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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/21/2011	.	
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The Committee on Community Affairs (Bennett) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsection (32) of section 163.3164, Florida Statutes is amended, and subsections (35) and (36) are added to that section to read:

163.3164 Local Government Comprehensive Planning and Land Development Regulation Act; definitions.—As used in this act:

(32) "Financial feasibility" means that sufficient revenues are currently available or will be available from committed funding sources of any local government for the first 3 years,



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13 or will be available from committed or planned funding sources  
14 for years 4 through 10, of a 10-year ~~and 5, of a 5-year~~ capital  
15 improvement schedule for financing capital improvements, such as  
16 ad valorem taxes, bonds, state and federal funds, tax revenues,  
17 impact fees, and developer contributions, which are adequate to  
18 fund the projected costs of the capital improvements identified  
19 in the comprehensive plan necessary to ensure that adopted  
20 level-of-service standards are achieved and maintained within  
21 the period covered by the 5-year schedule of capital  
22 improvements. A comprehensive plan shall be deemed financially  
23 feasible for transportation and school facilities throughout the  
24 planning period addressed by the capital improvements schedule  
25 if it can be demonstrated that the level-of-service standards  
26 will be achieved and maintained by the end of the planning  
27 period even if in a particular year such improvements are not  
28 concurrent as required by s. 163.3180.

29 (35) "Transit-oriented development" means a project or  
30 projects, in areas identified in a local government  
31 comprehensive plan, that are served by existing or planned  
32 transit service as delineated in the capital improvements  
33 element. These designated areas shall be compact, moderate to  
34 high-density developments, of mixed-use character,  
35 interconnected, bicycle-friendly and pedestrian-friendly, and  
36 designed to support frequent transit service operating through,  
37 collectively or separately, rail, fixed guideway, streetcar, or  
38 bus systems on dedicated facilities or available roadway  
39 connections.

40 (36) "Mobility plan" means an integrated land use and  
41 transportation plan that promotes compact, mixed-use, and



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42 interconnected development served by a multimodal transportation  
43 system that includes roads, bicycle and pedestrian facilities,  
44 and, where feasible and appropriate, frequent transit and rail  
45 service, to provide individuals with viable transportation  
46 options without sole reliance upon a motor vehicle for personal  
47 mobility.

48 Section 2. Subsection (1), subsection (2), paragraph (a) of  
49 subsection (3) and paragraph (a) of subsection (6) of section  
50 163.3177, Florida Statutes, is amended to read:

51 163.3177 Required and optional elements of comprehensive  
52 plan; studies and surveys.—

53 (1) The comprehensive plan shall consist of materials in  
54 such descriptive form, written or graphic, as may be appropriate  
55 to the prescription of principles, guidelines, and standards for  
56 the orderly and balanced future economic, social, physical,  
57 environmental, and fiscal development of the area. The  
58 comprehensive plan shall be based upon resident and seasonal  
59 population estimates and projections which shall accommodate at  
60 a minimum the medium population projections provided by the  
61 University of Florida Bureau of Economic and Business Research  
62 or population projections generated by a local government based  
63 upon a professionally accepted methodology which are equal to or  
64 greater than the University of Florida Bureau of Economic and  
65 Business Research.

66 (3) (a) The comprehensive plan shall contain a capital  
67 improvements element designed to consider the need for and the  
68 location of public facilities in order to encourage the  
69 efficient use of such facilities and set forth:

70 1. A component that outlines principles for construction,



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71 extension, or increase in capacity of public facilities, as well  
72 as a component that outlines principles for correcting existing  
73 public facility deficiencies, which are necessary to implement  
74 the comprehensive plan. The components shall cover at least a 5-  
75 year period.

76 2. Estimated public facility costs, including a delineation  
77 of when facilities will be needed, the general location of the  
78 facilities, and projected revenue sources to fund the  
79 facilities.

80 3. Standards to ensure the availability of public  
81 facilities and the adequacy of those facilities including  
82 acceptable levels of service.

83 4. Standards for the management of debt.

84 5. A schedule of capital improvements which includes any  
85 project publicly funded by federal, state, or local government  
86 projects, and which may include privately funded projects for  
87 which the local government has no fiscal responsibility,  
88 necessary to ensure that adopted level-of-service standards are  
89 achieved and maintained. For capital improvements that will be  
90 funded by the developer, financial feasibility shall be  
91 demonstrated by being guaranteed in an enforceable development  
92 agreement or interlocal agreement pursuant to paragraph (10) (h),  
93 or other enforceable agreement. These development agreements and  
94 interlocal agreements shall be reflected in the schedule of  
95 capital improvements if the capital improvement is necessary to  
96 serve development within the 5-year schedule. If the local  
97 government uses planned revenue sources that require referenda  
98 or other actions to secure the revenue source, the plan must, in  
99 the event the referenda are not passed or actions do not secure



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100 the planned revenue source, identify other existing revenue  
101 sources that will be used to fund the capital projects or  
102 otherwise amend the plan to ensure financial feasibility.

