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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 Planning
 5 and Land Development Regulation Act; amending s. 163.3177,
 6 F.S.; revising requirements for comprehensive plans
 7 relating to capital improvements and future land use plan
 8 elements; amending s. 163.3180, F.S.; revising
 9 transportation concurrency requirements relating to
 10 transportation planning and proportionate share; amending
 11 s. 163.3182, F.S.; revising the definition of the term
 12 "transportation concurrency backlog" to "transportation
 13 deficiency"; revising other definitions and provisions to
 14 conform; revising provisions relating to transportation
 15 deficiency plans and projects; amending s. 380.06, F.S.;
 16 exempting transit-oriented developments from review of
 17 transportation impacts in the developments-of-regional-
 18 impact process; providing an effective date.

19
 20 Be It Enacted by the Legislature of the State of Florida:

21
 22 Section 1. Subsection (32) of section 163.3164, Florida
 23 Statutes, is amended, and subsections (35) and (36) are added to
 24 that section, to read:

25 163.3164 Local Government Comprehensive Planning and Land
 26 Development Regulation Act; definitions.—As used in this act:

27 (32) "Financial feasibility" means that sufficient
 28 revenues are currently available or will be available from

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

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

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

65 Section 2. Paragraph (a) of subsection (3) and paragraph
66 (a) of subsection (6) of section 163.3177, Florida Statutes, are
67 amended to read:

68 163.3177 Required and optional elements of comprehensive
69 plan; studies and surveys.—

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

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

80 2. Estimated public facility costs, including a
81 delineation of when facilities will be needed, the general
82 location of the facilities, and projected revenue sources to
83 fund the facilities.

84 3. Standards to ensure the availability of public

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85 facilities and the adequacy of those facilities including
86 acceptable levels of service.

87 4. Standards for the management of debt.

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

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

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113 coordinated with the applicable metropolitan planning
114 organization's long-range transportation plan adopted pursuant
115 to s. 339.175(7).

116 (6) In addition to the requirements of subsections (1)-(5)
117 and (12), the comprehensive plan shall include the following
118 elements:

119 (a) A future land use plan element designating proposed
120 future general distribution, location, and extent of the uses of
121 land for residential uses, commercial uses, industry,
122 agriculture, recreation, conservation, education, public
123 buildings and grounds, other public facilities, and other
124 categories of the public and private uses of land. Counties are
125 encouraged to designate rural land stewardship areas, pursuant
126 to paragraph (11)(d), as overlays on the future land use map.
127 Each future land use category must be defined in terms of uses
128 included, and must include standards to be followed in the
129 control and distribution of population densities and building
130 and structure intensities. The proposed distribution, location,
131 and extent of the various categories of land use shall be shown
132 on a land use map or map series which shall be supplemented by
133 goals, policies, and measurable objectives. The future land use
134 plan shall be based upon surveys, studies, and data regarding
135 the area, and include ~~including~~ the amount of land required to
136 accommodate projected ~~anticipated~~ growth as specified by this
137 subsection; the projected resident and seasonal population of
138 the area; the character of undeveloped land; the availability of
139 water supplies, public facilities, and services; the need for
140 redevelopment, including the renewal of blighted areas and the

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141 | elimination of nonconforming uses which are inconsistent with
 142 | the character of the community; the need for job creation,
 143 | capital investment, and economic development that will
 144 | strengthen and diversify the economy; the compatibility of uses
 145 | on lands adjacent to or closely proximate to military
 146 | installations; lands adjacent to an airport as defined in s.
 147 | 330.35 and consistent with s. 333.02; the discouragement of
 148 | urban sprawl; energy-efficient land use patterns accounting for
 149 | existing and future electric power generation and transmission
 150 | systems; and greenhouse gas reduction strategies; ~~and, in rural~~
 151 | ~~communities, the need for job creation, capital investment, and~~
 152 | ~~economic development that will strengthen and diversify the~~
 153 | ~~community's economy.~~ The future land use plan may designate
 154 | areas for future planned development use involving combinations
 155 | of types of uses for which special regulations may be necessary
 156 | to ensure development in accord with the principles and
 157 | standards of the comprehensive plan and this act. The future
 158 | land use plan element shall include criteria to be used to
 159 | achieve the compatibility of lands adjacent or closely proximate
 160 | to military installations, considering factors identified in s.
 161 | 163.3175(5), and lands adjacent to an airport as defined in s.
 162 | 330.35 and consistent with s. 333.02. The determination of need
 163 | for land to accommodate growth shall accommodate at a minimum
 164 | the projected resident and seasonal population using the Bureau
 165 | of Economic and Business Research medium population projection
 166 | for a 25-year planning period plus a specified surplus to ensure
 167 | land availability throughout the planning period and also allow
 168 | for the local real estate market to provide sufficient choices

