

Bill No. CS for CS for SB 1928

Barcode 581898

CHAMBER ACTION

Senate

House

1  
2  
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

Comm: RCS  
04/24/2007 01:50 PM

.  
. .  
. .  
. .  
. .  
. .

The Committee on Transportation and Economic Development  
Appropriations (Webster) recommended the following amendment:

**Senate Amendment (with title amendment)**

On page 17, line 15, through  
page 23, line 18 delete section 8

and insert:

Section 8. Section 163.3182, Florida Statutes, is  
created to read:

163.3182 Transportation concurrency backlogs.--

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

(a) "Transportation construction backlog area" means  
the geographic area within the unincorporated portion of a  
county or within the municipal boundary of a municipality  
designated in a local government comprehensive plan for which  
a transportation concurrency backlog authority is created  
pursuant to this section.

(b) "Authority" or "transportation concurrency backlog  
authority" means the governing body of a county or

Bill No. CS for CS for SB 1928

Barcode 581898

1 municipality within which an authority is created.

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

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

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

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

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

21 (h) "Increment revenue" means the amount calculated  
22 pursuant to s. 163.31825.

23 (i) "Taxing authority" means a public body that levies  
24 or is authorized to levy an ad valorem tax on real property  
25 located within a transportation concurrency backlog area.

26 (2) CREATION OF TRANSPORTATION CONCURRENCY BACKLOG  
27 AUTHORITIES.--

28 (a) A county or municipality may create a  
29 transportation concurrency backlog authority if it has an  
30 identified transportation concurrency backlog.

31 (b) Acting as the transportation concurrency backlog

Bill No. CS for CS for SB 1928

Barcode 581898

1 authority within its jurisdictional boundary, the governing  
 2 body of a county or municipality shall adopt and implement a  
 3 plan to eliminate all identified transportation concurrency  
 4 backlogs within its jurisdiction using funds provided pursuant  
 5 to s. 163.31825 and as otherwise provided pursuant to this  
 6 section.

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

12 (a) To make and execute contracts and other  
 13 instruments necessary or convenient to the exercise of its  
 14 powers under this section.

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

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

31 (d) To borrow money, apply for and accept advances,

Bill No. CS for CS for SB 1928

Barcode 581898

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

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

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

23 (4) TRANSPORTATION CONCURRENCY BACKLOG PLANS.--Each  
24 transportation concurrency backlog authority shall adopt a  
25 transportation concurrency backlog plan as a part of the local  
26 government comprehensive plan within 6 months after the  
27 creation of the authority. The plan shall:

28 (a) Identify all transportation facilities that have  
29 been designated as deficient and require the expenditure of  
30 moneys to upgrade, modify, or mitigate the deficiency.

31 (b) Include a priority listing of all transportation

Bill No. CS for CS for SB 1928

Barcode 581898

1 facilities that have been designated as deficient and do not  
2 satisfy concurrency requirements pursuant to s. 163.3180 and  
3 the applicable local government comprehensive plan.

4 (c) Establish a schedule for financing and  
5 construction of transportation concurrency backlog projects  
6 which will eliminate transportation concurrency backlogs  
7 within the jurisdiction of the authority within 10 years after  
8 the transportation concurrency backlog plan adoption. The  
9 schedule shall be adopted as part of the local government  
10 comprehensive plan.

11 (d) The adoption of the transportation concurrency  
12 backlog plan shall be exempt from the provisions of s.  
13 163.3187(1).

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

26 (a) The amount of ad valorem tax levied each year by  
27 each taxing authority, exclusive of any amount from any debt  
28 service millage, on taxable real property contained within the  
29 jurisdiction of the transportation concurrency backlog  
30 authority and within the transportation backlog area; and

31 (b) The amount of ad valorem taxes that would have

Bill No. CS for CS for SB 1928

Barcode 581898

1 been produced by a rate upon which the tax is levied each year  
 2 by or for each taxing authority exclusive of any debt service  
 3 millage upon the total of the assessed value of the taxable  
 4 real property within the transportation concurrency backlog  
 5 area as shown on the most recent assessment roll used in  
 6 connection with the taxation of such property by each taxing  
 7 authority.

8 (6) EXEMPTIONS.--

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

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

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

20 3. A library district.

21 4. A neighborhood improvement district created under  
 22 the Safe Neighborhoods Act.

23 5. A metropolitan transportation authority.

24 6. A water management district created under s.  
 25 373.069.

26 (b) A transportation concurrency exemption authority  
 27 may also exempt from this section a special district that  
 28 levies ad valorem taxes within the transportation concurrency  
 29 backlog area pursuant to s. 163.387(2)(d).

30 (7) TRANSPORTATION CONCURRENCY SATISFACTION.--Upon  
 31 adoption of a transportation concurrency backlog plan as a

Bill No. CS for CS for SB 1928

Barcode 581898

1 part of the local government comprehensive plan, and the plan  
 2 going into effect, the area subject to the plan shall be  
 3 deemed to have achieved and maintained transportation level of  
 4 service standards, and to have met requirements for financial  
 5 feasibility for transportation facilities, and for the purpose  
 6 of proposed development transportation concurrency has been  
 7 satisfied. Proportionate fair share mitigation shall be  
 8 limited to ensure that a development inside a transportation  
 9 concurrency backlog area is not responsible for the additional  
 10 costs of eliminating backlogs.

11       (8) DISSOLUTION.--Upon completion of all  
 12 transportation concurrency backlog projects, a transportation  
 13 concurrency backlog authority shall be dissolved and its  
 14 assets and liabilities shall be transferred to the county or  
 15 municipality within which the authority is located. All  
 16 remaining assets of the authority must be used for  
 17 implementation of transportation projects within the  
 18 jurisdiction of the authority. The local government  
 19 comprehensive plan shall be amended to remove the  
 20 transportation concurrency backlog plan.

21  
22

23 ===== T I T L E   A M E N D M E N T =====

24 And the title is amended as follows:

25       On page 2, lines 2-16, delete those lines

26

27 and insert:

28       F.S.; providing for the creation of  
 29       transportation concurrency backlog authorities;  
 30       providing powers and responsibilities of such  
 31       authorities; providing for transportation

Bill No. CS for CS for SB 1928

Barcode 581898

1 concurrency backlog plans; providing for the  
2 issuance of revenue bonds for certain purposes;  
3 providing for the establishment of a local  
4 trust fund within each county or municipality  
5 having an identified transportation concurrency  
6 backlog; providing exemptions from  
7 transportation concurrency requirements;  
8 providing for the satisfaction of concurrency  
9 requirements; providing for dissolution of  
10 transportation concurrency backlog authorities;  
11 amending s. 212.055, F.S.;

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31