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LEGISLATIVE ACTION

Senate	.	House
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Senator Bennett moved the following:

1   **Senate Amendment (with title amendment)**
2
3   Between lines 779 and 780
4   insert:
5   Section 5. Paragraph (d) of subsection (1) and subsection
6   (2) of section 163.3182, Florida Statutes, is amended to read:
7   163.3182 Transportation concurrency backlogs.—
8   (1) DEFINITIONS.—For purposes of this section, the term:
9   (d) "Transportation concurrency backlog" means an
10 identified deficiency where the existing extent of traffic
11 volume exceeds the level of service standard adopted in a local
12 government comprehensive plan for a transportation facility.
13   (2) CREATION OF TRANSPORTATION CONCURRENCY BACKLOG

Page 1 of 3

┃┃┃┃┃┃┃┃┃┃┃┃ 216148

14 AUTHORITIES.—

15   (a) A county or municipality may create a transportation

16 concurrency backlog authority if it has an identified

17 transportation concurrency backlog.

18   (b) Landowners or developers within a large-scale

19 development area of 500 cumulative acres or more may request the

20 local government to create a transportation concurrency backlog

21 area for the development area for roadways significantly

22 affected by traffic from the development if those roadways are

23 or will be backlogged as defined by s. 163.3164(35). If a

24 development permit is issued or a comprehensive plan amendment

25 is approved within the development area, the local government

26 shall designate the transportation concurrency backlog area if

27 the funding is sufficient to address one or more transportation

28 capacity improvements necessary to satisfy the additional

29 deficiencies coexisting or anticipated with the new development.

30 The transportation concurrency backlog area shall be created by

31 ordinance and shall be used to satisfy all proportionate share

32 or proportionate fair-share transportation concurrency

33 contributions of the development not otherwise satisfied by

34 impact fees. The local government shall manage the area acting

35 as a transportation concurrency backlog authority and all

36 applicable provisions of this section apply, except that the tax

37 increment shall be used to satisfy transportation concurrency

38 requirements not otherwise satisfied by impact fees.

39   (c)(b) Acting as the transportation concurrency backlog

40 authority within the authority's jurisdictional boundary, the

41 governing body of a county or municipality shall adopt and

42 implement a plan to eliminate all identified transportation

‖‖‖‖‖‖‖‖‖‖‖ 216148

43 concurrency backlogs within the authority's jurisdiction using
44 funds provided pursuant to subsection (5) and as otherwise
45 provided pursuant to this section.
46   (d) Notwithstanding any general law, special act, or
47 ordinance to the contrary, a local government may not require
48 any payments for transportation concurrency exceeding a
49 development's traffic impacts as identified pursuant to impact
50 fees or s. 163.3180(12) or (16) and may not require such
51 payments as a condition of a development order or permit. If
52 such payments required to satisfy a development's share of
53 transportation concurrency costs do not mitigate all traffic
54 impacts of the planned development area because of existing or
55 future backlog conditions, the owner or developer may petition
56 the local government for designation of a transportation
57 concurrency backlog area pursuant to this section, which shall
58 satisfy any remaining concurrency backlog requirements in the
59 impacted area.
60
61 ================ T I T L E   A M E N D M E N T ================
62 And the title is amended as follows:
63   Delete line 56
64 and insert:
65 163.3182, F.S.; deleting the definition of "transportation
66 concurrency backlog"; allowing landowners to petition for the
67 creation of backlog authorities; amending s. 163.3187, F.S.;
68 clarifying that text amendments can be