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169 for buyers and sellers of all price levels. The county and each
170 municipality within the county shall adopt an allocation of
171 projected population and need pursuant to this subsection by
172 December 1, 2011. The sum of the population projections may not
173 be less than the Bureau of Economic and Business Research medium
174 population projection for the county as a whole. If a local
175 government fails to adopt an allocation and determination of
176 need by December 1, 2011, the local government shall not be
177 eligible for revenue sharing pursuant to ss. 206.60, 210.20, and
178 218.61 and chapter 212, to the extent not pledged to repay bonds
179 ~~In addition, for rural communities, the amount of land~~
180 ~~designated for future planned industrial use shall be based upon~~
181 ~~surveys and studies that reflect the need for job creation,~~
182 ~~capital investment, and the necessity to strengthen and~~
183 ~~diversify the local economies, and may not be limited solely by~~
184 ~~the projected population of the rural community.~~ The future land
185 use plan of a county may also designate areas for possible
186 future municipal incorporation. The land use maps or map series
187 shall generally identify and depict historic district boundaries
188 and shall designate historically significant properties meriting
189 protection. For coastal counties, the future land use element
190 must include, without limitation, regulatory incentives and
191 criteria that encourage the preservation of recreational and
192 commercial working waterfronts as defined in s. 342.07. The
193 future land use element must clearly identify the land use
194 categories in which public schools are an allowable use. When
195 delineating the land use categories in which public schools are
196 an allowable use, a local government shall include in the

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

225 comprehensive plan to include criteria and address compatibility
 226 of lands adjacent or closely proximate to existing military
 227 installations, or lands adjacent to an airport as defined in s.
 228 330.35 and consistent with s. 333.02, in their future land use
 229 plan element shall transmit the update or amendment to the state
 230 land planning agency by June 30, 2012.

231 Section 3. Paragraphs (a) and (b) of subsection (9),
 232 subsection (12), and paragraphs (a) and (i) of subsection (16)
 233 of section 163.3180, Florida Statutes, are amended to read:

234 163.3180 Concurrency.—

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

251 (b) If a local government has a transportation deficiency
 252 or school facility deficiency ~~backlog~~ for existing development

253 | which cannot be adequately addressed in a 10-year plan, the
 254 | state land planning agency may allow it to develop a plan and
 255 | long-term schedule of capital improvements covering up to 15
 256 | years for good and sufficient cause, based on a general
 257 | comparison between that local government and all other similarly
 258 | situated local jurisdictions, using the following factors:

- 259 | 1. The extent of the deficiency backlog.
- 260 | 2. For roads, whether the deficiency backlog is on local
 261 | or state roads.
- 262 | 3. The cost of eliminating the deficiency backlog.
- 263 | 4. The local government's tax and other revenue-raising
 264 | efforts.

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

- 271 | 1. The development of regional impact which, based on its
 272 | location or mix of land uses, is designed to encourage
 273 | pedestrian or other nonautomotive modes of transportation;
- 274 | 2. The proportionate-share contribution for local and
 275 | regionally significant traffic impacts is sufficient to pay for
 276 | one or more required mobility improvements that will benefit a
 277 | regionally significant transportation facility;
- 278 | 3. The owner and developer of the development of regional
 279 | impact pays or assures payment of the proportionate-share
 280 | contribution; and

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

289
290 The proportionate-share contribution may be applied to any
291 transportation facility to satisfy the provisions of this
292 subsection and the local comprehensive plan, but, for the
293 purposes of this subsection, the amount of the proportionate-
294 share contribution shall be calculated based upon the cumulative
295 number of trips from the proposed development expected to reach
296 roadways during the peak hour from the complete buildout of a
297 stage or phase being approved, divided by the change in the peak
298 hour maximum service volume of roadways resulting from
299 construction of an improvement necessary to maintain the adopted
300 level of service, multiplied by the construction cost, at the
301 time of developer payment, of the improvement necessary to
302 maintain the adopted level of service. In utilizing the
303 proportionate-share formula provided in this paragraph, the
304 applicant, in its traffic analysis, shall establish the backlog
305 roads/facilities in accordance with the backlog definition
306 provided in paragraph (b). If any road is determined to be
307 backlogged, it shall be removed from the development-of-
308 regional-impact list of significantly and adversely impacted

