

By the Committees on Transportation; and Community Affairs; and
Senator Bennett

596-04374-11

20111512c2

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. 163.3191,
17 F.S.; revising and simplifying provisions relating to
18 a local government's review of its comprehensive plan;
19 amending s. 380.06, F.S.; exempting transit-oriented
20 developments from review of transportation impacts in
21 the developments-of-regional-impact process; providing
22 a finding of important state interest; providing an
23 effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

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

596-04374-11

20111512c2

30 163.3164 Local Government Comprehensive Planning and Land
31 Development Regulation Act; definitions.—As used in this act:

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

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

596-04374-11

20111512c2

59 collectively or separately, rail, fixed guideway, streetcar, or
60 bus systems on dedicated facilities or available roadway
61 connections.

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

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

73 163.3177 Required and optional elements of comprehensive
74 plan; studies and surveys.—

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

596-04374-11

20111512c2

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

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

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

102 3. Standards to ensure the availability of public
103 facilities and the adequacy of those facilities including
104 acceptable levels of service.

105 4. Standards for the management of debt.

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

596-04374-11

20111512c2

117 capital improvements if the capital improvement is necessary to
118 serve development within the 5-year schedule. If the local
119 government uses planned revenue sources that require referenda
120 or other actions to secure the revenue source, the plan must, in
121 the event the referenda are not passed or actions do not secure
122 the planned revenue source, identify other existing revenue
123 sources that will be used to fund the capital projects or
124 otherwise amend the plan to ensure financial feasibility.

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

134 (6) In addition to the requirements of subsections (1)-(5)
135 and (12), the comprehensive plan shall include the following
136 elements:

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

596-04374-11

20111512c2

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

596-04374-11

20111512c2

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

596-04374-11

20111512c2

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

596-04374-11

20111512c2

233 of lands adjacent or closely proximate to existing military
234 installations, or lands adjacent to an airport as defined in s.
235 330.35 and consistent with s. 333.02, in their future land use
236 plan element shall transmit the update or amendment to the state
237 land planning agency by June 30, 2012.

238 Section 3. Paragraphs (a) and (b) of subsection (9),
239 paragraph (c) of subsection (11), subsection (12), and
240 paragraphs (a), (b), (f), and (i) of subsection (16) of section
241 163.3180, Florida Statutes, are amended to read:

242 163.3180 Concurrency.—

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

259 (b) If a local government has a transportation deficiency
260 or school facility deficiency ~~backlog~~ for existing development
261 which cannot be adequately addressed in a 10-year plan, the

596-04374-11

20111512c2

262 state land planning agency may allow it to develop a plan and
263 long-term schedule of capital improvements covering up to 15
264 years for good and sufficient cause, based on a general
265 comparison between that local government and all other similarly
266 situated local jurisdictions, using the following factors:

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

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

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

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

596-04374-11

20111512c2

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

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

298 3. The owner and developer of the development of regional
299 impact pays or assures payment of the proportionate-share
300 contribution; and

301 4. If the regionally significant transportation facility to
302 be constructed or improved is under the maintenance authority of
303 a governmental entity, as defined by s. 334.03(12), other than
304 the local government with jurisdiction over the development of
305 regional impact, the developer is required to enter into a
306 binding and legally enforceable commitment to transfer funds to
307 the governmental entity having maintenance authority or to
308 otherwise assure construction or improvement of the facility.
309

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

596-04374-11

20111512c2

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

596-04374-11

20111512c2

349 requirements of this subsection mitigates its impact on the
350 transportation system but is not responsible for the additional
351 cost of reducing or eliminating deficiencies ~~backlogs~~. This
352 subsection also applies to Florida Quality Developments pursuant
353 to s. 380.061 and to detailed specific area plans implementing
354 optional sector plans pursuant to s. 163.3245.