103 6. The schedule must include transportation improvements  
104 included in the applicable metropolitan planning organization's  
105 transportation improvement program adopted pursuant to s.  
106 339.175(8) to the extent that such improvements are relied upon  
107 to ensure concurrency or implementation of a mobility plan as  
108 defined in s. 163.3164(36) and financial feasibility. The  
109 schedule must also be coordinated with the applicable  
110 metropolitan planning organization's long-range transportation  
111 plan adopted pursuant to s. 339.175(7).

112 (6) In addition to the requirements of subsections (1)-(5)  
113 and (12), the comprehensive plan shall include the following  
114 elements:

115 (a) A future land use plan element designating proposed  
116 future general distribution, location, and extent of the uses of  
117 land for residential uses, commercial uses, industry,  
118 agriculture, recreation, conservation, education, public  
119 buildings and grounds, other public facilities, and other  
120 categories of the public and private uses of land. Counties are  
121 encouraged to designate rural land stewardship areas, pursuant  
122 to paragraph (11)(d), as overlays on the future land use map.  
123 Each future land use category must be defined in terms of uses  
124 included, and must include standards to be followed in the  
125 control and distribution of population densities and building  
126 and structure intensities. The proposed distribution, location,  
127 and extent of the various categories of land use shall be shown  
128 on a land use map or map series which shall be supplemented by



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129 goals, policies, and measurable objectives. The future land use  
130 plan shall be based upon surveys, studies, and data regarding  
131 the area, and include ~~including~~ the amount of land required to  
132 accommodate projected ~~anticipated~~ growth as specified by this  
133 subsection; the projected resident and seasonal population of  
134 the area; the character of undeveloped land; the availability of  
135 water supplies, public facilities, and services; the need for  
136 redevelopment, including the renewal of blighted areas and the  
137 elimination of nonconforming uses which are inconsistent with  
138 the character of the community; the need for job creation,  
139 capital investment, and economic development that will  
140 strengthen and diversify the economy; the compatibility of uses  
141 on lands adjacent to or closely proximate to military  
142 installations; lands adjacent to an airport as defined in s.  
143 330.35 and consistent with s. 333.02; the discouragement of  
144 urban sprawl; energy-efficient land use patterns accounting for  
145 existing and future electric power generation and transmission  
146 systems; and greenhouse gas reduction strategies; ~~and, in rural~~  
147 ~~communities, the need for job creation, capital investment, and~~  
148 ~~economic development that will strengthen and diversify the~~  
149 ~~community's economy.~~ The future land use plan may designate  
150 areas for future planned development use involving combinations  
151 of types of uses for which special regulations may be necessary  
152 to ensure development in accord with the principles and  
153 standards of the comprehensive plan and this act. The future  
154 land use plan element shall include criteria to be used to  
155 achieve the compatibility of lands adjacent or closely proximate  
156 to military installations, considering factors identified in s.  
157 163.3175(5), and lands adjacent to an airport as defined in s.



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158 330.35 and consistent with s. 333.02. ~~In addition, for rural~~  
159 ~~communities,~~ The amount of land designated for future planned  
160 land uses should allow the operation of real estate markets to  
161 provide adequate choices for permanent and seasonal residents  
162 and businesses and industrial use shall be based upon surveys  
163 ~~and studies that reflect the need for job creation, capital~~  
164 ~~investment, and the necessity to strengthen and diversify the~~  
165 ~~local economies, and may not be limited solely by the projected~~  
166 ~~population of the rural community.~~ The element shall accommodate  
167 at least the minimum amount of land required to accommodate the  
168 medium projections of the Bureau of Economic and Business  
169 Research for at least a 10-year planning period. The future land  
170 use plan of a county may also designate areas for possible  
171 future municipal incorporation. The land use maps or map series  
172 shall generally identify and depict historic district boundaries  
173 and shall designate historically significant properties meriting  
174 protection. For coastal counties, the future land use element  
175 must include, without limitation, regulatory incentives and  
176 criteria that encourage the preservation of recreational and  
177 commercial working waterfronts as defined in s. 342.07. The  
178 future land use element must clearly identify the land use  
179 categories in which public schools are an allowable use. When  
180 delineating the land use categories in which public schools are  
181 an allowable use, a local government shall include in the  
182 categories sufficient land proximate to residential development  
183 to meet the projected needs for schools in coordination with  
184 public school boards and may establish differing criteria for  
185 schools of different type or size. Each local government shall  
186 include lands contiguous to existing school sites, to the