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

331 (b) As used in this subsection, the term "transportation
332 deficiency" ~~"backlog"~~ means a facility or facilities on which
333 the adopted level-of-service standard is exceeded by the
334 existing trips, plus additional projected background trips from
335 any source other than the development project under review that
336 are forecast by established traffic standards, including traffic

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337 modeling, consistent with the University of Florida Bureau of
338 Economic and Business Research medium population projections.
339 Additional projected background trips are to be coincident with
340 the particular stage or phase of development under review.

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

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

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

365 as provided in subsection (12).

366 Section 4. Section 163.3182, Florida Statutes, is amended
367 to read:

368 163.3182 Transportation deficiency ~~concurrency backlog~~s.-

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

370 (a) "Transportation deficiency ~~concurrency backlog~~ area"
371 means the geographic area within the unincorporated portion of a
372 county or within the municipal boundary of a municipality
373 designated in a local government comprehensive plan for which a
374 transportation deficiency ~~concurrency backlog~~ authority is
375 created pursuant to this section. A transportation deficiency
376 ~~concurrency backlog~~ area created within the corporate boundary
377 of a municipality shall be made pursuant to an interlocal
378 agreement between a county, a municipality or municipalities,
379 and any affected taxing authority or authorities.

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

383 (c) "Governing body" means the council, commission, or
384 other legislative body charged with governing the county or
385 municipality within which a transportation deficiency
386 ~~concurrency backlog~~ authority is created pursuant to this
387 section.

388 (d) "Transportation deficiency ~~concurrency backlog~~ " means
389 an identified deficiency where the existing extent of traffic or
390 projected traffic volume exceeds the level of service standard
391 adopted in a local government comprehensive plan for a
392 transportation facility.

393 (e) "Transportation deficiency ~~concurrency backlog~~ plan"
 394 means the plan adopted as part of a local government
 395 comprehensive plan by the governing body of a county or
 396 municipality acting as a transportation deficiency ~~concurrency~~
 397 ~~backlog~~ authority.

398 (f) "Transportation deficiency ~~concurrency backlog~~
 399 project" means any designated transportation project that will
 400 mitigate a deficiency identified in a transportation deficiency
 401 plan identified for construction within the jurisdiction of a
 402 ~~transportation concurrency backlog~~ authority.

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

405 (h) "Increment revenue" means the amount calculated
 406 pursuant to subsection (5).

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

411 (2) CREATION OF TRANSPORTATION DEFICIENCY ~~CONCURRENCY~~
 412 ~~BACKLOG~~ AUTHORITIES.—

413 (a) A county or municipality may create a transportation
 414 deficiency ~~concurrency backlog~~ authority if it has an identified
 415 transportation deficiency ~~concurrency backlog~~.

416 (b) Acting as the transportation deficiency ~~concurrency~~
 417 ~~backlog~~ authority within the authority's jurisdictional
 418 boundary, the governing body of a county or municipality shall
 419 adopt and implement a plan to eliminate all identified
 420 transportation deficiencies ~~concurrency backlogs~~ within the

421 authority's jurisdiction using funds provided pursuant to
 422 subsection (5) and as otherwise provided pursuant to this
 423 section.

424 (c) The Legislature finds and declares that there exist in
 425 many counties and municipalities areas that have significant
 426 transportation deficiencies and inadequate transportation
 427 facilities; that many insufficiencies and inadequacies severely
 428 limit or prohibit the satisfaction of adopted transportation
 429 level-of-service ~~concurrency~~ standards; that the transportation
 430 insufficiencies and inadequacies affect the health, safety, and
 431 welfare of the residents of these counties and municipalities;
 432 that the transportation insufficiencies and inadequacies
 433 adversely affect economic development and growth of the tax base
 434 for the areas in which these insufficiencies and inadequacies
 435 exist; and that the elimination of transportation deficiencies
 436 and inadequacies and the satisfaction of transportation level-
 437 of-service ~~concurrency~~ standards are paramount public purposes
 438 for the state and its counties and municipalities.

