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LEGISLATIVE ACTION

Senate	.	House
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Floor: 1/AD/2R	.	Floor: SEN1/C
05/03/2017 11:01 AM	.	05/05/2017 06:15 PM
	.	

Senator Garcia moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Present subsections (5) and (6) of section
338.166, Florida Statutes, are redesignated as subsections (6)
and (7), respectively, subsection (4) of that section is
amended, and a new subsection (5) is added to that section, to
read:

338.166 High-occupancy toll lanes or express lanes.—

(4) The department may implement variable rate tolls on



12 high-occupancy toll lanes or express lanes. The department may
13 require the use of an electronic transponder interoperable with
14 the department's electronic toll collection system for the use
15 of high-occupancy toll lanes or express lanes.

16 (5) Effective July 1, 2018, if a customer's average travel
17 speed for a trip in an express lane falls below 40 miles per
18 hour, the customer must be charged the minimum express lane
19 toll. A customer's express lane average travel speed is his or
20 her average travel speed from the customer's entry point to the
21 customer's exit point.

22 Section 2. Paragraph (d) of subsection (1) of section
23 338.2216, Florida Statutes, is amended, and paragraph (e) is
24 added to that subsection, to read:

25 338.2216 Florida Turnpike Enterprise; powers and
26 authority.—

27 (1)

28 (d) The Florida Turnpike Enterprise shall pursue and
29 implement new technologies and processes in its operations and
30 collection of tolls and the collection of other amounts
31 associated with road and infrastructure usage. Such technologies
32 and processes must include, without limitation, video billing
33 and variable pricing. The Florida Turnpike Enterprise may
34 require the use of an electronic transponder interoperable with
35 the department's electronic toll collection system for the use
36 of express lanes on the turnpike system. Variable pricing may
37 not be implemented in express lanes when the level of service in
38 the express lane, determined in accordance with the criteria
39 established by the Transportation Research Board Highway
40 Capacity Manual (5th Edition, HCM 2010), as amended from time to



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41 time, is equal to level of service A. Variable pricing in
42 express lanes when the level of service in the express lane is
43 level of service B may only be implemented by charging the
44 general toll lane toll amount plus an amount set by department
45 rule. Except as otherwise provided in this subsection, pricing
46 in express lanes when the level of service is other than level
47 of service A or level of service B may vary in the manner
48 established by the Florida Turnpike Enterprise to manage
49 congestion in the express lanes.

50 (e) Effective July 1, 2018, if a customer's average travel
51 speed for a trip in an express lane falls below 40 miles per
52 hour, the customer must be charged the general toll lane toll
53 amount plus an amount set by department rule. A customer's
54 express lane average travel speed is his or her average travel
55 speed from the customer's entry point to the customer's exit
56 point.

57 Section 3. Paragraph (a) of subsection (3) of section
58 338.231, Florida Statutes, is amended to read:

59 338.231 Turnpike tolls, fixing; pledge of tolls and other
60 revenues.—The department shall at all times fix, adjust, charge,
61 and collect such tolls and amounts for the use of the turnpike
62 system as are required in order to provide a fund sufficient
63 with other revenues of the turnpike system to pay the cost of
64 maintaining, improving, repairing, and operating such turnpike
65 system; to pay the principal of and interest on all bonds issued
66 to finance or refinance any portion of the turnpike system as
67 the same become due and payable; and to create reserves for all
68 such purposes.

69 (3) (a) For the period July 1, 1998, through June 30, 2027



70 ~~2017~~, the department shall, to the maximum extent feasible,
71 program sufficient funds in the tentative work program such that
72 the percentage of turnpike toll and bond financed commitments in
73 Miami-Dade County, Broward County, and Palm Beach County as
74 compared to total turnpike toll and bond financed commitments
75 shall be at least 90 percent of the share of net toll
76 collections attributable to users of the turnpike system in
77 Miami-Dade County, Broward County, and Palm Beach County as
78 compared to total net toll collections attributable to users of
79 the turnpike system. This subsection does not apply when the
80 application of such requirements would violate any covenant
81 established in a resolution or trust indenture relating to the
82 issuance of turnpike bonds. The department may at any time for
83 economic considerations establish lower temporary toll rates for
84 a new or existing toll facility for a period not to exceed 1
85 year, after which the toll rates adopted pursuant to s. 120.54
86 shall become effective.

