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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/24/2009	.	
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The Committee on Community Affairs (Siplin) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 393 and 394

insert:

Section 5. Subsection (2) of section 163.3182, Florida Statutes, is amended to read:

163.3182 Transportation concurrency backlogs.—

(2) CREATION OF TRANSPORTATION CONCURRENCY BACKLOG  
AUTHORITIES.—

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



12 transportation concurrency backlog.

13 (b) No later than 2012, a local government that has an  
14 identified transportation concurrency backlog shall adopt one or  
15 more transportation concurrency backlog areas as part of the  
16 local government's capital improvements element update to its  
17 submission of financial feasibility to the state land planning  
18 agency. Any additional areas that a local government creates  
19 shall be submitted biannually to the state land planning agency  
20 until the local government has demonstrated, no later than 2027,  
21 that the backlog existing in 2012 has been mitigated through  
22 construction or planned construction of the necessary  
23 transportation mobility improvements. If a local government is  
24 unable to meet the biannual requirements of the capital  
25 improvements element update for new areas as a result of  
26 economic conditions, the local government may request from the  
27 state land planning agency a one-time waiver of the requirement  
28 to file the biannual creation of new transportation concurrency  
29 backlog authority areas.

30 (c) Landowners or developers within a large-scale  
31 development area of 500 cumulative acres or more may request the  
32 local government to create a transportation concurrency backlog  
33 area for the development area for roadways significantly  
34 affected by traffic from the development if those roadways are  
35 or will be backlogged as defined by s. 163.3164(34). If a  
36 development permit is issued or a comprehensive plan amendment  
37 is approved within the development area, the local government  
38 shall designate the transportation concurrency backlog area  
39 unless the funding is insufficient to address one or more  
40 transportation capacity improvements necessary to satisfy the



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41 additional deficiencies coexisting or anticipated with the new  
42 development. The transportation concurrency backlog area shall  
43 be created by ordinance and shall be used to satisfy all  
44 proportionate share or proportionate fair-share transportation  
45 concurrency contributions of the development not otherwise  
46 satisfied by impact fees. The local government shall manage the  
47 area acting as a transportation concurrency backlog authority  
48 and all applicable provisions of this section apply, except that  
49 the tax increment shall be used to satisfy transportation  
50 concurrency requirements not otherwise satisfied by impact fees.

51 (d) ~~(b)~~ Acting as the transportation concurrency backlog  
52 authority within the authority's jurisdictional boundary, the  
53 governing body of a county or municipality shall adopt and  
54 implement a plan to eliminate all identified transportation  
55 concurrency backlogs within the authority's jurisdiction using  
56 funds provided pursuant to subsection (5) and as otherwise  
57 provided pursuant to this section.

58 (e) Notwithstanding any general law, special act, or  
59 ordinance to the contrary, a local government may not require  
60 any payments for transportation concurrency exceeding a  
61 development's traffic impacts as identified pursuant to impact  
62 fees or s. 163.3180(12) or (16) and may not require such  
63 payments as a condition of a development order or permit. If  
64 such payments required to satisfy a development's share of  
65 transportation concurrency costs do not mitigate all traffic  
66 impacts of the planned development area because of existing or  
67 future backlog conditions, the owner or developer may petition  
68 the local government for designation of a transportation  
69 concurrency backlog area pursuant to this section, which shall



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70 satisfy any remaining concurrency backlog requirements in the  
71 impacted area.

72  
73 ===== T I T L E   A M E N D M E N T =====

74 And the title is amended as follows:

75       Delete line 18

76 and insert:

77       circumstances; amending s. 163.3182, F.S.; revising  
78       provisions relating to transportation concurrency  
79       backlog authorities; requiring that a local government  
80       adopt one or more transportation concurrency backlog  
81       areas as part its capital improvements element update;  
82       requiring that a local government biannually submit  
83       new areas to the state land planning agency until  
84       certain conditions are met; providing an exception;  
85       providing for certain landowners or developers to  
86       request a transportation concurrency backlog area for  
87       a development area; prohibiting a local government  
88       from requiring payments for transportation concurrency  
89       which exceed the costs of mitigating traffic impacts;  
90       amending s. 337.11, F.S.; providing for