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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/20/2009	.	
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The Committee on Finance and Tax (Bennett) recommended the following:

Senate Amendment (with title amendment)

Between lines 393 and 394
insert:

Section 5. Paragraph (c) is added to subsection (2) of section 163.3182, Florida Statutes, and paragraph (d) of subsection (3) and subsections (4), (5), and (8) of that section are amended, to read:

163.3182 Transportation concurrency backlogs.—

(2) CREATION OF TRANSPORTATION CONCURRENCY BACKLOG
AUTHORITIES.—



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12 (c) The Legislature finds and declares that there exists in
13 many counties and municipalities areas that have significant
14 transportation deficiencies and inadequate transportation
15 facilities; that many insufficiencies and inadequacies severely
16 limit or prohibit the satisfaction of transportation concurrency
17 standards; that the transportation insufficiencies and
18 inadequacies affect the health, safety, and welfare of the
19 residents of these counties and municipalities; that the
20 transportation insufficiencies and inadequacies adversely affect
21 economic development and growth of the tax base for the areas in
22 which these insufficiencies and inadequacies exist; and that the
23 elimination of transportation deficiencies and inadequacies and
24 the satisfaction of transportation concurrency standards are
25 paramount public purposes for the state and its counties and
26 municipalities.

27 (3) POWERS OF A TRANSPORTATION CONCURRENCY BACKLOG
28 AUTHORITY.—Each transportation concurrency backlog authority has
29 the powers necessary or convenient to carry out the purposes of
30 this section, including the following powers in addition to
31 others granted in this section:

32 (d) To borrow money, including, but not limited to, issuing
33 debt obligations such as, but not limited to, bonds, notes,
34 certificates, and similar debt instruments; to apply for and
35 accept advances, loans, grants, contributions, and any other
36 forms of financial assistance from the Federal Government or the
37 state, county, or any other public body or from any sources,
38 public or private, for the purposes of this part; to give such
39 security as may be required; to enter into and carry out
40 contracts or agreements; and to include in any contracts for



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41 financial assistance with the Federal Government for or with
42 respect to a transportation concurrency backlog project and
43 related activities such conditions imposed under ~~pursuant to~~
44 federal laws as the transportation concurrency backlog authority
45 considers reasonable and appropriate and which are not
46 inconsistent with the purposes of this section.

47 (4) TRANSPORTATION CONCURRENCY BACKLOG PLANS.—

48 (a) Each transportation concurrency backlog authority shall
49 adopt a transportation concurrency backlog plan as a part of the
50 local government comprehensive plan within 6 months after the
51 creation of the authority. The plan must ~~shall~~:

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

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

59 3. Establish a schedule for financing and construction of
60 transportation concurrency backlog projects that will eliminate
61 transportation concurrency backlogs within the jurisdiction of
62 the authority within 10 years after the transportation
63 concurrency backlog plan adoption. The schedule shall be adopted
64 as part of the local government comprehensive plan.

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

67
68 Notwithstanding such schedule requirements, as long as the
69 schedule provides for the elimination of all transportation



70 concurrency backlogs within 10 years after the adoption of the
71 concurrency backlog plan, the final maturity date of any debt
72 incurred to finance or refinance the related projects may be no
73 later than 40 years after the date the debt is incurred and the
74 authority may continue operations and administer the trust fund
75 established as provided in subsection (5) for as long as the
76 debt remains outstanding.

77 (5) ESTABLISHMENT OF LOCAL TRUST FUND.—The transportation
78 concurrency backlog authority shall establish a local
79 transportation concurrency backlog trust fund upon creation of
80 the authority. Each local trust fund shall be administered by
81 the transportation concurrency backlog authority within which a
82 transportation concurrency backlog has been identified. Each
83 local trust fund must continue to be funded under this section
84 for as long as the projects set forth in the related
85 transportation concurrency backlog plan remain to be completed
86 or until any debt incurred to finance or refinance the related
87 projects are no longer outstanding, whichever occurs later.
88 Beginning in the first fiscal year after the creation of the
89 authority, each local trust fund shall be funded by the proceeds
90 of an ad valorem tax increment collected within each
91 transportation concurrency backlog area to be determined
92 annually and shall be a minimum of 25 percent of the difference
93 between the amounts set forth in paragraphs (a) and (b), except
94 that if all of the affected taxing authorities agree under an
95 interlocal agreement, a particular local trust fund may be
96 funded by the proceeds of an ad valorem tax increment greater
97 than 25 percent of the difference between the amounts set forth
98 in paragraphs (a) and (b):



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99 (a) The amount of ad valorem tax levied each year by each
100 taxing authority, exclusive of any amount from any debt service
101 millage, on taxable real property contained within the
102 jurisdiction of the transportation concurrency backlog authority
103 and within the transportation backlog area; and

104 (b) The amount of ad valorem taxes which would have been
105 produced by the rate upon which the tax is levied each year by
106 or for each taxing authority, exclusive of any debt service
107 millage, upon the total of the assessed value of the taxable
108 real property within the transportation concurrency backlog area
109 as shown on the most recent assessment roll used in connection
110 with the taxation of such property of each taxing authority
111 prior to the effective date of the ordinance funding the trust
112 fund.

113 (8) DISSOLUTION.—Upon completion of all transportation
114 concurrency backlog projects and repayment or defeasance of all
115 debt issued to finance or refinance such projects, a
116 transportation concurrency backlog authority shall be dissolved,
117 and its assets and liabilities ~~shall be~~ transferred to the
118 county or municipality within which the authority is located.
119 All remaining assets of the authority must be used for
120 implementation of transportation projects within the
121 jurisdiction of the authority. The local government
122 comprehensive plan shall be amended to remove the transportation
123 concurrency backlog plan.

124
125 ===== T I T L E A M E N D M E N T =====

126 And the title is amended as follows:

127 Delete line 18



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128 and insert:

129 circumstances; amending s. 163.3182, F.S., relating to
130 transportation concurrency backlog authorities; providing
131 legislative findings and declarations; expanding the power of
132 authorities to borrow money to include issuing certain debt
133 obligations; providing a maximum maturity date for certain debt
134 incurred to finance or refinance certain transportation
135 concurrency backlog projects; authorizing authorities to
136 continue operations and administer certain trust funds for the
137 period of the remaining outstanding debt; requiring local
138 transportation concurrency backlog trust funds to continue to be
139 funded for certain purposes; providing for increased ad valorem
140 tax increment funding for such trust funds under certain
141 circumstances; revising provisions for dissolution of an
142 authority; amending s. 337.11, F.S.; providing for