

Bill No. CS for SB 1928

Barcode 653826

CHAMBER ACTION

Senate

House

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The Committee on Governmental Operations (Posey) recommended the following amendment:

**Senate Amendment (with title amendment)**

On page 17, before line 1,

insert:

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

163.3182 Transportation concurrency.--

(1) SHORT TITLE.--This section may be cited as the "Transportation Concurrency Backlog Act."

(2) 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 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

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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 failure or failing of a given transportation link  
8 within any county or municipality, as identified and  
9 designated pursuant to this part, and the applicable local  
10 government comprehensive plan and related documents. Such  
11 backlog includes a failed or failing transportation link the  
12 condition of which has been caused in whole or in part by the  
13 failure to construct adequate facilities or because of the  
14 grant of a transportation concurrency exemption or exception  
15 by the responsible local government.

16 (e) "Transportation concurrency backlog plan" means  
17 the plan adopted by the governing body of a county or  
18 municipality acting as a transportation concurrency backlog  
19 authority.

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

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

26 (h) "Increment revenue" means the amount calculated  
27 pursuant to s. 163.31825.

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

31 (3) CREATION OF TRANSPORTATION CONCURRENCY BACKLOG

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1 AUTHORITIES.--

2       (a) Effective July 1, 2007, a transportation  
3 concurrency backlog authority is created within each county  
4 and municipality of this state which has an identified  
5 transportation concurrency backlog.

6       (b) Acting as the transportation concurrency backlog  
7 authority within its jurisdictional boundary, the governing  
8 board of each county or municipality shall adopt and implement  
9 a plan to eliminate all identified transportation concurrency  
10 backlogs within its jurisdiction using funds provided pursuant  
11 to s. 163.31825 and as otherwise provided pursuant to this  
12 section.

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

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

21           (b) To undertake and carry out transportation  
22 concurrency backlog projects for all streets, roads, and  
23 related public facilities that have a transportation  
24 concurrency backlog within the authority's jurisdiction.

25           (c) To invest any transportation concurrency backlog  
26 funds held in reserves, 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

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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 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 part, and to zone or rezone any part of the  
24 transportation concurrency backlog area or make exceptions  
25 from regulations and to enter into agreements with other  
26 public bodies which agreements may extend over any period,  
27 notwithstanding any provision or rule of law to the contrary.

28 (5) TRANSPORTATION CONCURRENCY BACKLOG PLANS.--By  
29 January 1, 2008, each transportation concurrency backlog  
30 authority shall adopt a transportation concurrency backlog  
31 plan. The plan shall:

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1       (a) Identify all transportation links that have been  
2 designated as failing or failed links and require the  
3 expenditure of moneys to upgrade, modify, or mitigate the  
4 links.

5       (b) Include a priority listing of all transportation  
6 links that have been designated as failed or failing links and  
7 do not satisfy concurrency requirements as specified pursuant  
8 to this part, and the applicable local government  
9 comprehensive plan and land development regulations.

10       (c) Establish a schedule for financing and  
11 construction of transportation concurrency backlog projects  
12 that will eliminate transportation concurrency backlogs within  
13 the jurisdiction of the authority within 10 years after  
14 transportation concurrency backlog plan adoption.

15       (d) The transportation concurrency backlog plan  
16 adopted by each authority is not subject to review or approval  
17 by the Department of Community Affairs.

18       (6) ESTABLISHMENT OF TRUST FUND.--Within each county  
19 or municipality that has an identified transportation  
20 concurrency backlog, the transportation concurrency backlog  
21 authority shall establish a transportation concurrency backlog  
22 trust fund on or before July 1, 2007. Each trust fund shall be  
23 administered by the transportation concurrency backlog  
24 authority within which a transportation concurrency backlog  
25 has been identified. Beginning in the 2007-2008 fiscal year,  
26 each trust fund shall be funded by the proceeds of an ad  
27 valorem tax increment collected within each transportation  
28 concurrency backlog area to be determined annually and shall  
29 be the amount equal to 25 percent of the 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 a rate upon which the tax is levied each year  
 6 by or for each taxing authority exclusive of any debt service  
 7 millage upon the total of the assessed value of the taxable  
 8 real property within the transportation concurrency backlog  
 9 area as shown on the most recent assessment roll used in  
 10 connection with the taxation of such property by each taxing  
 11 authority.

12       (7) EXEMPTIONS.--

13       (a) The following public bodies or taxing authorities  
 14 are exempt from the provisions 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. A special district for which the sole available  
 18 source of revenue the district has the authority to levy ad  
 19 valorem taxes at the time an ordinance is adopted under this  
 20 section. However, revenues or aid that may be dispensed or  
 21 appropriated to a district as defined in s. 388.011 at the  
 22 discretion of an entity other than such district shall not be  
 23 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       (b) A transportation concurrency exemption authority  
 31 may also exempt from this section a special district that

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1 levies ad valorem taxes within the transportation concurrency  
2 backlog area pursuant to s. 163.387(2)d.

3 (8) TRANSPORTATION CONCURRENCY SATISFACTION.--Upon  
4 adoption of a transportation concurrency backlog plan by an  
5 authority, all transportation concurrency backlogs within the  
6 jurisdiction of an authority shall be deemed to be financed  
7 and fully financially feasible for purposes of calculating  
8 transportation concurrency pursuant to this part. A landowner  
9 may proceed with development of a specific parcel of land if  
10 all other applicable provisions of s. 163.3180(11) have been  
11 satisfied and the landowner may not be assessed any  
12 proportionate share or impact fees for backlog.

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

21  
22 (Redesignate subsequent sections.)

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

26 And the title is amended as follows:

27 On page 2, line 1, after the first semicolon,  
28  
29 insert:  
30 creating s. 163.3182, F.S.; providing a short  
31 title; providing for the creation of

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1 transportation concurrency backlog authorities;  
2 providing powers and responsibilities of such  
3 authorities; providing for transportation  
4 concurrency backlog plans; providing for the  
5 issuance of revenue bonds for certain purposes;  
6 providing for the establishment of a trust fund  
7 within each county or municipality with an  
8 identified transportation concurrency backlog;  
9 providing exemptions from transportation  
10 concurrency requirements; providing for the  
11 satisfaction of concurrency requirements;  
12 providing for dissolution of transportation  
13 concurrency backlog authorities;

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