

By the Committee on Community Affairs; and Senator Bennett

578-02783-11

20111512c1

1 A bill to be entitled
2 An act relating to growth management; amending s.
3 163.3164, F.S.; revising and providing definitions
4 relating to the Local Government Comprehensive
5 Planning and Land Development Regulation Act; amending
6 s. 163.3177, F.S.; revising requirements for
7 comprehensive plans relating to capital improvements
8 and future land use plan elements; amending s.
9 163.3180, F.S.; revising transportation concurrency
10 requirements relating to transportation planning and
11 proportionate share; amending s. 163.3182, F.S.;
12 revising the definition of the term "transportation
13 concurrency backlog" to "transportation deficiency";
14 revising other definitions and provisions to conform;
15 revising provisions relating to transportation
16 deficiency plans and projects; amending s. 380.06,
17 F.S.; exempting transit-oriented developments from
18 review of transportation impacts in the developments-
19 of-regional-impact process; providing a finding of
20 important state interest; providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Subsection (32) of section 163.3164, Florida
25 Statutes, is amended, and subsections (35) and (36) are added to
26 that section, to read:

27 163.3164 Local Government Comprehensive Planning and Land
28 Development Regulation Act; definitions.—As used in this act:

29 (32) "Financial feasibility" means that sufficient revenues

578-02783-11

20111512c1

30 are currently available or will be available from committed
31 funding sources of any local government for the first 3 years,
32 or will be available from committed or planned funding sources
33 for years 4 through 10, of a 10-year ~~and 5, of a 5-year~~ capital
34 improvement schedule for financing capital improvements, such as
35 ad valorem taxes, bonds, state and federal funds, tax revenues,
36 impact fees, and developer contributions, which are adequate to
37 fund the projected costs of the capital improvements identified
38 in the comprehensive plan necessary to ensure that adopted
39 level-of-service standards are achieved and maintained within
40 the period covered by the 5-year schedule of capital
41 improvements. A comprehensive plan shall be deemed financially
42 feasible for transportation and school facilities throughout the
43 planning period addressed by the capital improvements schedule
44 if it can be demonstrated that the level-of-service standards
45 will be achieved and maintained by the end of the planning
46 period even if in a particular year such improvements are not
47 concurrent as required by s. 163.3180.

48 (35) "Transit-oriented development" means a project or
49 projects, in areas identified in a local government
50 comprehensive plan, which are served by existing or planned
51 transit service as delineated in the capital improvements
52 element. These designated areas shall be compact, moderate to
53 high-density developments, of mixed-use character,
54 interconnected, bicycle-friendly and pedestrian-friendly, and
55 designed to support frequent transit service operating through,
56 collectively or separately, rail, fixed guideway, streetcar, or
57 bus systems on dedicated facilities or available roadway
58 connections.

578-02783-11

20111512c1

59 (36) "Mobility plan" means an integrated land use and
60 transportation plan that promotes compact, mixed-use, and
61 interconnected development served by a multimodal transportation
62 system that includes roads, bicycle and pedestrian facilities,
63 and, where feasible and appropriate, frequent transit and rail
64 service, to provide individuals with viable transportation
65 options without sole reliance upon a motor vehicle for personal
66 mobility.

67 Section 2. Subsection (1), paragraph (a) of subsection (3),
68 and paragraph (a) of subsection (6) of section 163.3177, Florida
69 Statutes, are amended to read:

70 163.3177 Required and optional elements of comprehensive
71 plan; studies and surveys.—

72 (1) The comprehensive plan shall consist of materials in
73 such descriptive form, written or graphic, as may be appropriate
74 to the prescription of principles, guidelines, and standards for
75 the orderly and balanced future economic, social, physical,
76 environmental, and fiscal development of the area. The
77 comprehensive plan shall be based upon resident and seasonal
78 population estimates and projections that shall accommodate at a
79 minimum the medium population projections provided by the
80 University of Florida Bureau of Economic and Business Research
81 or population projections generated by a local government based
82 upon a professionally accepted methodology which are equal to or
83 greater than the University of Florida Bureau of Economic and
84 Business Research.

