

Amendment No.

CHAMBER ACTION

Senate

House

1 Representative(s) Bucher offered the following:

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

4 Between lines 3465 and 3466, insert:

5 Section 52. 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.

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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 s. 163.31825.

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.

41 (2) CREATION OF TRANSPORTATION CONCURRENCY BACKLOG

42 AUTHORITIES.--

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

46 (b) Acting as the transportation concurrency backlog
47 authority within its jurisdictional boundary, the governing body
48 of a county or municipality shall adopt and implement a plan to
49 eliminate all identified transportation concurrency backlogs
50 within its jurisdiction using funds provided pursuant to s.
51 163.31825 and as otherwise provided pursuant to this section.

52 (3) POWERS OF A TRANSPORTATION CONCURRENCY BACKLOG
53 AUTHORITY.--Each transportation concurrency backlog authority
54 has the powers necessary or convenient to carry out the purposes
55 of this section, including the following powers in addition to
56 others granted in this section:

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

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

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

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

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

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

98 (4) TRANSPORTATION CONCURRENCY BACKLOG PLANS.--

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

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

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

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

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

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

124 Beginning in the first fiscal year after the creation of the
125 authority, each local trust fund shall be funded by the proceeds
126 of an ad valorem tax increment collected within each

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127 transportation concurrency backlog area to be determined
128 annually and shall be a minimum of an amount equal to 25 percent
129 of the difference between:

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

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

142 (6) EXEMPTIONS.--

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

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

147 2. A special district for which the sole available source
148 of revenue is the authority to levy ad valorem taxes at the time
149 an ordinance is adopted under this section. However, revenues or
150 aid that may be dispensed or appropriated to a district as
151 defined in s. 388.011 at the discretion of an entity other than
152 such district shall not be deemed available.

153 3. A library district.

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154 4. A neighborhood improvement district created under the
155 Safe Neighborhoods Act.

156 5. A metropolitan transportation authority.

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

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

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

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

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181 government comprehensive plan shall be amended to remove the
182 transportation concurrency backlog plan.

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

186 Remove line 266 and insert:

187 purposes; creating s. 163.3192, F.S.; providing for the
188 creation of transportation concurrency backlog
189 authorities; providing definitions; providing powers and
190 responsibilities of such authorities; providing for
191 transportation concurrency backlog plans; providing for
192 the issuance of revenue bonds for certain purposes;
193 providing for the establishment of a local trust fund
194 within each county or municipality with an identified
195 transportation concurrency backlog; providing exemptions
196 from transportation concurrency requirements; providing
197 for the satisfaction of concurrency requirements;
198 providing for dissolution of transportation concurrency
199 backlog authorities; providing an effective date.

200