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

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

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

596-04374-11

20111512c2

378 (b)1. In its transportation concurrency management system,
379 a local government shall, by December 1, 2006, include
380 methodologies that will be applied to calculate proportionate
381 fair-share mitigation. A developer may choose to satisfy all
382 transportation concurrency requirements by contributing or
383 paying proportionate fair-share mitigation if transportation
384 facilities or facility segments identified as mitigation for
385 traffic impacts are specifically identified for funding in the
386 5-year schedule of capital improvements in the capital
387 improvements element of the local plan or the long-term
388 concurrency management system or if such contributions or
389 payments to such facilities or segments are reflected in the 5-
390 year schedule of capital improvements in the next regularly
391 scheduled update of the capital improvements element, or in a
392 binding proportionate-share agreement as provided in paragraph
393 (f). Updates to the 5-year capital improvements element which
394 reflect proportionate fair-share contributions may not be found
395 not in compliance based on ss. 163.3164(32) and 163.3177(3) if
396 additional contributions, payments or funding sources are
397 reasonably anticipated during a period not to exceed 10 years to
398 fully mitigate impacts on the transportation facilities.

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

404 (f) If the funds in an adopted 5-year capital improvements
405 element are insufficient to fully fund construction of a
406 transportation improvement required by the local government's

596-04374-11

20111512c2

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

596-04374-11

20111512c2

436 failure of concurrency on other impacted facilities.

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

449 Section 4. Section 163.3182, Florida Statutes, is amended
450 to read:

451 163.3182 Transportation deficiency ~~concurrency backlog~~.—

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

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

463 (b) "Authority" or "transportation deficiency ~~concurrency~~
464 ~~backlog~~ authority" means the governing body of a county or

596-04374-11

20111512c2

465 municipality within which an authority is created.

466 (c) "Governing body" means the council, commission, or
467 other legislative body charged with governing the county or
468 municipality within which a transportation deficiency
469 ~~concurrency backlog~~ authority is created pursuant to this
470 section.

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

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

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

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

488 (h) "Increment revenue" means the amount calculated
489 pursuant to subsection (5).

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

596-04374-11

20111512c2

494 (2) CREATION OF TRANSPORTATION DEFICIENCY ~~CONCURRENCY~~
495 ~~BACKLOG~~ AUTHORITIES.—

496 (a) A county or municipality may create a transportation
497 deficiency ~~concurrency backlog~~ authority if it has an identified
498 transportation deficiency ~~concurrency backlog~~.

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

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

522 (3) POWERS OF A TRANSPORTATION DEFICIENCY ~~CONCURRENCY~~

596-04374-11

20111512c2

523 ~~BACKLOG~~ AUTHORITY.—Each transportation deficiency ~~concurrency~~
524 ~~backlog~~ authority has the powers necessary or convenient to
525 carry out the purposes of this section, including the following
526 powers in addition to others granted in this section:

527 (a) To make and execute contracts and other instruments
528 necessary or convenient to the exercise of its powers under this
529 section.

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

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

547 (d) To borrow money, including, but not limited to, issuing
548 debt obligations such as, but not limited to, bonds, notes,
549 certificates, and similar debt instruments; to apply for and
550 accept advances, loans, grants, contributions, and any other
551 forms of financial assistance from the Federal Government or the

596-04374-11

20111512c2

552 state, county, or any other public body or from any sources,
553 public or private, for the purposes of this part; to give such
554 security as may be required; to enter into and carry out
555 contracts or agreements; and to include in any contracts for
556 financial assistance with the Federal Government for or with
557 respect to a transportation deficiency ~~concurrency backlog~~
558 project and related activities such conditions imposed under
559 federal laws as the transportation deficiency ~~concurrency~~
560 ~~backlog~~ authority considers reasonable and appropriate and which
561 are not inconsistent with the purposes of this section.

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

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

572 (4) TRANSPORTATION DEFICIENCY ~~CONCURRENCY BACKLOG~~ PLANS.-

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

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

596-04374-11

20111512c2

581 2. Include a priority listing of all transportation
582 facilities that have been designated as deficient and do not
583 satisfy deficiency ~~concurrency~~ requirements pursuant to s.
584 163.3180, and the applicable local government comprehensive
585 plan.