85 (3) (a) The comprehensive plan shall contain a capital
86 improvements element designed to consider the need for and the
87 location of public facilities in order to encourage the

578-02783-11

20111512c1

88 efficient use of such facilities and set forth:

89 1. A component that outlines principles for construction,
90 extension, or increase in capacity of public facilities, as well
91 as a component that outlines principles for correcting existing
92 public facility deficiencies, which are necessary to implement
93 the comprehensive plan. The components shall cover at least a 5-
94 year period.

95 2. Estimated public facility costs, including a delineation
96 of when facilities will be needed, the general location of the
97 facilities, and projected revenue sources to fund the
98 facilities.

99 3. Standards to ensure the availability of public
100 facilities and the adequacy of those facilities including
101 acceptable levels of service.

102 4. Standards for the management of debt.

103 5. A schedule of capital improvements which includes any
104 project publicly funded by federal, state, or local government
105 projects, and which may include privately funded projects for
106 which the local government has no fiscal responsibility,
107 necessary to ensure that adopted level-of-service standards are
108 achieved and maintained. For capital improvements that will be
109 funded by the developer, financial feasibility shall be
110 demonstrated by being guaranteed in an enforceable development
111 agreement or interlocal agreement pursuant to paragraph (10) (h),
112 or other enforceable agreement. These development agreements and
113 interlocal agreements shall be reflected in the schedule of
114 capital improvements if the capital improvement is necessary to
115 serve development within the 5-year schedule. If the local
116 government uses planned revenue sources that require referenda

578-02783-11

20111512c1

117 or other actions to secure the revenue source, the plan must, in
118 the event the referenda are not passed or actions do not secure
119 the planned revenue source, identify other existing revenue
120 sources that will be used to fund the capital projects or
121 otherwise amend the plan to ensure financial feasibility.

122 6. The schedule must include transportation improvements
123 included in the applicable metropolitan planning organization's
124 transportation improvement program adopted pursuant to s.
125 339.175(8) to the extent that such improvements are relied upon
126 to ensure concurrency or implementation of a mobility plan as
127 defined in s. 163.3164(36) and financial feasibility. The
128 schedule must also be coordinated with the applicable
129 metropolitan planning organization's long-range transportation
130 plan adopted pursuant to s. 339.175(7).

131 (6) In addition to the requirements of subsections (1)-(5)
132 and (12), the comprehensive plan shall include the following
133 elements:

134 (a) A future land use plan element designating proposed
135 future general distribution, location, and extent of the uses of
136 land for residential uses, commercial uses, industry,
137 agriculture, recreation, conservation, education, public
138 buildings and grounds, other public facilities, and other
139 categories of the public and private uses of land. Counties are
140 encouraged to designate rural land stewardship areas, pursuant
141 to paragraph (11)(d), as overlays on the future land use map.
142 Each future land use category must be defined in terms of uses
143 included, and must include standards to be followed in the
144 control and distribution of population densities and building
145 and structure intensities. The proposed distribution, location,

578-02783-11

20111512c1

146 and extent of the various categories of land use shall be shown
147 on a land use map or map series which shall be supplemented by
148 goals, policies, and measurable objectives. The future land use
149 plan shall be based upon surveys, studies, and data regarding
150 the area, and include ~~including~~ the amount of land required to
151 accommodate projected ~~anticipated~~ growth as specified by this
152 subsection; the projected resident and seasonal population of
153 the area; the character of undeveloped land; the availability of
154 water supplies, public facilities, and services; the need for
155 redevelopment, including the renewal of blighted areas and the
156 elimination of nonconforming uses which are inconsistent with
157 the character of the community; the need for job creation,
158 capital investment, and economic development that will
159 strengthen and diversify the economy; the compatibility of uses
160 on lands adjacent to or closely proximate to military
161 installations; lands adjacent to an airport as defined in s.
162 330.35 and consistent with s. 333.02; the discouragement of
163 urban sprawl; energy-efficient land use patterns accounting for
164 existing and future electric power generation and transmission
165 systems; and ~~greenhouse gas reduction strategies; and, in rural~~
166 ~~communities, the need for job creation, capital investment, and~~
167 ~~economic development that will strengthen and diversify the~~
168 ~~community's economy~~. The future land use plan may designate
169 areas for future planned development use involving combinations
170 of types of uses for which special regulations may be necessary
171 to ensure development in accord with the principles and
172 standards of the comprehensive plan and this act. The future
173 land use plan element shall include criteria to be used to
174 achieve the compatibility of lands adjacent or closely proximate

