

Bill No. CS for CS for CS for SB 1928

Barcode 120754

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

1	.
2	.
3	.
4	.
5	.
6	.
7	.
8	.
9	.
10	.

Floor: WD/2R
04/30/2007 10:55 AM

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 and a municipality or municipalities.

Bill No. CS for CS for CS for SB 1928

Barcode 120754

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

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

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

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

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

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

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

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

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

31 (a) A county or municipality may create a

Bill No. CS for CS for CS for SB 1928

Barcode 120754

1 transportation concurrency backlog authority if it has an
2 identified transportation concurrency backlog.

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

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

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

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

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

Bill No. CS for CS for CS for SB 1928

Barcode 120754

1 redemption price. All such bonds redeemed or purchased shall
2 be canceled.

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

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

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

26 (4) TRANSPORTATION CONCURRENCY BACKLOG PLANS.--

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

- 31 1. Identify all transportation facilities that have

Bill No. CS for CS for CS for SB 1928

Barcode 120754

1 been designated as deficient and require the expenditure of
2 moneys to upgrade, modify, or mitigate the deficiency.

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

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

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

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

29 (a) The amount of ad valorem tax levied each year by
30 each taxing authority, exclusive of any amount from any debt
31 service millage, on taxable real property contained within the

Bill No. CS for CS for CS for SB 1928

Barcode 120754

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

12 (6) EXEMPTIONS.--

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

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

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

23 3. A library district.

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

26 5. A metropolitan transportation authority.

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

29 7. A community redevelopment agency.

30 (b) A transportation concurrency exemption authority
 31 may also exempt from this section a special district that

Bill No. CS for CS for CS for SB 1928

Barcode 120754

1 levies ad valorem taxes within the transportation concurrency

2 backlog area pursuant to s. 163.387(2)(d).

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31