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

598 (b) The adoption of the transportation deficiency
599 ~~concurrency backlog~~ plan shall be exempt from the provisions of
600 s. 163.3187(1).
601

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

596-04374-11

20111512c2

610 subsection (5) for as long as the debt remains outstanding.

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

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

596-04374-11

20111512c2

639 ~~backlog~~ area; and

640 (b) The amount of ad valorem taxes which would have been
641 produced by the rate upon which the tax is levied each year by
642 or for each taxing authority, exclusive of any debt service
643 millage, upon the total of the assessed value of the taxable
644 real property within the transportation deficiency concurrency
645 ~~backlog~~ area as shown on the most recent assessment roll used in
646 connection with the taxation of such property of each taxing
647 authority prior to the effective date of the ordinance funding
648 the trust fund.

649 (6) EXEMPTIONS.—

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

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

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

660 3. A library district.

661 4. A neighborhood improvement district created under the
662 Safe Neighborhoods Act.

663 5. A metropolitan transportation authority.

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

665 7. A community redevelopment agency.

666 (b) A transportation deficiency concurrency ~~exemption~~
667 authority may also exempt from this section a special district

596-04374-11

20111512c2

668 that levies ad valorem taxes within the transportation
669 deficiency ~~concurrency backlog~~ area pursuant to s.
670 163.387(2)(d).

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

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

694 Section 5. Section 163.3191, Florida Statutes, is amended
695 to read:

696 (Substantial rewording of section. See

596-04374-11

20111512c2

697 s. 163.3191, F.S., for present text.)

698 163.3191 Local government evaluation of comprehensive
699 plan.-

700 (1) At least once every 7 years, each local government
701 shall evaluate its comprehensive plan to determine if plan
702 amendments are necessary to reflect any changes in state
703 requirements under this part since the last update of the plan,
704 and provide written notification to the state land planning
705 agency as to such determination. If the local government
706 determines amendments to the plan are necessary, the local
707 government shall prepare and transmit such plan amendments
708 within 1 year after submitting the written notification for
709 review pursuant to s. 163.3184.

710 (2) Local governments are encouraged to comprehensively
711 evaluate and, as necessary, update comprehensive plans to
712 reflect changes in local conditions. Plan amendments transmitted
713 pursuant to this section shall be reviewed in accordance with s.
714 163.3184.

715 (3) If a local government fails to submit its letter
716 prescribed by subsection (1) or update its plan pursuant to
717 subsection (2), it may not amend its comprehensive plan except
718 in accordance with this section.

719 Section 6. Paragraph (u) is added to subsection (24) of
720 section 380.06, Florida Statutes, to read:

721 380.06 Developments of regional impact.-

722 (24) STATUTORY EXEMPTIONS.-

723 (u) Any transit-oriented development as defined in s.
724 163.3164 incorporated into the county or municipality
725 comprehensive plan that has adopted land use and transportation

596-04374-11

20111512c2

726 strategies to support and fund the local government concurrency
727 or mobility plan identified in the comprehensive plan, including
728 alternative modes of transportation, is exempt from review for
729 transportation impacts conducted pursuant to this section. This
730 paragraph does not apply to areas:

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

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

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

737

738 If a use is exempt from review as a development of regional
739 impact under paragraphs (a)-(s), but will be part of a larger
740 project that is subject to review as a development of regional
741 impact, the impact of the exempt use must be included in the
742 review of the larger project, unless such exempt use involves a
743 development of regional impact that includes a landowner,
744 tenant, or user that has entered into a funding agreement with
745 the Office of Tourism, Trade, and Economic Development under the
746 Innovation Incentive Program and the agreement contemplates a
747 state award of at least \$50 million.

748 Section 7. The Legislature finds that this act fulfills an
749 important state interest.

750 Section 8. This act shall take effect upon becoming a law.