578-02783-11

20111512c1

175 to military installations, considering factors identified in s.
176 163.3175(5), and lands adjacent to an airport as defined in s.
177 330.35 and consistent with s. 333.02. ~~In addition, for rural~~
178 ~~communities,~~ The amount of land designated for future planned
179 land uses should allow the operation of real estate markets to
180 provide adequate choices for permanent and seasonal residents
181 and businesses and industrial use shall be based upon surveys
182 and studies that reflect the need for job creation, capital
183 investment, and the necessity to strengthen and diversify the
184 local economies, and may not be limited solely by the projected
185 population of the rural community. The element shall accommodate
186 at least the minimum amount of land required to accommodate the
187 medium projections of the Bureau of Economic and Business
188 Research for at least a 10-year planning period. The future land
189 use plan of a county may also designate areas for possible
190 future municipal incorporation. The land use maps or map series
191 shall generally identify and depict historic district boundaries
192 and shall designate historically significant properties meriting
193 protection. For coastal counties, the future land use element
194 must include, without limitation, regulatory incentives and
195 criteria that encourage the preservation of recreational and
196 commercial working waterfronts as defined in s. 342.07. The
197 future land use element must clearly identify the land use
198 categories in which public schools are an allowable use. When
199 delineating the land use categories in which public schools are
200 an allowable use, a local government shall include in the
201 categories sufficient land proximate to residential development
202 to meet the projected needs for schools in coordination with
203 public school boards and may establish differing criteria for

578-02783-11

20111512c1

204 schools of different type or size. Each local government shall
205 include lands contiguous to existing school sites, to the
206 maximum extent possible, within the land use categories in which
207 public schools are an allowable use. The failure by a local
208 government to comply with these school siting requirements will
209 result in the prohibition of the local government's ability to
210 amend the local comprehensive plan, except for plan amendments
211 described in s. 163.3187(1)(b), until the school siting
212 requirements are met. Amendments proposed by a local government
213 for purposes of identifying the land use categories in which
214 public schools are an allowable use are exempt from the
215 limitation on the frequency of plan amendments contained in s.
216 163.3187. The future land use element shall include criteria
217 that encourage the location of schools proximate to urban
218 residential areas to the extent possible and shall require that
219 the local government seek to collocate public facilities, such
220 as parks, libraries, and community centers, with schools to the
221 extent possible and to encourage the use of elementary schools
222 as focal points for neighborhoods. For schools serving
223 predominantly rural counties, defined as a county with a
224 population of 100,000 or fewer, an agricultural land use
225 category is eligible for the location of public school
226 facilities if the local comprehensive plan contains school
227 siting criteria and the location is consistent with such
228 criteria. Local governments required to update or amend their
229 comprehensive plan to include criteria and address compatibility
230 of lands adjacent or closely proximate to existing military
231 installations, or lands adjacent to an airport as defined in s.
232 330.35 and consistent with s. 333.02, in their future land use

578-02783-11

20111512c1

233 plan element shall transmit the update or amendment to the state
234 land planning agency by June 30, 2012.

235 Section 3. Paragraphs (a) and (b) of subsection (9),
236 paragraph (c) of subsection (11), subsection (12), and
237 paragraphs (a), (b), (f), and (i) of subsection (16) of section
238 163.3180, Florida Statutes, are amended to read:

239 163.3180 Concurrency.—

240 (9) (a) Each local government shall ~~may~~ adopt as a part of
241 its plan, long-term transportation and school concurrency
242 management systems with a planning period of up to 10 years for
243 specially designated districts or areas in which transportation
244 deficiencies are projected to ~~where significant backlogs~~ exist
245 for 10 years. The plan shall ~~may~~ include interim level-of-
246 service standards on certain facilities and shall rely on the
247 local government's schedule of capital improvements for up to 10
248 years as a basis for issuing development orders that authorize
249 commencement of construction in these designated districts or
250 areas. Pursuant to subsection (12), the concurrency management
251 system must be designed to correct existing or projected
252 deficiencies and set priorities for addressing deficient
253 ~~backlogged~~ facilities. The concurrency management system must be
254 financially feasible and consistent with other portions of the
255 adopted local plan, including the future land use map.