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187 maximum extent possible, within the land use categories in which  
188 public schools are an allowable use. The failure by a local  
189 government to comply with these school siting requirements will  
190 result in the prohibition of the local government's ability to  
191 amend the local comprehensive plan, except for plan amendments  
192 described in s. 163.3187(1)(b), until the school siting  
193 requirements are met. Amendments proposed by a local government  
194 for purposes of identifying the land use categories in which  
195 public schools are an allowable use are exempt from the  
196 limitation on the frequency of plan amendments contained in s.  
197 163.3187. The future land use element shall include criteria  
198 that encourage the location of schools proximate to urban  
199 residential areas to the extent possible and shall require that  
200 the local government seek to collocate public facilities, such  
201 as parks, libraries, and community centers, with schools to the  
202 extent possible and to encourage the use of elementary schools  
203 as focal points for neighborhoods. For schools serving  
204 predominantly rural counties, defined as a county with a  
205 population of 100,000 or fewer, an agricultural land use  
206 category is eligible for the location of public school  
207 facilities if the local comprehensive plan contains school  
208 siting criteria and the location is consistent with such  
209 criteria. Local governments required to update or amend their  
210 comprehensive plan to include criteria and address compatibility  
211 of lands adjacent or closely proximate to existing military  
212 installations, or lands adjacent to an airport as defined in s.  
213 330.35 and consistent with s. 333.02, in their future land use  
214 plan element shall transmit the update or amendment to the state  
215 land planning agency by June 30, 2012.





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216 Section 3. Paragraphs (a) and (b) of subsection (9),  
217 paragraph (c) of subsection (11), subsection (12), and  
218 paragraphs (a), (b), (f) and (i) of subsection (16) of section  
219 163.3180, Florida Statutes, are amended to read:

220 163.3180 Concurrency.—

221 (9) (a) Each local government shall ~~may~~ adopt as a part of  
222 its plan, long-term transportation and school concurrency  
223 management systems with a planning period of up to 10 years for  
224 specially designated districts or areas in which transportation  
225 deficiencies are projected to ~~where significant backlogs exist~~  
226 for 10 years. The plan shall ~~may~~ include interim level-of-  
227 service standards on certain facilities and shall rely on the  
228 local government's schedule of capital improvements for up to 10  
229 years as a basis for issuing development orders that authorize  
230 commencement of construction in these designated districts or  
231 areas. Pursuant to subsection (12), the concurrency management  
232 system must be designed to correct existing or projected  
233 deficiencies and set priorities for addressing deficient  
234 ~~backlogged~~ facilities. The concurrency management system must be  
235 financially feasible and consistent with other portions of the  
236 adopted local plan, including the future land use map.

237 (b) If a local government has a transportation deficiency  
238 or school facility deficiency ~~backlog~~ for existing development  
239 which cannot be adequately addressed in a 10-year plan, the  
240 state land planning agency may allow it to develop a plan and  
241 long-term schedule of capital improvements covering up to 15  
242 years for good and sufficient cause, based on a general  
243 comparison between that local government and all other similarly  
244 situated local jurisdictions, using the following factors:



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245 1. The extent of the deficiency backlog.

246 2. For roads, whether the deficiency backlog is on local or  
247 state roads.

248 3. The cost of eliminating the deficiency backlog.

249 4. The local government's tax and other revenue-raising  
250 efforts.

251 (11) In order to limit the liability of local governments,  
252 a local government may allow a landowner to proceed with  
253 development of a specific parcel of land notwithstanding a  
254 failure of the development to satisfy transportation  
255 concurrency, when all the following factors are shown to exist:

256 (c) The local plan includes a financially feasible capital  
257 improvements element that ~~provides for~~ identifies transportation  
258 facilities adequate to serve the proposed development, and the  
259 local government has not implemented that element, or the local  
260 government determines that the transportation facilities or  
261 facility segments identified as mitigation for traffic impacts  
262 will significantly benefit the impacted transportation system.

263 (12) (a) A development of regional impact may satisfy the  
264 transportation concurrency requirements of the local  
265 comprehensive plan, the local government's concurrency  
266 management system, and s. 380.06 by payment of a proportionate-  
267 share contribution for local and regionally significant traffic  
268 impacts, if:

269 1. The development of regional impact which, based on its  
270 location or mix of land uses, is designed to encourage  
271 pedestrian or other nonautomotive modes of transportation;

272 2. The proportionate-share contribution for local and  
273 regionally significant traffic impacts is sufficient to pay for



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274 one or more required mobility improvements that will benefit a  
275 regionally significant transportation facility;

276 3. The owner and developer of the development of regional  
277 impact pays or assures payment of the proportionate-share  
278 contribution; and

279 4. If the regionally significant transportation facility to  
280 be constructed or improved is under the maintenance authority of  
281 a governmental entity, as defined by s. 334.03(12), other than  
282 the local government with jurisdiction over the development of  
283 regional impact, the developer is required to enter into a  
284 binding and legally enforceable commitment to transfer funds to  
285 the governmental entity having maintenance authority or to  
286 otherwise assure construction or improvement of the facility.

