

By Senator Baker

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1 A bill to be entitled

2 An act relating to transportation; providing legislative
3 findings with respect to the need to preserve investments
4 in transportation infrastructure and reduce congestion;
5 creating the Florida Transportation Revenue Study
6 Commission for the purpose of studying the state's
7 transportation needs and developing recommendations;
8 requiring that the commission submit a report to the
9 Legislature by a specified date; establishing powers and
10 duties of the commission; providing for membership and
11 authorizing the reimbursement of members for per diem and
12 travel expenses; providing requirements for meetings of
13 the commission; requiring the Center for Urban
14 Transportation Research at the University of South Florida
15 to provide staff support to the commission; amending s.
16 163.3182, F.S.; providing legislative findings with
17 respect to the public purpose in eliminating
18 transportation deficiencies; authorizing transportation
19 concurrency backlog authorities to issue bonds; revising
20 provisions related to financing schedules; increasing the
21 ad valorem tax increment used to fund a transportation
22 concurrency backlog trust fund; revising the conditions
23 for dissolving a transportation concurrency backlog
24 authority; providing appropriations; providing an
25 effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:
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29 Section 1. Florida Transportation Revenue Study
30 Commission.--

31 (1) The Legislature finds and declares that the costs of
32 preserving investments in transportation infrastructure and
33 eliminating or reducing congestion in the movement of people and
34 goods is expected to increase dramatically and those costs will
35 have a commensurate effect on the state's economy, environment,
36 and quality of life.

37 (2) The Florida Transportation Revenue Study Commission is
38 created for the purpose of studying state, regional, and local
39 transportation needs and developing recommendations for funding
40 sources to address those needs. The commission shall submit a
41 written report to the Legislature containing its findings and
42 recommendations by January 1, 2010. The report presented by the
43 commission shall, at a minimum, include findings and
44 recommendations regarding:

45 (a) The stability of existing transportation revenue
46 sources, taking into account energy-efficient vehicles, emerging
47 technologies, alternative fuels, and other state and federal
48 initiatives.

49 (b) The funding needs of state, regional, and local
50 transportation facilities and the ability to address those needs
51 in light of the state's investment policy of supporting the
52 Strategic Intermodal System.

53 (c) Suggested changes in the funding of existing state and
54 local government transportation programs.

55 (d) New and innovative options that can be used by the
56 state and local governments to fund transportation projects.

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57 (e) Suggestions for the equitable distribution of
58 transportation funds.

59 (3) The commission shall consist of 13 members. Three
60 members shall be appointed by the Governor, three members shall
61 be appointed by the President of the Senate, and three members
62 shall be appointed by the Speaker of the House of
63 Representatives. One member shall be the Secretary of
64 Transportation, or the secretary's designee, one member shall be
65 appointed by the Metropolitan Planning Organization Advisory
66 Council, one member shall be appointed by the Florida Association
67 of Counties, Inc., from among its members, and one member shall
68 be appointed by the Florida League of Cities, Inc., from among
69 its members. The membership of the commission must represent
70 transportation organizations, local governments, developers and
71 homebuilders, the business community, the environmental
72 community, and other appropriate stakeholders in the
73 transportation system. One member shall be designated by the
74 Governor as chair of the commission. Members shall be appointed
75 to a term that ends upon adjournment sine die of the 2010 regular
76 legislative session. Any vacancy that occurs on the commission
77 shall be filled in the same manner as the original appointment.
78 Members of the commission shall serve without compensation, but
79 are entitled to reimbursement for per diem and travel expenses in
80 accordance with s. 112.061, Florida Statutes, while in
81 performance of their duties.

82 (4) The first meeting of the commission shall be held no
83 later than October 1, 2008, and thereafter the commission shall
84 meet at the call of the chair but not less frequently than three
85 times per year. Each member of the commission is entitled to one

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86 vote, and actions of the commission are not binding unless taken
87 by a majority vote of the members present. A majority of the
88 membership constitutes a quorum at any meeting of the commission.
89 The commission may adopt its own rules of procedure and has such
90 other powers as are necessary to complete its responsibilities.

91 (5) The Center for Urban Transportation Research at the
92 University of South Florida shall provide staff and other
93 resources necessary to assist the commission in accomplishing its
94 goals. All agencies under the control of the Governor are
95 directed, and all other federal, state, and local agencies are
96 requested, to render assistance to, and cooperate with, the
97 commission.

98 Section 2. Subsection (2), paragraph (d) of subsection (3),
99 paragraph (a) of subsection (4), and subsections (5) and
100 subsection (8) of section 163.3182, Florida Statutes, are amended
101 to read:

102 163.3182 Transportation concurrency backlogs.--

103 (2) CREATION OF TRANSPORTATION CONCURRENCY BACKLOG
104 AUTHORITIES; FINDINGS.--

105 (a) A county or municipality may create a transportation
106 concurrency backlog authority if it has an identified
107 transportation concurrency backlog.

108 (b) Acting as the transportation concurrency backlog
109 authority within the authority's jurisdictional boundary, the
110 governing body of a county or municipality shall adopt and
111 implement a plan to eliminate all identified transportation
112 concurrency backlogs within the authority's jurisdiction using
113 funds provided pursuant to subsection (5) and as otherwise
114 provided pursuant to this section.