256 (b) If a local government has a transportation deficiency
257 or school facility deficiency ~~backlog~~ for existing development
258 which cannot be adequately addressed in a 10-year plan, the
259 state land planning agency may allow it to develop a plan and
260 long-term schedule of capital improvements covering up to 15
261 years for good and sufficient cause, based on a general

578-02783-11

20111512c1

262 comparison between that local government and all other similarly
263 situated local jurisdictions, using the following factors:

- 264 1. The extent of the deficiency backlog.
265 2. For roads, whether the deficiency backlog is on local or
266 state roads.
267 3. The cost of eliminating the deficiency backlog.
268 4. The local government's tax and other revenue-raising
269 efforts.

270 (11) In order to limit the liability of local governments,
271 a local government may allow a landowner to proceed with
272 development of a specific parcel of land notwithstanding a
273 failure of the development to satisfy transportation
274 concurrency, when all the following factors are shown to exist:

275 (c) The local plan includes a financially feasible capital
276 improvements element that identifies ~~provides for~~ transportation
277 facilities adequate to serve the proposed development, and the
278 local government has not implemented that element, or the local
279 government determines that the transportation facilities or
280 facility segments identified as mitigation for traffic impacts
281 will significantly benefit the impacted transportation system.

282 (12)(a) A development of regional impact may satisfy the
283 transportation concurrency requirements of the local
284 comprehensive plan, the local government's concurrency
285 management system, and s. 380.06 by payment of a proportionate-
286 share contribution for local and regionally significant traffic
287 impacts, if:

- 288 1. The development of regional impact which, based on its
289 location or mix of land uses, is designed to encourage
290 pedestrian or other nonautomotive modes of transportation;

578-02783-11

20111512c1

291 2. The proportionate-share contribution for local and
292 regionally significant traffic impacts is sufficient to pay for
293 one or more required mobility improvements that will benefit a
294 regionally significant transportation facility;

295 3. The owner and developer of the development of regional
296 impact pays or assures payment of the proportionate-share
297 contribution; and

298 4. If the regionally significant transportation facility to
299 be constructed or improved is under the maintenance authority of
300 a governmental entity, as defined by s. 334.03(12), other than
301 the local government with jurisdiction over the development of
302 regional impact, the developer is required to enter into a
303 binding and legally enforceable commitment to transfer funds to
304 the governmental entity having maintenance authority or to
305 otherwise assure construction or improvement of the facility.

306
307 The proportionate-share contribution may be applied to any
308 transportation facility to satisfy the provisions of this
309 subsection and the local comprehensive plan, but, for the
310 purposes of this subsection, the amount of the proportionate-
311 share contribution shall be calculated based upon the cumulative
312 number of trips from the proposed development expected to reach
313 roadways during the peak hour from the complete buildout of a
314 stage or phase being approved, divided by the change in the peak
315 hour maximum service volume of roadways resulting from
316 construction of an improvement necessary to maintain the adopted
317 level of service, multiplied by the construction cost, at the
318 time of developer payment, of the improvement necessary to
319 maintain the adopted level of service. In projecting the number

578-02783-11

20111512c1

320 of trips to be generated by the development under review, any
321 trips assigned to a toll-financed facility shall be eliminated
322 from the analysis. In using the proportionate-share formula
323 provided in this paragraph, the applicant, in its traffic
324 analysis, shall establish those roads or facilities that have a
325 transportation deficiency in accordance with the transportation
326 deficiency definition provided in paragraph (b). If any road is
327 determined to be transportation deficient, it shall be removed
328 from the development's list of significantly and adversely
329 impacted road segments and from the proportionate-share
330 calculation. The identified improvement to correct the
331 transportation deficiency is the funding responsibility of the
332 effected state or local government. The proportionate-share
333 formula provided in this paragraph shall be applied to those
334 facilities that are not deficient but are determined to be
335 significantly and adversely impacted by the project under
336 review. If additional improvements beyond those improvements
337 necessary to correct the existing deficiency would be needed for
338 an identified deficient facility, the necessary improvements to
339 correct the existing deficiency for that facility will be
340 considered to be in place, and the development's proportionate
341 share shall be calculated only for the needed improvements that
342 are above the deficient improvements. For purposes of this
343 subsection, "construction cost" includes all associated costs of
344 the improvement. Proportionate-share mitigation shall be limited
345 to ensure that a development of regional impact meeting the
346 requirements of this subsection mitigates its impact on the
347 transportation system but is not responsible for the additional
348 cost of reducing or eliminating deficiencies ~~backlogs~~. This

578-02783-11

20111512c1

349 subsection also applies to Florida Quality Developments pursuant
350 to s. 380.061 and to detailed specific area plans implementing
351 optional sector plans pursuant to s. 163.3245.