87 Section 4. Present subsections (6) through (9) of section
88 348.0004, Florida Statutes, are redesignated as subsections (7)
89 through (10), respectively, paragraph (e) of subsection (2) of
90 that section is amended, and a new subsection (6) and
91 subsections (11), (12), and (13) are added to that section, to
92 read:

93 348.0004 Purposes and powers.—

94 (2) Each authority may exercise all powers necessary,
95 appurtenant, convenient, or incidental to the carrying out of
96 its purposes, including, but not limited to, the following
97 rights and powers:

98 (e) To fix, alter, charge, establish, and collect tolls,



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99 rates, fees, rentals, and other charges for the services and
100 facilities system, which tolls, rates, fees, rentals, and other
101 charges must always be sufficient to comply with any covenants
102 made with the holders of any bonds issued pursuant to the
103 Florida Expressway Authority Act. However, such right and power
104 may be assigned or delegated by the authority to the department.

105 1. Notwithstanding any other provision of law to the
106 contrary, but subject to any contractual requirements contained
107 in documents securing any indebtedness outstanding on July 1,
108 2017, in any county as defined in s. 125.011(1):

109 a. The authority may not increase a toll unless the
110 increase is justified to the satisfaction of the authority by a
111 traffic and revenue study conducted by an independent third
112 party, except for an increase to the extent necessary to adjust
113 for inflation pursuant to the procedure for toll rate
114 adjustments provided in s. 338.165.

115 b. A toll increase must be approved by a two-thirds vote of
116 the expressway authority board.

117 c. The amount of toll revenues used for administrative
118 expenses by the authority may not be greater than 10 percent
119 above the annual state average of administrative costs
120 determined as provided in this sub-subparagraph. The Florida
121 Transportation Commission shall determine the annual state
122 average of administrative costs based on the annual
123 administrative expenses of all the expressway authorities of
124 this state. For purposes of this sub-subparagraph,
125 administrative expenses include, but are not limited to,
126 employee salaries and benefits, small business outreach,
127 insurance, professional service contracts not directly related



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128 to the operation and maintenance of the expressway system, and
129 other overhead costs. The commission may adopt rules necessary
130 for the implementation of this sub-subparagraph.

131 d. On transportation facilities constructed after July 1,
132 2017, there must be a distance of at least 5 miles between main
133 through-lane tolling points. The distance requirement of this
134 sub-subparagraph does not apply to entry and exit ramps.

135 2. Notwithstanding s. 338.165 or any other provision of law
136 to the contrary, in any county as defined in s. 125.011(1), to
137 the extent surplus revenues exist, they may be used for purposes
138 enumerated in subsection (8) ~~(7)~~, provided the expenditures are
139 consistent with the metropolitan planning organization's adopted
140 long-range plan.

141 3. Notwithstanding any other provision of law to the
142 contrary, but subject to any contractual requirements contained
143 in documents securing any outstanding indebtedness payable from
144 tolls, in any county as defined in s. 125.011(1), the board of
145 county commissioners may, by ordinance adopted on or before
146 September 30, 1999, alter or abolish existing tolls and
147 currently approved increases thereto if the board provides a
148 local source of funding to the county expressway system for
149 transportation in an amount sufficient to replace revenues
150 necessary to meet bond obligations secured by such tolls and
151 increases.

152 (6) Subject to compliance with any covenants made with the
153 holders of any bonds issued pursuant to the Florida Expressway
154 Authority Act, an authority in any county as defined in s.
155 125.011(1) shall, at the time that any toll is incurred, reduce
156 the toll charged on any of the authority's toll facilities by at



157 least 5 percent, but not more than 10 percent, for each SunPass
158 registrant having an account in good standing and having the
159 license plate of the vehicle or vehicles incurring the toll
160 registered to the SunPass account at the time the toll is
161 incurred. The authority may not impose additional requirements
162 for receipt of the reduced toll amount.