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115 (c) The Legislature finds that there exist in counties and
116 municipalities of the state areas that have significant
117 transportation deficiencies and inadequate transportation
118 facilities; that many of such insufficiencies and inadequacies
119 severely limit or prohibit the satisfaction of transportation
120 concurrency standards; that such transportation insufficiencies
121 and inadequacies affect the health, safety, and welfare of the
122 residents of this state; that such transportation insufficiencies
123 and inadequacies adversely affect economic development and growth
124 of the tax base for the areas in which such insufficiencies and
125 inadequacies exist; and that the elimination of transportation
126 deficiencies and inadequacies and the satisfaction of
127 transportation concurrency standards are paramount public
128 purposes for the state and its counties and municipalities.

129 (3) POWERS OF A TRANSPORTATION CONCURRENCY BACKLOG
130 AUTHORITY.--Each transportation concurrency backlog authority has
131 the powers necessary or convenient to carry out the purposes of
132 this section, including the following powers in addition to
133 others granted in this section:

134 (d) To borrow money, including, but not limited to, issuing
135 debt obligations, such a bonds, notes, certificates, and similar
136 debt instruments; to apply for and accept advances, loans,
137 grants, contributions, and any other forms of financial
138 assistance from the Federal Government or the state, county, or
139 any other public body or from any sources, public or private, for
140 the purposes of this part; to give such security as may be
141 required; to enter into and carry out contracts or agreements;
142 and to include in any contracts for financial assistance with the
143 Federal Government for or with respect to a transportation

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144 concurrency backlog project and related activities such
145 conditions imposed pursuant to federal laws as the transportation
146 concurrency backlog authority considers reasonable and
147 appropriate and which are not inconsistent with the purposes of
148 this section.

149 (4) TRANSPORTATION CONCURRENCY BACKLOG PLANS.--

150 (a) Each transportation concurrency backlog authority shall
151 adopt a transportation concurrency backlog plan as a part of the
152 local government comprehensive plan within 6 months after the
153 creation of the authority. The plan shall:

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

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

161 3. Establish a schedule for financing and construction of
162 transportation concurrency backlog projects that will eliminate
163 transportation concurrency backlogs within the jurisdiction of
164 the authority within 10 years after the transportation
165 concurrency backlog plan adoption. The schedule shall be adopted
166 as part of the local government comprehensive plan.

167
168 Notwithstanding any other provision in this paragraph, so long as
169 the schedule provides for the elimination of all transportation
170 concurrency backlogs within 10 years after the adoption of the
171 concurrency backlog plan, the final maturity date of any debt
172 incurred to finance or refinance the related projects may be no

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173 later than 40 years following the date such debt is incurred, and
174 the authority may continue operations and may administer the
175 local transportation concurrency backlog trust fund established
176 in connection therewith for so long as such debt remains
177 outstanding.

178 (5) ESTABLISHMENT OF LOCAL TRUST FUND.--The transportation
179 concurrency backlog authority shall establish a local
180 transportation concurrency backlog trust fund upon creation of
181 the authority. Each local trust fund shall be administered by the
182 transportation concurrency backlog authority within which a
183 transportation concurrency backlog has been identified. Each
184 local trust fund shall continue to be funded pursuant to this
185 section for so long as the projects set forth in the related
186 transportation concurrency backlog plan remain to be completed or
187 until any debt incurred to finance or refinance the related
188 projects are no longer outstanding, whichever occurs later.
189 Beginning in the first fiscal year after the creation of the
190 authority, each local trust fund shall be funded by the proceeds
191 of an ad valorem tax increment collected within each
192 transportation concurrency backlog area to be determined annually
193 and shall be 50 ~~25~~ percent of the difference between the amounts
194 set forth in paragraphs (a) and (b); however, all of the affected
195 taxing authorities may agree pursuant to the interlocal agreement
196 required in paragraph (1) (a) that a local trust fund be funded by
197 the proceeds of an ad valorem tax increment greater than 50
198 percent of the difference between the amounts set forth in
199 paragraphs (a) and (b):

200 (a) The amount of ad valorem tax levied each year by each
201 taxing authority, exclusive of any amount from any debt service

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202 millage, on taxable real property contained within the
203 jurisdiction of the transportation concurrency backlog authority
204 and within the transportation backlog area; and

205 (b) The amount of ad valorem taxes which would have been
206 produced by the rate upon which the tax is levied each year by or
207 for each taxing authority, exclusive of any debt service millage,
208 upon the total of the assessed value of the taxable real property
209 within the transportation concurrency backlog area as shown on
210 the most recent assessment roll used in connection with the
211 taxation of such property of each taxing authority prior to the
212 effective date of the ordinance funding the trust fund.

213 (8) DISSOLUTION.--Upon completion of all transportation
214 concurrency backlog projects and the repayment or defeasance of
215 all debt that was issued to finance or refinance such projects, a
216 transportation concurrency backlog authority shall be dissolved,
217 and its assets and liabilities shall be transferred to the county
218 or municipality within which the authority is located. All
219 remaining assets of the authority must be used for implementation
220 of transportation projects within the jurisdiction of the
221 authority. The local government comprehensive plan shall be
222 amended to remove the transportation concurrency backlog plan.

223 Section 3. The sum of \$200,000 in nonrecurring general
224 revenue is annually appropriated to the Center for Urban
225 Transportation Research for the 2008-2009 and 2009-2010 fiscal
226 years for the purpose of paying the expenses of staff services
227 and providing other related assistance to the Florida
228 Transportation Revenue Study Commission.

229 Section 4. This act shall take effect upon becoming a law.