352 (b) As used in this subsection, the term "transportation
353 deficiency" ~~"backlog"~~ means a facility or facilities on which
354 the adopted level-of-service standard is exceeded by the
355 existing trips, plus additional projected background trips from
356 any source other than the development project under review that
357 are forecast by established traffic standards, including traffic
358 modeling, consistent with the University of Florida Bureau of
359 Economic and Business Research medium population projections.
360 Additional projected background trips are to be coincident with
361 the particular stage or phase of development under review.

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

368 (a) By December 1, 2011 ~~2006~~, each local government shall
369 adopt by ordinance a methodology for assessing proportionate
370 fair-share mitigation options. By December 1, 2005, the
371 Department of Transportation shall develop a model
372 transportation concurrency management ordinance with
373 methodologies for assessing proportionate fair-share mitigation
374 options.

375 (b)1. In its transportation concurrency management system,
376 a local government shall, by December 1, 2006, include
377 methodologies that will be applied to calculate proportionate

578-02783-11

20111512c1

378 fair-share mitigation. A developer may choose to satisfy all
379 transportation concurrency requirements by contributing or
380 paying proportionate fair-share mitigation if transportation
381 facilities or facility segments identified as mitigation for
382 traffic impacts are specifically identified for funding in the
383 5-year schedule of capital improvements in the capital
384 improvements element of the local plan or the long-term
385 concurrency management system or if such contributions or
386 payments to such facilities or segments are reflected in the 5-
387 year schedule of capital improvements in the next regularly
388 scheduled update of the capital improvements element, or in a
389 binding proportionate-share agreement as provided in paragraph
390 (f). Updates to the 5-year capital improvements element which
391 reflect proportionate fair-share contributions may not be found
392 not in compliance based on ss. 163.3164(32) and 163.3177(3) if
393 additional contributions, payments or funding sources are
394 reasonably anticipated during a period not to exceed 10 years to
395 fully mitigate impacts on the transportation facilities.

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

401 (f) If the funds in an adopted 5-year capital improvements
402 element are insufficient to fully fund construction of a
403 transportation improvement required by the local government's
404 concurrency management system, a local government and a
405 developer may still enter into a binding proportionate-share
406 agreement authorizing the developer to construct that amount of

578-02783-11

20111512c1

407 development on which the proportionate share is calculated if
408 the proportionate-share amount in such agreement is sufficient
409 to pay for one or more improvements which will, in the opinion
410 of the governmental entity or entities maintaining the
411 transportation facilities, significantly benefit the impacted
412 transportation system. In the event that the transportation
413 facilities or facility segments identified as mitigation for
414 traffic impacts are not included within the adopted 5-year
415 capital improvement element but are determined to significantly
416 benefit the impacted transportation system in the opinion of the
417 governmental entity or entities maintaining the transportation
418 facilities, a local government and a developer may still enter
419 into a binding proportionate-share agreement authorizing the
420 developer to construct that amount of development on which the
421 proportionate share is calculated. In all events the ~~The~~
422 improvements funded by the proportionate-share component must be
423 adopted into the 5-year capital improvements schedule of the
424 comprehensive plan at the next annual capital improvements
425 element update, or the developer must contribute its
426 proportionate share for the transportation facilities or
427 facility segments identified as mitigation for the traffic
428 impacts of the development on which the proportionate share is
429 calculated. The funding of any improvements that significantly
430 benefit the impacted transportation system satisfies concurrency
431 requirements as a mitigation of the development's impact upon
432 the overall transportation system even if there remains a
433 failure of concurrency on other impacted facilities.

434 (i) As used in this subsection, the term "transportation
435 deficiency" ~~"backlog"~~ means a facility or facilities on which

578-02783-11

20111512c1

436 the adopted level-of-service standard is exceeded by the
437 existing trips, plus additional projected background trips from
438 any source other than the development project under review that
439 are forecast by established traffic standards, including traffic
440 modeling, consistent with the University of Florida Bureau of
441 Economic and Business Research medium population projections.
442 Additional projected background trips are to be coincident with
443 the particular stage or phase of development under review.
444 Transportation deficiency shall be determined in the same manner
445 as provided in subsection (12).