163 (11) Notwithstanding any other provision of the Florida
164 Expressway Authority Act, an authority in any county as defined
165 in s. 125.011(1) shall determine its surplus revenues as defined
166 in s. 348.0002(12). The authority shall then dedicate at least
167 20 percent, but not more than 50 percent, of the annual surplus
168 revenues to transportation- and transit-related expenses for
169 projects in the area served by the authority. The metropolitan
170 planning organization for any county as defined in s. 125.011(1)
171 shall annually select a project or projects within the county to
172 be funded by the authority's dedicated surplus revenues as
173 provided in this subsection and provide to the authority a list
174 reflecting the selected project or projects. The authority shall
175 select from the list for funding from the authority's dedicated
176 surplus revenues transportation- and transit-related expenses
177 that have a rational nexus to the transportation facilities of
178 the authority and may include, but are not limited to, expenses
179 associated with the planning, design, acquisition, construction,
180 extension, rehabilitation, equipping, preservation, maintenance,
181 or improvement of public transportation facilities, transit
182 facilities, intermodal facilities, or multimodal corridors owned
183 or operated by such municipality or county; and transit-related
184 expenses that impact the capacity or use of the transportation
185 facilities of the authority. For the purpose of this subsection,



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186 a rational nexus must demonstrate that the proposed
187 transportation expenditure makes a substantial impact on the
188 capacity or use of the transportation facilities of the
189 authority, or that the proposed transit expenditure complements
190 the operation of, or expands the access to, the transportation
191 facilities of the authority.

192 (12) A county as defined in s. 125.011(1) must have a
193 financial audit of the revenues and expenditures of the county's
194 transportation plan conducted by an independent third party not
195 less than biennially and must post the audits on the county's
196 website to be eligible to receive the dedicated surplus revenues
197 as provided in subsection (11).

198 (13) An authority established in any county as defined in
199 125.011(1) must have a financial audit conducted by an
200 independent third party not less than biennially, and the audit
201 report must be made publicly available on the authority's
202 website.

203 Section 5. Section 348.00115, Florida Statutes, is created
204 to read:

205 348.00115 Public accountability.—An expressway authority in
206 a county as defined in s. 125.011(1) shall post the following
207 information on its website:

208 (1) Audited financial statements and any interim financial
209 reports.

210 (2) Board and committee meeting agendas, meeting packets,
211 and minutes.

212 (3) Bond covenants for any outstanding bond issues.

213 (4) Authority budgets.

214 (5) Authority contracts. For purposes of this subsection,



215 the term "contract" means a written agreement or purchase order
216 issued for the purchase of goods or services or a written
217 agreement for the receipt of state or federal financial
218 assistance.

219 (6) Authority expenditure data, which must include the name
220 of the payee, the date of the expenditure, and the amount of the
221 expenditure. Such data must be searchable by name of the payee,
222 name of the paying agency, and fiscal year and must be
223 downloadable in a format that allows offline analysis.

224 (7) Information relating to current, recently completed,
225 and future projects on authority facilities.

226 Section 6. This act shall take effect July 1, 2017.

227
228 ===== T I T L E A M E N D M E N T =====

229 And the title is amended as follows:

230 Delete everything before the enacting clause
231 and insert:

232 A bill to be entitled
233 An act relating to limited access and toll facilities;
234 amending s. 338.166, F.S.; authorizing the Department
235 of Transportation to require the use of an electronic
236 transponder interoperable with the department's
237 electronic toll collection system for the use of high-
238 occupancy toll lanes or express lanes; requiring, as
239 of a specified date, that a customer be charged the
240 minimum express lane toll if his or her average travel
241 speed for a trip in an express lane falls below a
242 specified rate; providing measurement of a customer's
243 express lane average travel speed; amending s.