287  
288 The proportionate-share contribution may be applied to any  
289 transportation facility to satisfy the provisions of this  
290 subsection and the local comprehensive plan, but, for the  
291 purposes of this subsection, the amount of the proportionate-  
292 share contribution shall be calculated based upon the cumulative  
293 number of trips from the proposed development expected to reach  
294 roadways during the peak hour from the complete buildout of a  
295 stage or phase being approved, divided by the change in the peak  
296 hour maximum service volume of roadways resulting from  
297 construction of an improvement necessary to maintain the adopted  
298 level of service, multiplied by the construction cost, at the  
299 time of developer payment, of the improvement necessary to  
300 maintain the adopted level of service. In utilizing the  
301 proportionate-share formula provided in this paragraph, the  
302 applicant, in its traffic analysis, shall establish those roads



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303 or facilities that have a transportation deficiency in  
304 accordance with the transportation deficiency definition  
305 provided in paragraph (b). If any road is determined to be  
306 transportation deficient, it shall be removed from the  
307 development-of-regional-impact list of significantly and  
308 adversely impacted road segments and from the proportionate-  
309 share calculation. The identified improvement to correct the  
310 transportation deficiency is the funding responsibility of the  
311 effected state or local government. The proportionate-share  
312 formula provided in this paragraph shall be applied to those  
313 facilities that are not deficient but are determined to be  
314 significantly and adversely impacted by the project under  
315 review. If additional improvements beyond those improvements  
316 necessary to correct the existing deficiency would be needed for  
317 an identified deficient facility, the necessary improvements to  
318 correct the existing deficiency for that facility will be  
319 considered to be in place, and the development-of-regional-  
320 impact proportionate share shall be calculated only for the  
321 needed improvements that are above the deficient improvements.  
322 For purposes of this subsection, "construction cost" includes  
323 all associated costs of the improvement. Proportionate-share  
324 mitigation shall be limited to ensure that a development of  
325 regional impact meeting the requirements of this subsection  
326 mitigates its impact on the transportation system but is not  
327 responsible for the additional cost of reducing or eliminating  
328 deficiencies backlogs. This subsection also applies to Florida  
329 Quality Developments pursuant to s. 380.061 and to detailed  
330 specific area plans implementing optional sector plans pursuant  
331 to s. 163.3245.



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332 (b) As used in this subsection, the term "transportation  
333 deficiency" ~~"backlog"~~ means a facility or facilities on which  
334 the adopted level-of-service standard is exceeded by the  
335 existing trips, plus additional projected background trips from  
336 any source other than the development project under review that  
337 are forecast by established traffic standards, including traffic  
338 modeling, consistent with the University of Florida Bureau of  
339 Economic and Business Research medium population projections.  
340 Additional projected background trips are to be coincident with  
341 the particular stage or phase of development under review.

342 (16) It is the intent of the Legislature to provide a  
343 method by which the impacts of development on transportation  
344 facilities can be mitigated by the cooperative efforts of the  
345 public and private sectors. The methodology used to calculate  
346 proportionate fair-share mitigation under this section shall be  
347 as provided for in subsection (12).

348 (a) By December 1, 2011 ~~2006~~, each local government shall  
349 adopt by ordinance a methodology for assessing proportionate  
350 fair-share mitigation options. By December 1, 2005, the  
351 Department of Transportation shall develop a model  
352 transportation concurrency management ordinance with  
353 methodologies for assessing proportionate fair-share mitigation  
354 options.

355 (b)1. In its transportation concurrency management system,  
356 a local government shall, by December 1, 2006, include  
357 methodologies that will be applied to calculate proportionate  
358 fair-share mitigation. A developer may choose to satisfy all  
359 transportation concurrency requirements by contributing or  
360 paying proportionate fair-share mitigation if transportation



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361 facilities or facility segments identified as mitigation for  
362 traffic impacts are specifically identified for funding in the  
363 5-year schedule of capital improvements in the capital  
364 improvements element of the local plan or the long-term  
365 concurrency management system or if such contributions or  
366 payments to such facilities or segments are reflected in the 5-  
367 year schedule of capital improvements in the next regularly  
368 scheduled update of the capital improvements element, or in a  
369 binding proportionate-share agreement as provided in  
370 subparagraph (f). Updates to the 5-year capital improvements  
371 element which reflect proportionate fair-share contributions may  
372 not be found not in compliance based on ss. 163.3164(32) and  
373 163.3177(3) if additional contributions, payments or funding  
374 sources are reasonably anticipated during a period not to exceed  
375 10 years to fully mitigate impacts on the transportation  
376 facilities.