446 Section 4. Section 163.3182, Florida Statutes, is amended
447 to read:

448 163.3182 Transportation deficiency ~~concurrency backlogs~~.—

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

450 (a) "Transportation deficiency ~~concurrency backlog~~ area"
451 means the geographic area within the unincorporated portion of a
452 county or within the municipal boundary of a municipality
453 designated in a local government comprehensive plan for which a
454 transportation deficiency ~~concurrency backlog~~ authority is
455 created pursuant to this section. A transportation deficiency
456 ~~concurrency backlog~~ area created within the corporate boundary
457 of a municipality shall be made pursuant to an interlocal
458 agreement between a county, a municipality or municipalities,
459 and any affected taxing authority or authorities.

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

463 (c) "Governing body" means the council, commission, or
464 other legislative body charged with governing the county or

578-02783-11

20111512c1

465 municipality within which a transportation deficiency
 466 ~~concurrency backlog~~ authority is created pursuant to this
 467 section.

468 (d) "Transportation deficiency ~~concurrency backlog~~" means
 469 an identified deficiency where the existing extent of traffic or
 470 projected traffic volume exceeds the level of service standard
 471 adopted in a local government comprehensive plan for a
 472 transportation facility.

473 (e) "Transportation deficiency ~~concurrency backlog~~ plan"
 474 means the plan adopted as part of a local government
 475 comprehensive plan by the governing body of a county or
 476 municipality acting as a transportation deficiency ~~concurrency~~
 477 ~~backlog~~ authority.

478 (f) "Transportation deficiency ~~concurrency backlog~~ project"
 479 means any designated transportation project that will mitigate a
 480 deficiency identified in a transportation deficiency plan
 481 ~~identified for construction within the jurisdiction of a~~
 482 ~~transportation concurrency backlog~~ authority.

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

485 (h) "Increment revenue" means the amount calculated
 486 pursuant to subsection (5).

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

491 (2) CREATION OF TRANSPORTATION DEFICIENCY ~~CONCURRENCY~~
 492 ~~BACKLOG~~ AUTHORITIES.—

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

578-02783-11

20111512c1

494 deficiency ~~concurrency backlog~~ authority if it has an identified
495 transportation deficiency ~~concurrency backlog~~.

496 (b) Acting as the transportation deficiency ~~concurrency~~
497 ~~backlog~~ authority within the authority's jurisdictional
498 boundary, the governing body of a county or municipality shall
499 adopt and implement a plan to eliminate all identified
500 transportation deficiencies ~~concurrency backlogs~~ within the
501 authority's jurisdiction using funds provided pursuant to
502 subsection (5) and as otherwise provided pursuant to this
503 section.

504 (c) The Legislature finds and declares that there exist in
505 many counties and municipalities areas that have significant
506 transportation deficiencies and inadequate transportation
507 facilities; that many insufficiencies and inadequacies severely
508 limit or prohibit the satisfaction of adopted transportation
509 level-of-service ~~concurrency~~ standards; that the transportation
510 insufficiencies and inadequacies affect the health, safety, and
511 welfare of the residents of these counties and municipalities;
512 that the transportation insufficiencies and inadequacies
513 adversely affect economic development and growth of the tax base
514 for the areas in which these insufficiencies and inadequacies
515 exist; and that the elimination of transportation deficiencies
516 and inadequacies and the satisfaction of transportation level-
517 of-service ~~concurrency~~ standards are paramount public purposes
518 for the state and its counties and municipalities.

519 (3) POWERS OF A TRANSPORTATION DEFICIENCY ~~CONCURRENCY~~
520 ~~BACKLOG~~ AUTHORITY.—Each transportation deficiency ~~concurrency~~
521 ~~backlog~~ authority has the powers necessary or convenient to
522 carry out the purposes of this section, including the following

578-02783-11

20111512c1

523 powers in addition to others granted in this section:

524 (a) To make and execute contracts and other instruments
525 necessary or convenient to the exercise of its powers under this
526 section.