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244 338.2216, F.S.; authorizing the Florida Turnpike
245 Enterprise to require the use of an electronic
246 transponder interoperable with the department's
247 electronic toll collection system for the use of
248 express lanes on the turnpike system; prohibiting
249 variable pricing from being implemented in express
250 lanes when the level of service in the express lane,
251 determined in accordance with specified criteria, is
252 equal to level of service A; specifying that variable
253 pricing in express lanes when the level of service in
254 the express lane is level of service B may only be
255 implemented by charging the general toll lane toll
256 amount plus an amount set by department rule;
257 providing that pricing in express lanes when the level
258 of service is other than level of service A or level
259 of service B may vary in the manner established by the
260 Florida Turnpike Enterprise to manage congestion in
261 the express lanes; requiring, as of a specified date,
262 that a customer be charged a general toll lane toll
263 amount plus an amount set by department rule if his or
264 her average travel speed for a trip in an express lane
265 falls below a specified rate; providing for
266 measurement of a customer's express lane average
267 travel speed; amending s. 338.231, F.S.; extending the
268 timeframe during which the department must program
269 sufficient funds in the tentative work program such
270 that the percentage of turnpike toll and bond financed
271 commitments in Miami-Dade County, Broward County, and
272 Palm Beach County are at least a specified percent of



273 a certain share of certain net toll collections;
274 amending s. 348.0004, F.S.; providing applicability;
275 requiring toll increases by authorities in certain
276 counties to be justified by an independent study by a
277 third party; providing an exception for an increase to
278 adjust for inflation pursuant to a specified procedure
279 for toll rate adjustments; requiring toll increases to
280 be approved by a specified margin in a vote of the
281 expressway authority board; prohibiting the amount of
282 toll revenues used for administrative expenses by the
283 authority from being greater than a specified
284 percentage above the annual state average of
285 administrative costs; requiring the Florida
286 Transportation Commission to determine the annual
287 state average of administrative costs based on the
288 annual administrative expenses of all the expressway
289 authorities of this state; authorizing the commission
290 to adopt certain rules; requiring a specified distance
291 between main through-lane tolling points on
292 transportation facilities constructed after a
293 specified date; providing applicability; conforming a
294 cross-reference; requiring authorities in certain
295 counties to reduce toll charges by a specified amount
296 at the time that any toll is incurred for certain
297 SunPass registrants, subject to certain requirements;
298 prohibiting such authorities from imposing additional
299 requirements for receipt of the reduced toll amount;
300 requiring an authority in certain counties to
301 determine its surplus revenues and dedicate a certain



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302 amount of the annual surplus revenues to
303 transportation- and transit-related expenses for
304 projects in the area served by the authority;
305 requiring the metropolitan planning organization for
306 certain counties to annually select a project or
307 projects within the counties to be funded by the
308 authority's dedicated surplus revenues and provide to
309 the authority a list reflecting the selected project
310 or projects; requiring the authority to select from
311 the list for funding from the authority's dedicated
312 surplus revenues transportation- and transit-related
313 expenses that have a rational nexus to the
314 transportation facilities of the authority; requiring
315 a rational nexus to demonstrate that the proposed
316 transportation expenditure makes a substantial impact
317 on the capacity or use of the transportation
318 facilities of the authority or that the proposed
319 transit expenditure complements the operation of, or
320 expands the access to, the transportation facilities
321 of the authority; requiring certain counties to have a
322 financial audit of the revenues and expenditures of
323 the county's transportation plan conducted by an
324 independent third party not less than biennially and
325 to post the audits on the counties' websites to be
326 eligible to receive the dedicated surplus revenues;
327 requiring that an authority established in certain
328 counties have an audit conducted by an independent
329 third party not less than biennially; requiring the
330 audit report be made publicly available on the



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331 authority's website; creating s. 348.00115, F.S.;

332 requiring authorities in certain counties to post

333 certain information on a website; defining the term

334 "contract"; providing an effective date.