

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative(s) Bucher offered the following:

2
3 **Amendment (with title amendment)**

4 Remove line(s) 537-717 and insert:

5 Section 4. Section 163.3182, Florida Statutes, is created
6 to read:

7 163.3182 Transportation concurrency backlogs.--

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

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

290561

4/24/2007 1:16:40 PM

Amendment No.

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

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

22 (d) "Transportation concurrency backlog" means an
23 identified deficiency where the existing extent of traffic
24 volume exceeds the level of service standard adopted in a local
25 government comprehensive plan for a transportation facility.

26 (e) "Transportation concurrency backlog plan" means the
27 plan adopted as part of a local government comprehensive plan by
28 the governing body of a county or municipality acting as a
29 transportation concurrency backlog authority.

30 (f) "Transportation concurrency backlog project" means any
31 designated transportation project identified for construction
32 within the jurisdiction of a transportation construction backlog
33 authority.

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

36 (h) "Increment revenue" means the amount calculated
37 pursuant to subsection (5).

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

290561

4/24/2007 1:16:40 PM

Amendment No.

42 (2) CREATION OF TRANSPORTATION CONCURRENCY BACKLOG

43 AUTHORITIES.--

44 (a) A county or municipality may create a transportation
45 concurrency backlog authority if it has an identified
46 transportation concurrency backlog.

47 (b) Acting as the transportation concurrency backlog
48 authority within its jurisdictional boundary, the governing body
49 of a county or municipality shall adopt and implement a plan to
50 eliminate all identified transportation concurrency backlogs
51 within its jurisdiction using funds provided pursuant to
52 subsection (5) and as otherwise provided pursuant to this
53 section.

54 (3) POWERS OF A TRANSPORTATION CONCURRENCY BACKLOG

55 AUTHORITY.--Each transportation concurrency backlog authority
56 has the powers necessary or convenient to carry out the purposes
57 of this section, including the following powers in addition to
58 others granted in this section:

59 (a) To make and execute contracts and other instruments
60 necessary or convenient to the exercise of its powers under this
61 section.

62 (b) To undertake and carry out transportation concurrency
63 backlog projects for all transportation facilities that have a
64 concurrency backlog within the authority's jurisdiction.
65 Concurrency backlog projects may include transportation
66 facilities that provide for alternative modes of travel
67 including sidewalks, bikeways, and mass transit which are
68 related to a backlogged transportation facility.

290561

4/24/2007 1:16:40 PM

Amendment No.

69 (c) To invest any transportation concurrency backlog funds
70 held in reserve, sinking funds, or any such funds not required
71 for immediate disbursement in property or securities in which
72 savings banks may legally invest funds subject to the control of
73 the authority and to redeem such bonds as have been issued
74 pursuant to this section at the redemption price established
75 therein, or to purchase such bonds at less than redemption
76 price. All such bonds redeemed or purchased shall be canceled.

77 (d) To borrow money, apply for and accept advances, loans,
78 grants, contributions, and any other forms of financial
79 assistance from the Federal Government or the state, county, or
80 any other public body or from any sources, public or private,
81 for the purposes of this part, to give such security as may be
82 required, to enter into and carry out contracts or agreements,
83 and to include in any contracts for financial assistance with
84 the Federal Government for or with respect to a transportation
85 concurrency backlog project and related activities such
86 conditions imposed pursuant to federal laws as the
87 transportation concurrency backlog authority considers
88 reasonable and appropriate and which are not inconsistent with
89 the purposes of this section.

90 (e) To make or have made all surveys and plans necessary
91 to the carrying out of the purposes of this section, to contract
92 with any persons, public or private, in making and carrying out
93 such plans, and to adopt, approve, modify, or amend such
94 transportation concurrency backlog plans.

95 (f) To appropriate such funds and make such expenditures
96 as are necessary to carry out the purposes of this section, and

290561

4/24/2007 1:16:40 PM

Amendment No.

97 to enter into agreements with other public bodies, which
98 agreements may extend over any period notwithstanding any
99 provision or rule of law to the contrary.