377 2. Proportionate fair-share mitigation shall be applied as  
378 a credit against impact fees to the extent that all or a portion  
379 of the proportionate fair-share mitigation is used to address  
380 the same capital infrastructure improvements contemplated by the  
381 local government's impact fee ordinance.

382 (f) If the funds in an adopted 5-year capital improvements  
383 element are insufficient to fully fund construction of a  
384 transportation improvement required by the local government's  
385 concurrency management system, a local government and a  
386 developer may still enter into a binding proportionate-share  
387 agreement authorizing the developer to construct that amount of  
388 development on which the proportionate share is calculated if  
389 the proportionate-share amount in such agreement is sufficient



390 to pay for one or more improvements which will, in the opinion  
391 of the governmental entity or entities maintaining the  
392 transportation facilities, significantly benefit the impacted  
393 transportation system. In the event that the transportation  
394 facilities or facility segments identified as mitigation for  
395 traffic impacts are not included within the adopted 5-year  
396 capital improvement element but are determined to significantly  
397 benefit the impacted transportation system in the opinion of the  
398 governmental entity or entities maintaining the transportation  
399 facilities, a local government and a developer may still enter  
400 into a binding proportionate-share agreement authorizing the  
401 developer to construct that amount of development on which the  
402 proportionate share is calculated. In all events the ~~The~~  
403 improvements funded by the proportionate-share component must be  
404 adopted into the 5-year capital improvements schedule of the  
405 comprehensive plan at the next annual capital improvements  
406 element update, or the developer must contribute its  
407 proportionate share for the transportation facilities or  
408 facility segments identified as mitigation for the traffic  
409 impacts of the development on which the proportionate share is  
410 calculated. The funding of any improvements that significantly  
411 benefit the impacted transportation system satisfies concurrency  
412 requirements as a mitigation of the development's impact upon  
413 the overall transportation system even if there remains a  
414 failure of concurrency on other impacted facilities.

415 (i) As used in this subsection, the term "transportation  
416 deficiency" "~~backlog~~" means a facility or facilities on which  
417 the adopted level-of-service standard is exceeded by the  
418 existing trips, plus additional projected background trips from



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419 any source other than the development project under review that  
420 are forecast by established traffic standards, including traffic  
421 modeling, consistent with the University of Florida Bureau of  
422 Economic and Business Research medium population projections.  
423 Additional projected background trips are to be coincident with  
424 the particular stage or phase of development under review.  
425 Transportation deficiency shall be determined in the same manner  
426 as provided in subsection (12).

427 Section 4. Section 163.3182, Florida Statutes, is amended  
428 to read:

429 163.3182 Transportation deficiency ~~concurrency backlogs~~.—

430 (1) DEFINITIONS.—For purposes of this section, the term:

431 (a) "Transportation deficiency ~~concurrency backlog~~ area"  
432 means the geographic area within the unincorporated portion of a  
433 county or within the municipal boundary of a municipality  
434 designated in a local government comprehensive plan for which a  
435 transportation deficiency ~~concurrency backlog~~ authority is  
436 created pursuant to this section. A transportation deficiency  
437 ~~concurrency backlog~~ area created within the corporate boundary  
438 of a municipality shall be made pursuant to an interlocal  
439 agreement between a county, a municipality or municipalities,  
440 and any affected taxing authority or authorities.

441 (b) "Authority" or "transportation deficiency ~~concurrency~~  
442 ~~backlog~~ authority" means the governing body of a county or  
443 municipality within which an authority is created.

444 (c) "Governing body" means the council, commission, or  
445 other legislative body charged with governing the county or  
446 municipality within which a transportation deficiency  
447 ~~concurrency backlog~~ authority is created pursuant to this





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448 section.

449 (d) "Transportation deficiency ~~concurrency backlog~~" means  
450 an identified deficiency where the existing extent of traffic or  
451 projected traffic volume exceeds the level of service standard  
452 adopted in a local government comprehensive plan for a  
453 transportation facility.

454 (e) "Transportation deficiency ~~concurrency backlog~~ plan"  
455 means the plan adopted as part of a local government  
456 comprehensive plan by the governing body of a county or  
457 municipality acting as a transportation deficiency ~~concurrency~~  
458 ~~backlog~~ authority.

459 (f) "Transportation deficiency ~~concurrency backlog~~ project"  
460 means any designated transportation project that will mitigate a  
461 deficiency identified in a transportation deficiency plan  
462 ~~identified for construction within the jurisdiction of a~~  
463 ~~transportation concurrency backlog~~ authority.