527 (b) To undertake and carry out transportation deficiency
528 ~~concurrency backlog~~ projects for transportation facilities that
529 have transportation deficiencies ~~a concurrency backlog~~ within
530 the authority's jurisdiction. ~~Concurrency backlog~~ Projects may
531 include transportation facilities that provide for alternative
532 modes of travel including sidewalks, bikeways, and mass transit
533 which are related to a deficient ~~backlogged~~ transportation
534 facility.

535 (c) To invest any transportation deficiency ~~concurrency~~
536 ~~backlog~~ funds held in reserve, sinking funds, or any such funds
537 not required for immediate disbursement in property or
538 securities in which savings banks may legally invest funds
539 subject to the control of the authority and to redeem such bonds
540 as have been issued pursuant to this section at the redemption
541 price established therein, or to purchase such bonds at less
542 than redemption price. All such bonds redeemed or purchased
543 shall be canceled.

544 (d) To borrow money, including, but not limited to, issuing
545 debt obligations such as, but not limited to, bonds, notes,
546 certificates, and similar debt instruments; to apply for and
547 accept advances, loans, grants, contributions, and any other
548 forms of financial assistance from the Federal Government or the
549 state, county, or any other public body or from any sources,
550 public or private, for the purposes of this part; to give such
551 security as may be required; to enter into and carry out

578-02783-11

20111512c1

552 contracts or agreements; and to include in any contracts for
553 financial assistance with the Federal Government for or with
554 respect to a transportation deficiency ~~concurrency backlog~~
555 project and related activities such conditions imposed under
556 federal laws as the transportation deficiency ~~concurrency~~
557 ~~backlog~~ authority considers reasonable and appropriate and which
558 are not inconsistent with the purposes of this section.

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

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

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

570 (a) Each transportation deficiency ~~concurrency backlog~~
571 authority shall adopt a transportation deficiency ~~concurrency~~
572 ~~backlog~~ plan as a part of the local government comprehensive
573 plan within 6 months after the creation of the authority. The
574 plan must:

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

578 2. Include a priority listing of all transportation
579 facilities that have been designated as deficient and do not
580 satisfy deficiency ~~concurrency~~ requirements pursuant to s.

578-02783-11

20111512c1

581 163.3180, and the applicable local government comprehensive
582 plan.

583 3. Establish a schedule for financing and construction of
584 transportation deficiency ~~concurrency backlog~~ projects that will
585 eliminate transportation deficiencies ~~concurrency backlogs~~
586 within the jurisdiction of the authority within 10 years after
587 the transportation deficiency ~~concurrency backlog~~ plan adoption.
588 If the utilization of mass transit is selected as all or part of
589 the system solution, the improvements and service may extend
590 outside the area of the transportation deficiency areas to the
591 planned terminus of the improvement as long as the improvement
592 provides capacity enhancements to a larger intermodal system.
593 The schedule shall be adopted as part of the local government
594 comprehensive plan.

595 (b) The adoption of the transportation deficiency
596 ~~concurrency backlog~~ plan shall be exempt from the provisions of
597 s. 163.3187(1).

598
599 Notwithstanding such schedule requirements, as long as the
600 schedule provides for the elimination of all transportation
601 deficiencies ~~concurrency backlogs~~ within 10 years after the
602 adoption of the deficiency ~~concurrency backlog~~ plan, the final
603 maturity date of any debt incurred to finance or refinance the
604 related projects may be no later than 40 years after the date
605 the debt is incurred and the authority may continue operations
606 and administer the trust fund established as provided in
607 subsection (5) for as long as the debt remains outstanding.

608 (5) ESTABLISHMENT OF LOCAL TRUST FUND.—The transportation
609 deficiency ~~concurrency backlog~~ authority shall establish a local

578-02783-11

20111512c1

610 transportation deficiency ~~concurrency backlog~~ trust fund upon
611 creation of the authority. Each local trust fund shall be
612 administered by the transportation deficiency ~~concurrency~~
613 ~~backlog~~ authority within which a transportation deficiencies
614 have ~~concurrency backlog~~ has been identified. Each local trust
615 fund must continue to be funded under this section for as long
616 as the projects set forth in the related transportation
617 deficiency ~~concurrency backlog~~ plan remain to be completed or
618 until any debt incurred to finance or refinance the related
619 projects is no longer outstanding, whichever occurs later.
620 Beginning in the first fiscal year after the creation of the
621 authority, each local trust fund shall be funded by the proceeds
622 of an ad valorem tax increment collected within each
623 transportation deficiency ~~concurrency backlog~~ area to be
624 determined annually and shall be a minimum of 25 percent of the
625 difference between the amounts set forth in paragraphs (a) and
626 (b), except that if all of the affected taxing authorities agree
627 under an interlocal agreement, a particular local trust fund may
628 be funded by the proceeds of an ad valorem tax increment greater
629 than 25 percent of the difference between the amounts set forth
630 in paragraphs (a) and (b):