100 (4) TRANSPORTATION CONCURRENCY BACKLOG PLANS.--

101 (a) Each transportation concurrency backlog authority
102 shall adopt a transportation concurrency backlog plan as a part
103 of the local government comprehensive plan within 6 months after
104 the creation of the authority. The plan shall:

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

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

112 3. Establish a schedule for financing and construction of
113 transportation concurrency backlog projects that will eliminate
114 transportation concurrency backlogs within the jurisdiction of
115 the authority within 10 years after the transportation
116 concurrency backlog plan adoption. The schedule shall be adopted
117 as part of the local government comprehensive plan.

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

120 (5) ESTABLISHMENT OF LOCAL TRUST FUND.--The transportation
121 concurrency backlog authority shall establish a local
122 transportation concurrency backlog trust fund upon creation of
123 the authority. Each local trust fund shall be administered by
124 the transportation concurrency backlog authority within which a
290561

4/24/2007 1:16:40 PM

Amendment No.

125 transportation concurrency backlog has been identified.
126 Beginning in the first fiscal year after the creation of the
127 authority, each local trust fund shall be funded by the proceeds
128 of an ad valorem tax increment collected within each
129 transportation concurrency backlog area to be determined
130 annually and shall be 25 percent of the difference between:

131 (a) The amount of ad valorem tax levied each year by each
132 taxing authority, exclusive of any amount from any debt service
133 millage, on taxable real property contained within the
134 jurisdiction of the transportation concurrency backlog authority
135 and within the transportation backlog area; and

136 (b) The amount of ad valorem taxes which would have been
137 produced by a rate upon which the tax is levied each year prior
138 to the effective date of the ordinance funding the trust fund by
139 or for each taxing authority exclusive of any debt service
140 millage upon the total of the assessed value of the taxable real
141 property within the transportation concurrency backlog area as
142 shown on the most recent assessment roll used in connection with
143 the taxation of such property by each taxing authority.

144 (6) EXEMPTIONS.--

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

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

149 2. A special district for which the sole available source
150 of revenue is the authority to levy ad valorem taxes at the time
151 an ordinance is adopted under this section. However, revenues or
152 aid that may be dispensed or appropriated to a district as

290561

4/24/2007 1:16:40 PM

Amendment No.

153 defined in s. 388.011 at the discretion of an entity other than
154 such district shall not be deemed available.

155 3. A library district.

156 4. A neighborhood improvement district created under the
157 Safe Neighborhoods Act.

158 5. A metropolitan transportation authority.

159 6. A water management district created under s. 373.069.

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

164 (7) TRANSPORTATION CONCURRENCY SATISFACTION.--Upon
165 adoption of a transportation concurrency backlog plan as a part
166 of the local government comprehensive plan, and the plan going
167 into effect, the area subject to the plan shall be deemed to
168 have achieved and maintained transportation level of service
169 standards, and to have met requirements for financial
170 feasibility for transportation facilities, and for the purpose
171 of proposed development transportation concurrency has been
172 satisfied. Proportionate fair share mitigation shall be limited
173 to ensure that a development inside a transportation concurrency
174 backlog area is not responsible for the additional costs of
175 eliminating backlogs.

176 (8) DISSOLUTION.--Upon completion of all transportation
177 concurrency backlog projects, a transportation concurrency
178 backlog authority shall be dissolved and its assets and
179 liabilities shall be transferred to the county or municipality
180 within which the authority is located. All remaining assets of

290561

4/24/2007 1:16:40 PM

Amendment No.

181 the authority must be used for implementation of transportation
182 projects within the jurisdiction of the authority. The local
183 government comprehensive plan shall be amended to remove the
184 transportation concurrency backlog plan.

185

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

187 Remove line(s) 14-29 and insert:

188 163.3182, F.S.; providing for the creation of transportation
189 concurrency backlog authorities; providing definitions;
190 providing powers and responsibilities of such authorities;
191 providing for transportation concurrency backlog plans;
192 providing for the issuance of revenue bonds for certain
193 purposes; providing for the establishment of a local trust fund
194 within each county or municipality with an identified
195 transportation concurrency backlog; providing exemptions from
196 transportation concurrency requirements; providing for the
197 satisfaction of concurrency requirements; providing for
198 dissolution of transportation concurrency backlog authorities;
199 amending s. 163.3187, F.S.; revising a