464 (g) "Debt service millage" means any millage levied  
465 pursuant to s. 12, Art. VII of the State Constitution.

466 (h) "Increment revenue" means the amount calculated  
467 pursuant to subsection (5).

468 (i) "Taxing authority" means a public body that levies or  
469 is authorized to levy an ad valorem tax on real property located  
470 within a transportation deficiency ~~concurrency backlog~~ area,  
471 except a school district.

472 (2) CREATION OF TRANSPORTATION DEFICIENCY ~~CONCURRENCY~~  
473 ~~BACKLOG~~ AUTHORITIES.—

474 (a) A county or municipality may create a transportation  
475 deficiency ~~concurrency backlog~~ authority if it has an identified  
476 transportation deficiency ~~concurrency backlog~~.



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477 (b) Acting as the transportation deficiency ~~concurrency~~  
478 ~~backlog~~ authority within the authority's jurisdictional  
479 boundary, the governing body of a county or municipality shall  
480 adopt and implement a plan to eliminate all identified  
481 transportation deficiencies ~~concurrency backlogs~~ within the  
482 authority's jurisdiction using funds provided pursuant to  
483 subsection (5) and as otherwise provided pursuant to this  
484 section.

485 (c) The Legislature finds and declares that there exist in  
486 many counties and municipalities areas that have significant  
487 transportation deficiencies and inadequate transportation  
488 facilities; that many insufficiencies and inadequacies severely  
489 limit or prohibit the satisfaction of adopted transportation  
490 level-of-service ~~concurrency~~ standards; that the transportation  
491 insufficiencies and inadequacies affect the health, safety, and  
492 welfare of the residents of these counties and municipalities;  
493 that the transportation insufficiencies and inadequacies  
494 adversely affect economic development and growth of the tax base  
495 for the areas in which these insufficiencies and inadequacies  
496 exist; and that the elimination of transportation deficiencies  
497 and inadequacies and the satisfaction of transportation level-  
498 of-service ~~concurrency~~ standards are paramount public purposes  
499 for the state and its counties and municipalities.

500 (3) POWERS OF A TRANSPORTATION DEFICIENCY ~~CONCURRENCY~~  
501 ~~BACKLOG~~ AUTHORITY.—Each transportation deficiency ~~concurrency~~  
502 ~~backlog~~ authority has the powers necessary or convenient to  
503 carry out the purposes of this section, including the following  
504 powers in addition to others granted in this section:

505 (a) To make and execute contracts and other instruments



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506 necessary or convenient to the exercise of its powers under this  
507 section.

508 (b) To undertake and carry out transportation deficiency  
509 ~~concurrency backlog~~ projects for transportation facilities that  
510 have transportation deficiencies ~~a concurrency backlog~~ within  
511 the authority's jurisdiction. ~~Concurrency backlog~~ Projects may  
512 include transportation facilities that provide for alternative  
513 modes of travel including sidewalks, bikeways, and mass transit  
514 which are related to a deficient ~~backlogged~~ transportation  
515 facility.

516 (c) To invest any transportation deficiency ~~concurrency~~  
517 ~~backlog~~ funds held in reserve, sinking funds, or any such funds  
518 not required for immediate disbursement in property or  
519 securities in which savings banks may legally invest funds  
520 subject to the control of the authority and to redeem such bonds  
521 as have been issued pursuant to this section at the redemption  
522 price established therein, or to purchase such bonds at less  
523 than redemption price. All such bonds redeemed or purchased  
524 shall be canceled.

525 (d) To borrow money, including, but not limited to, issuing  
526 debt obligations such as, but not limited to, bonds, notes,  
527 certificates, and similar debt instruments; to apply for and  
528 accept advances, loans, grants, contributions, and any other  
529 forms of financial assistance from the Federal Government or the  
530 state, county, or any other public body or from any sources,  
531 public or private, for the purposes of this part; to give such  
532 security as may be required; to enter into and carry out  
533 contracts or agreements; and to include in any contracts for  
534 financial assistance with the Federal Government for or with



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535 respect to a transportation deficiency ~~concurrency backlog~~  
536 project and related activities such conditions imposed under  
537 federal laws as the transportation deficiency ~~concurrency~~  
538 ~~backlog~~ authority considers reasonable and appropriate and which  
539 are not inconsistent with the purposes of this section.

540 (e) To make or have made all surveys and plans necessary to  
541 the carrying out of the purposes of this section; to contract  
542 with any persons, public or private, in making and carrying out  
543 such plans; and to adopt, approve, modify, or amend such  
544 transportation deficiency ~~concurrency backlog~~ plans.

545 (f) To appropriate such funds and make such expenditures as  
546 are necessary to carry out the purposes of this section, and to  
547 enter into agreements with other public bodies, which agreements  
548 may extend over any period notwithstanding any provision or rule  
549 of law to the contrary.

