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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/10/2009	.	
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The Committee on Transportation (Baker) recommended the following:

Senate Substitute for Amendment (756672) (with title amendment)

Delete lines 8 - 9
and insert:

Section 1. Paragraph (b) of subsection (2) of section 163.3182, Florida Statutes, is redesignated as paragraph (d), and paragraphs (b), (c), and (e) are added to that subsection, to read:

163.3182 Transportation concurrency backlogs.—

(2) CREATION OF TRANSPORTATION CONCURRENCY BACKLOG



913564

12 AUTHORITIES.—

13 (b) No later than 2012, each local government with an
14 identified transportation concurrency backlog shall adopt one or
15 more Transportation Concurrency Backlog Areas as part of their
16 CIE update to their financially feasible submission to the state
17 land planning agency. On a bi-annual basis, the creation of
18 additional areas shall be submitted to the state land planning
19 agency until the local government has demonstrated by no later
20 than 2027 that the backlog existing in 2012 has been mitigated
21 through construction or planned construction of the necessary
22 transportation mobility improvements. If, because of economic
23 conditions, the local government cannot meet the bi-annual
24 requirements of the CIE update for new areas, they may request
25 from the state land planning agency a one-time waiver of the
26 requirement to file the bi-annual creation of new transportation
27 concurrency backlog authority areas.

28 (c) Landowners or developers within a large scale
29 development area of 500 cumulative acres or more may request the
30 local government to create a transportation concurrency backlog
31 area coterminous with the boundaries of the development area.
32 Provided a development permit is issued or a comprehensive plan
33 amendment is approved within the development area, the local
34 government shall designate the transportation concurrency
35 backlog area if the funding provided is sufficient to address
36 one or more transportation capacity improvements necessary to
37 satisfy the additional deficiencies co-existing or anticipated
38 with the new development. The transportation concurrency backlog
39 area shall be created by ordinance and shall be utilized to
40 satisfy all fair share or proportionate fair share



913564

41 transportation concurrency contributions of the development not
42 otherwise satisfied by impact fees. The local government shall
43 manage the area acting as a transportation concurrency backlog
44 authority and all applicable provisions of section 163.3182,
45 F.S., shall apply except that the tax increment shall be
46 utilized to satisfy transportation concurrency requirements not
47 otherwise satisfied by impact fees.

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

55 (e) Notwithstanding any general law, special act or
56 ordinance to the contrary, a local government shall not require
57 any payments for transportation concurrency beyond a subject
58 development's traffic impacts as identified pursuant to impact
59 fees or sections 163.3180(12) or 163.3180(16) nor shall a
60 condition of a development order or permit require such
61 payments. If such payments required to satisfy a development's
62 share of transportation concurrency costs do not mitigate all
63 traffic impacts of the planned development area because of
64 existing or future backlog conditions, the owner or developer
65 shall be entitled to petition the local government for
66 designation of a transportation concurrency backlog area
67 pursuant to section 163.3182 which shall satisfy any remaining
68 concurrency backlog requirements in the impacted area.

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913564

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

71 And the title is amended as follows:

72 Delete lines 2 - 4

73 and insert:

74 An act relating to transportation; amending s. 163.3182, F.S.;

75 requiring local governments to adopt transportation concurrency

76 backlog areas in certain circumstances; providing for the

77 creation of transportation concurrency backlog area at the

78 request of certain landowners; prohibiting local governments

79 from requiring certain transportation concurrency payments;

80 providing an effective date.