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

444 (a) To make and execute contracts and other instruments
 445 necessary or convenient to the exercise of its powers under this
 446 section.

447 (b) To undertake and carry out transportation deficiency
 448 ~~concurrency backlog~~ projects for transportation facilities that

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449 have transportation deficiencies a ~~concurrency backlog~~ within
450 the authority's jurisdiction. ~~Concurrency backlog~~ Projects may
451 include transportation facilities that provide for alternative
452 modes of travel including sidewalks, bikeways, and mass transit
453 which are related to a deficient ~~backlogged~~ transportation
454 facility.

455 (c) To invest any transportation deficiency ~~concurrency~~
456 ~~backlog~~ funds held in reserve, sinking funds, or any such funds
457 not required for immediate disbursement in property or
458 securities in which savings banks may legally invest funds
459 subject to the control of the authority and to redeem such bonds
460 as have been issued pursuant to this section at the redemption
461 price established therein, or to purchase such bonds at less
462 than redemption price. All such bonds redeemed or purchased
463 shall be canceled.

464 (d) To borrow money, including, but not limited to,
465 issuing debt obligations such as, but not limited to, bonds,
466 notes, certificates, and similar debt instruments; to apply for
467 and accept advances, loans, grants, contributions, and any other
468 forms of financial assistance from the Federal Government or the
469 state, county, or any other public body or from any sources,
470 public or private, for the purposes of this part; to give such
471 security as may be required; to enter into and carry out
472 contracts or agreements; and to include in any contracts for
473 financial assistance with the Federal Government for or with
474 respect to a transportation deficiency ~~concurrency backlog~~
475 project and related activities such conditions imposed under
476 federal laws as the transportation deficiency ~~concurrency~~

477 ~~backlog~~ authority considers reasonable and appropriate and which
 478 are not inconsistent with the purposes of this section.

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

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

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

490 (a) Each transportation deficiency ~~concurrency backlog~~
 491 authority shall adopt a transportation deficiency ~~concurrency~~
 492 ~~backlog~~ plan as a part of the local government comprehensive
 493 plan within 6 months after the creation of the authority. The
 494 plan must:

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

498 2. Include a priority listing of all transportation
 499 facilities that have been designated as deficient and do not
 500 satisfy deficiency ~~concurrency~~ requirements pursuant to s.
 501 163.3180, and the applicable local government comprehensive
 502 plan.

503 3. Establish a schedule for financing and construction of
 504 transportation deficiency ~~concurrency backlog~~ projects that will

505 eliminate transportation deficiencies ~~concurrency backlogs~~
 506 within the jurisdiction of the authority within 10 years after
 507 the transportation deficiency ~~concurrency backlog~~ plan adoption.
 508 If the utilization of mass transit is selected as all or part of
 509 the system solution, the improvements and service may extend
 510 outside the area of the transportation deficiency areas to the
 511 planned terminus of the improvement as long as the improvement
 512 provides capacity enhancements to a larger intermodal system.
 513 The schedule shall be adopted as part of the local government
 514 comprehensive plan.

515 (b) The adoption of the transportation deficiency
 516 ~~concurrency backlog~~ plan shall be exempt from the provisions of
 517 s. 163.3187(1).
 518

519 Notwithstanding such schedule requirements, as long as the
 520 schedule provides for the elimination of all transportation
 521 deficiencies ~~concurrency backlogs~~ within 10 years after the
 522 adoption of the deficiency ~~concurrency backlog~~ plan, the final
 523 maturity date of any debt incurred to finance or refinance the
 524 related projects may be no later than 40 years after the date
 525 the debt is incurred and the authority may continue operations
 526 and administer the trust fund established as provided in
 527 subsection (5) for as long as the debt remains outstanding.