550 (4) TRANSPORTATION DEFICIENCY ~~CONCURRENCY BACKLOG~~ PLANS.—

551 (a) Each transportation deficiency ~~concurrency backlog~~  
552 authority shall adopt a transportation deficiency ~~concurrency~~  
553 ~~backlog~~ plan as a part of the local government comprehensive  
554 plan within 6 months after the creation of the authority. The  
555 plan must:

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

559 2. Include a priority listing of all transportation  
560 facilities that have been designated as deficient and do not  
561 satisfy deficiency ~~concurrency~~ requirements pursuant to s.  
562 163.3180, and the applicable local government comprehensive  
563 plan.



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564           3. Establish a schedule for financing and construction of  
565 transportation deficiency ~~concurrency backlog~~ projects that will  
566 eliminate transportation deficiencies ~~concurrency backlogs~~  
567 within the jurisdiction of the authority within 10 years after  
568 the transportation deficiency ~~concurrency backlog~~ plan adoption.  
569 If the utilization of mass transit is selected as all or part of  
570 the system solution, the improvements and service may extend  
571 outside the area of the transportation deficiency areas to the  
572 planned terminus of the improvement as long as the improvement  
573 provides capacity enhancements to a larger intermodal system.  
574 The schedule shall be adopted as part of the local government  
575 comprehensive plan.

576           (b) The adoption of the transportation deficiency  
577 ~~concurrency backlog~~ plan shall be exempt from the provisions of  
578 s. 163.3187(1).  
579

580 Notwithstanding such schedule requirements, as long as the  
581 schedule provides for the elimination of all transportation  
582 deficiencies ~~concurrency backlogs~~ within 10 years after the  
583 adoption of the deficiency ~~concurrency backlog~~ plan, the final  
584 maturity date of any debt incurred to finance or refinance the  
585 related projects may be no later than 40 years after the date  
586 the debt is incurred and the authority may continue operations  
587 and administer the trust fund established as provided in  
588 subsection (5) for as long as the debt remains outstanding.

589           (5) ESTABLISHMENT OF LOCAL TRUST FUND.—The transportation  
590 deficiency ~~concurrency backlog~~ authority shall establish a local  
591 transportation deficiency ~~concurrency backlog~~ trust fund upon  
592 creation of the authority. Each local trust fund shall be



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593 administered by the transportation deficiency ~~concurrency~~  
594 ~~backlog~~ authority within which a transportation deficiencies  
595 have ~~concurrency backlog~~ has been identified. Each local trust  
596 fund must continue to be funded under this section for as long  
597 as the projects set forth in the related transportation  
598 deficiency ~~concurrency backlog~~ plan remain to be completed or  
599 until any debt incurred to finance or refinance the related  
600 projects is no longer outstanding, whichever occurs later.  
601 Beginning in the first fiscal year after the creation of the  
602 authority, each local trust fund shall be funded by the proceeds  
603 of an ad valorem tax increment collected within each  
604 transportation deficiency ~~concurrency backlog~~ area to be  
605 determined annually and shall be a minimum of 25 percent of the  
606 difference between the amounts set forth in paragraphs (a) and  
607 (b), except that if all of the affected taxing authorities agree  
608 under an interlocal agreement, a particular local trust fund may  
609 be funded by the proceeds of an ad valorem tax increment greater  
610 than 25 percent of the difference between the amounts set forth  
611 in paragraphs (a) and (b):

612 (a) The amount of ad valorem tax levied each year by each  
613 taxing authority, exclusive of any amount from any debt service  
614 millage, on taxable real property contained within the  
615 jurisdiction of the transportation deficiency ~~concurrency~~  
616 ~~backlog~~ authority and within the transportation deficiency  
617 ~~backlog~~ area; and

618 (b) The amount of ad valorem taxes which would have been  
619 produced by the rate upon which the tax is levied each year by  
620 or for each taxing authority, exclusive of any debt service  
621 millage, upon the total of the assessed value of the taxable



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622 real property within the transportation deficiency ~~concurrency~~  
623 ~~backlog~~ area as shown on the most recent assessment roll used in  
624 connection with the taxation of such property of each taxing  
625 authority prior to the effective date of the ordinance funding  
626 the trust fund.

627 (6) EXEMPTIONS.—

628 (a) The following public bodies or taxing authorities are  
629 exempt from the provisions of this section:

630 1. A special district that levies ad valorem taxes on  
631 taxable real property in more than one county.

632 2. A special district for which the sole available source  
633 of revenue is the authority to levy ad valorem taxes at the time  
634 an ordinance is adopted under this section. However, revenues or  
635 aid that may be dispensed or appropriated to a district as  
636 defined in s. 388.011 at the discretion of an entity other than  
637 such district shall not be deemed available.