631 (a) The amount of ad valorem tax levied each year by each
632 taxing authority, exclusive of any amount from any debt service
633 millage, on taxable real property contained within the
634 jurisdiction of the transportation deficiency ~~concurrency~~
635 ~~backlog~~ authority and within the transportation deficiency
636 ~~backlog~~ area; and

637 (b) The amount of ad valorem taxes which would have been
638 produced by the rate upon which the tax is levied each year by

578-02783-11

20111512c1

639 or for each taxing authority, exclusive of any debt service
640 millage, upon the total of the assessed value of the taxable
641 real property within the transportation deficiency concurrency
642 ~~backlog~~ area as shown on the most recent assessment roll used in
643 connection with the taxation of such property of each taxing
644 authority prior to the effective date of the ordinance funding
645 the trust fund.

646 (6) EXEMPTIONS.—

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

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

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

657 3. A library district.

658 4. A neighborhood improvement district created under the
659 Safe Neighborhoods Act.

660 5. A metropolitan transportation authority.

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

662 7. A community redevelopment agency.

663 (b) A transportation deficiency concurrency~~exemption~~
664 authority may also exempt from this section a special district
665 that levies ad valorem taxes within the transportation
666 deficiency concurrency~~backlog~~ area pursuant to s.
667 163.387(2)(d).

578-02783-11

20111512c1

668 (7) TRANSPORTATION DEFICIENCY CONCURRENCY SATISFACTION.—
669 Upon adoption of a transportation deficiency concurrency backlog
670 plan as a part of the local government comprehensive plan, and
671 the plan going into effect, the area subject to the plan shall
672 be deemed to have achieved and maintained transportation level-
673 of-service standards, and to have met requirements for financial
674 feasibility for transportation facilities, ~~and for the purpose~~
675 ~~of proposed development transportation concurrency has been~~
676 ~~satisfied~~. Proportionate fair-share mitigation shall be limited
677 to ensure that a development inside a transportation deficiency
678 ~~concurrency backlog~~ area is not responsible for the additional
679 costs of eliminating deficiencies backlogs.

680 (8) DISSOLUTION.—Upon completion of all transportation
681 deficiency concurrency backlog projects and repayment or
682 defeasance of all debt issued to finance or refinance such
683 projects, a transportation deficiency concurrency backlog
684 authority shall be dissolved, and its assets and liabilities
685 transferred to the county or municipality within which the
686 authority is located. All remaining assets of the authority must
687 be used for implementation of transportation projects within the
688 jurisdiction of the authority. The local government
689 comprehensive plan shall be amended to remove the transportation
690 deficiency concurrency backlog plan.

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

693 380.06 Developments of regional impact.—

694 (24) STATUTORY EXEMPTIONS.—

695 (u) Any transit-oriented development as defined in s.
696 163.3164 incorporated into the county or municipality

578-02783-11

20111512c1

697 comprehensive plan that has adopted land use and transportation
698 strategies to support and fund the local government concurrency
699 or mobility plan identified in the comprehensive plan, including
700 alternative modes of transportation, is exempt from review for
701 transportation impacts conducted pursuant to this section. This
702 paragraph does not apply to areas:

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

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

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

709
710 If a use is exempt from review as a development of regional
711 impact under paragraphs (a)-(s), but will be part of a larger
712 project that is subject to review as a development of regional
713 impact, the impact of the exempt use must be included in the
714 review of the larger project, unless such exempt use involves a
715 development of regional impact that includes a landowner,
716 tenant, or user that has entered into a funding agreement with
717 the Office of Tourism, Trade, and Economic Development under the
718 Innovation Incentive Program and the agreement contemplates a
719 state award of at least \$50 million.

720 Section 6. The Legislature finds that this act fulfills an
721 important state interest.

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