projects may include  
23 transportation facilities that provide for alternative modes  
24 of travel including sidewalks, bikeways, and mass transit  
25 which are related to a backlogged transportation facility.

26       (c) To invest any transportation concurrency backlog  
27 funds held in reserve, sinking funds, or any such funds not  
28 required for immediate disbursement in property or securities  
29 in which savings banks may legally invest funds subject to the  
30 control of the authority and to redeem such bonds as have been  
31 issued pursuant to this section at the redemption price

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1 established therein, or to purchase such bonds at less than  
2 redemption price. All such bonds redeemed or purchased shall  
3 be canceled.

4 (d) To borrow money, apply for and accept advances,  
5 loans, grants, contributions, and any other forms of financial  
6 assistance from the Federal Government or the state, county,  
7 or any other public body or from any sources, public or  
8 private, for the purposes of this part, to give such security  
9 as may be required, to enter into and carry out contracts or  
10 agreements, and to include in any contracts for financial  
11 assistance with the Federal Government for or with respect to  
12 a transportation concurrency backlog project and related  
13 activities such conditions imposed pursuant to federal laws as  
14 the transportation concurrency backlog authority considers  
15 reasonable and appropriate and which are not inconsistent with  
16 the purposes of this section.

17 (e) To make or have made all surveys and plans  
18 necessary to the carrying out of the purposes of this section,  
19 to contract with any persons, public or private, in making and  
20 carrying out such plans, and to adopt, approve, modify, or  
21 amend such transportation concurrency backlog plans.

22 (f) To appropriate such funds and make such  
23 expenditures as are necessary to carry out the purposes of  
24 this section, and to enter into agreements with other public  
25 bodies, which agreements may extend over any period  
26 notwithstanding any provision or rule of law to the contrary.

27 (4) TRANSPORTATION CONCURRENCY BACKLOG PLANS.--

28 (a) Each transportation concurrency backlog authority  
29 shall adopt a transportation concurrency backlog plan as a  
30 part of the local government comprehensive plan within 6  
31 months after the creation of the authority. The plan shall:

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1           1. Identify all transportation facilities that have  
2 been designated as deficient and require the expenditure of  
3 moneys to upgrade, modify, or mitigate the deficiency.

4           2. Include a priority listing of all transportation  
5 facilities that have been designated as deficient and do not  
6 satisfy concurrency requirements pursuant to s. 163.3180, and  
7 the applicable local government comprehensive plan.

8           3. Establish a schedule for financing and construction  
9 of transportation concurrency backlog projects that will  
10 eliminate transportation concurrency backlogs within the  
11 jurisdiction of the authority within 10 years after the  
12 transportation concurrency backlog plan adoption. The schedule  
13 shall be adopted as part of the local government comprehensive  
14 plan.

15           (b) The adoption of the transportation concurrency  
16 backlog plan shall be exempt from the provisions of s.  
17 163.3187(1).

18           (5) ESTABLISHMENT OF LOCAL TRUST FUND.--The  
19 transportation concurrency backlog authority shall establish a  
20 local transportation concurrency backlog trust fund upon  
21 creation of the authority. Each local trust fund shall be  
22 administered by the transportation concurrency backlog  
23 authority within which a transportation concurrency backlog  
24 has been identified. Beginning in the first fiscal year after  
25 the creation of the authority, each local trust fund shall be  
26 funded by the proceeds of an ad valorem tax increment  
27 collected within each transportation concurrency backlog area  
28 to be determined annually and shall be 25 percent of the  
29 difference between:

30           (a) The amount of ad valorem tax levied each year by  
31 each taxing authority, exclusive of any amount from any debt

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1 service millage, on taxable real property contained within the  
 2 jurisdiction of the transportation concurrency backlog  
 3 authority and within the transportation backlog area; and  
 4 (b) The amount of ad valorem taxes which would have  
 5 been produced by the rate upon which the tax is levied each  
 6 year by or for each taxing authority, exclusive of any debt  
 7 service millage, upon the total of the assessed value of the  
 8 taxable real property within the transportation concurrency  
 9 backlog area as shown on the most recent assessment roll used  
 10 in connection with the taxation of such property of each  
 11 taxing authority prior to the effective date of the ordinance  
 12 funding the trust fund.

13 (6) EXEMPTIONS.--

14 (a) The following public bodies or taxing authorities  
15 are exempt from the provision of this section:

16 1. A special district that levies ad valorem taxes on  
17 taxable real property in more than one county.

18 2. Special district for which the sole available  
19 source of revenue is the authority to levy ad valorem taxes at  
20 the time an ordinance is adopted under this section. However,  
21 revenues or aid that may be dispensed or appropriated to a  
22 district as defined in s. 388.011 at the discretion of an  
23 entity other than such district shall not be deemed available.

24 3. A library district.

25 4. A neighborhood improvement district created under  
26 the Safe Neighborhoods Act.

27 5. A metropolitan transportation authority.

28 6. A water management district created under s.  
29 373.069.

30 7. A community redevelopment agency.

31 (b) A transportation concurrency exemption authority

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1 may also exempt from this section a special district that  
2 levies ad valorem taxes within the transportation concurrency  
3 backlog area pursuant to s. 163.387(2)(d).

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