638 3. A library district.

639 4. A neighborhood improvement district created under the  
640 Safe Neighborhoods Act.

641 5. A metropolitan transportation authority.

642 6. A water management district created under s. 373.069.

643 7. A community redevelopment agency.

644 (b) A transportation deficiency ~~concurrency~~ ~~exemption~~  
645 authority may also exempt from this section a special district  
646 that levies ad valorem taxes within the transportation  
647 deficiency ~~concurrency~~ ~~backlog~~ area pursuant to s.  
648 163.387(2) (d).

649 (7) TRANSPORTATION DEFICIENCY ~~CONCURRENCY~~ SATISFACTION.—

650 Upon adoption of a transportation deficiency ~~concurrency~~ ~~backlog~~



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651 plan as a part of the local government comprehensive plan, and  
652 the plan going into effect, the area subject to the plan shall  
653 be deemed to have achieved and maintained transportation level-  
654 of-service standards, and to have met requirements for financial  
655 feasibility for transportation facilities, ~~and for the purpose~~  
656 ~~of proposed development transportation concurrency has been~~  
657 ~~satisfied~~. Proportionate fair-share mitigation shall be limited  
658 to ensure that a development inside a transportation deficiency  
659 ~~concurrency backlog~~ area is not responsible for the additional  
660 costs of eliminating deficiencies ~~backlogs~~.

661 (8) DISSOLUTION.—Upon completion of all transportation  
662 deficiency ~~concurrency backlog~~ projects and repayment or  
663 defeasance of all debt issued to finance or refinance such  
664 projects, a transportation deficiency ~~concurrency backlog~~  
665 authority shall be dissolved, and its assets and liabilities  
666 transferred to the county or municipality within which the  
667 authority is located. All remaining assets of the authority must  
668 be used for implementation of transportation projects within the  
669 jurisdiction of the authority. The local government  
670 comprehensive plan shall be amended to remove the transportation  
671 deficiency ~~concurrency backlog~~ plan.

672 Section 5. Paragraph (u) is added to subsection (24) of  
673 section 380.06, Florida Statutes, to read:

674 380.06 Developments of regional impact.—

675 (24) STATUTORY EXEMPTIONS.—

676 (u) Any transit-oriented development as defined in s.  
677 163.3164 incorporated into the county or municipality  
678 comprehensive plan that has adopted land use and transportation  
679 strategies to support and fund the local government concurrency





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680 or mobility plan identified in the comprehensive plan, including  
681 alternative modes of transportation, is exempt from review for  
682 transportation impacts conducted pursuant to this section. This  
683 paragraph does not apply to areas:

684 1. Within the boundary of any area of critical state  
685 concern designated pursuant to s. 380.05;

686 2. Within the boundary of the Wekiva Study Area as  
687 described in s. 369.316; or

688 3. Within 2 miles of the boundary of the Everglades  
689 Protection Area as defined in s. 373.4592(2).

690  
691 If a use is exempt from review as a development of regional  
692 impact under paragraphs (a)-(s), but will be part of a larger  
693 project that is subject to review as a development of regional  
694 impact, the impact of the exempt use must be included in the  
695 review of the larger project, unless such exempt use involves a  
696 development of regional impact that includes a landowner,  
697 tenant, or user that has entered into a funding agreement with  
698 the Office of Tourism, Trade, and Economic Development under the  
699 Innovation Incentive Program and the agreement contemplates a  
700 state award of at least \$50 million.

701 Section 6. The Legislature finds that this act fulfills an  
702 important state interest.

703 Section 7. This act shall take effect upon becoming a law.

704  
705 ===== T I T L E A M E N D M E N T =====

706 And the title is amended as follows:

707 Delete everything before the enacting clause  
708 and insert:



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709                   A bill to be entitled  
710           An act relating to growth management; amending s.  
711           163.3164, F.S.; revising and providing definitions  
712           relating to the Local Government Comprehensive  
713           Planning and Land Development Regulation Act; amending  
714           s. 163.3177, F.S.; revising requirements for  
715           comprehensive plans relating to capital improvements  
716           and future land use plan elements; amending s.  
717           163.3180, F.S.; revising transportation concurrency  
718           requirements relating to transportation planning and  
719           proportionate share; amending s. 163.3182, F.S.;  
720           revising the definition of the term "transportation  
721           concurrency backlog" to "transportation deficiency";  
722           revising other definitions and provisions to conform;  
723           revising provisions relating to transportation  
724           deficiency plans and projects; amending s. 380.06,  
725           F.S.; exempting transit-oriented developments from  
726           review of transportation impacts in the developments-  
727           of-regional-impact process; providing a finding of  
728           important state interest; providing an effective date.