

Bill No. CS for SB 1928

Barcode 950348

CHAMBER ACTION

Senate

House

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The Committee on Governmental Operations (Posey) recommended
the following **substitute for amendment** (653826):

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

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

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

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

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

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

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1 be canceled.

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

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

20 (f) To appropriate such funds and make such
21 expenditures as are necessary to carry out the purposes of
22 this part, and to zone or rezone any part of the
23 transportation concurrency backlog area or make exceptions
24 from regulations and to enter into agreements with other
25 public bodies which agreements may extend over any period,
26 notwithstanding any provision or rule of law to the contrary.

27 (5) TRANSPORTATION CONCURRENCY BACKLOG PLANS.--Each
28 transportation concurrency backlog authority shall adopt a
29 transportation concurrency backlog plan within 6 months after
30 the creation of the authority. The plan shall:

31 (a) Identify all transportation links that have been

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1 designated as failing or failed links and require the
2 expenditure of moneys to upgrade, modify, or mitigate the
3 links.

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

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

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

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

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

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

10 (7) EXEMPTIONS.--

11 (a) The following public bodies or taxing authorities
 12 are exempt from the provisions of this section:

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

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

22 3. A library district.

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

25 5. A metropolitan transportation authority.

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

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

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

11 (9) 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.

19
20 (Redesignate subsequent sections.)

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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, line 1, after the first semicolon,
26
27 insert:
28 creating s. 163.3182, F.S.; providing a short
29 title; providing for the creation of
30 transportation concurrency backlog authorities;
31 providing powers and responsibilities of such

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

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