528 (5) ESTABLISHMENT OF LOCAL TRUST FUND.—The transportation
 529 deficiency ~~concurrency backlog~~ authority shall establish a local
 530 transportation deficiency ~~concurrency backlog~~ trust fund upon
 531 creation of the authority. Each local trust fund shall be
 532 administered by the transportation deficiency ~~concurrency~~

533 ~~backlog~~ authority within which ~~a~~ transportation deficiencies
 534 have ~~concurrency backlog~~ has been identified. Each local trust
 535 fund must continue to be funded under this section for as long
 536 as the projects set forth in the related transportation
 537 deficiency ~~concurrency backlog~~ plan remain to be completed or
 538 until any debt incurred to finance or refinance the related
 539 projects is no longer outstanding, whichever occurs later.
 540 Beginning in the first fiscal year after the creation of the
 541 authority, each local trust fund shall be funded by the proceeds
 542 of an ad valorem tax increment collected within each
 543 transportation deficiency ~~concurrency backlog~~ area to be
 544 determined annually and shall be a minimum of 25 percent of the
 545 difference between the amounts set forth in paragraphs (a) and
 546 (b), except that if all of the affected taxing authorities agree
 547 under an interlocal agreement, a particular local trust fund may
 548 be funded by the proceeds of an ad valorem tax increment greater
 549 than 25 percent of the difference between the amounts set forth
 550 in paragraphs (a) and (b):

551 (a) The amount of ad valorem tax levied each year by each
 552 taxing authority, exclusive of any amount from any debt service
 553 millage, on taxable real property contained within the
 554 jurisdiction of the transportation deficiency ~~concurrency~~
 555 ~~backlog~~ authority and within the transportation deficiency
 556 ~~backlog~~ area; and

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

561 real property within the transportation deficiency ~~concurrency~~
 562 ~~backlog~~ area as shown on the most recent assessment roll used in
 563 connection with the taxation of such property of each taxing
 564 authority prior to the effective date of the ordinance funding
 565 the trust fund.

566 (6) EXEMPTIONS.—

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

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

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

577 3. A library district.

578 4. A neighborhood improvement district created under the
 579 Safe Neighborhoods Act.

580 5. A metropolitan transportation authority.

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

582 7. A community redevelopment agency.

583 (b) A transportation deficiency ~~concurrency exemption~~
 584 authority may also exempt from this section a special district
 585 that levies ad valorem taxes within the transportation
 586 deficiency ~~concurrency backlog~~ area pursuant to s.
 587 163.387(2) (d).

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

589 Upon adoption of a transportation deficiency ~~concurrency backlog~~
 590 plan as a part of the local government comprehensive plan, and
 591 the plan going into effect, the area subject to the plan shall
 592 be deemed to have achieved and maintained transportation level-
 593 of-service standards, and to have met requirements for financial
 594 feasibility for transportation facilities, ~~and for the purpose~~
 595 ~~of proposed development transportation concurrency has been~~
 596 ~~satisfied~~. Proportionate fair-share mitigation shall be limited
 597 to ensure that a development inside a transportation deficiency
 598 ~~concurrency backlog~~ area is not responsible for the additional
 599 costs of eliminating deficiencies ~~backlogs~~.

600 (8) DISSOLUTION.—Upon completion of all transportation
 601 deficiency ~~concurrency backlog~~ projects and repayment or
 602 defeasance of all debt issued to finance or refinance such
 603 projects, a transportation deficiency ~~concurrency backlog~~
 604 authority shall be dissolved, and its assets and liabilities
 605 transferred to the county or municipality within which the
 606 authority is located. All remaining assets of the authority must
 607 be used for implementation of transportation projects within the
 608 jurisdiction of the authority. The local government
 609 comprehensive plan shall be amended to remove the transportation
 610 deficiency ~~concurrency backlog~~ plan.

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

613 380.06 Developments of regional impact.—

614 (24) STATUTORY EXEMPTIONS.—

615 (u) Any transit-oriented development as defined in s.
 616 163.3164 incorporated into the county or municipality

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617 comprehensive plan that has adopted land use and transportation
618 strategies to support and fund the local government concurrency
619 or mobility plan identified in the comprehensive plan, including
620 alternative modes of transportation, is exempt from review for
621 transportation impacts conducted pursuant to this section. This
622 paragraph does not apply to areas:

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

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

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

629

630 If a use is exempt from review as a development of regional
631 impact under paragraphs (a)-(s), but will be part of a larger
632 project that is subject to review as a development of regional
633 impact, the impact of the exempt use must be included in the
634 review of the larger project, unless such exempt use involves a
635 development of regional impact that includes a landowner,
636 tenant, or user that has entered into a funding agreement with
637 the Office of Tourism, Trade, and Economic Development under the
638 Innovation Incentive Program and the agreement contemplates a
639 state award of at least \$50 million.

640 Section 6. This act shall take effect upon becoming a law.