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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/18/2017	.	
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	.	
	.	

Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Brandes) recommended 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, and a new subsection (5) is added to that section, to read:

338.166 High-occupancy toll lanes or express lanes.—

(5) Effective July 1, 2018, if a customer's average travel



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11 speed for a trip in an express lane falls below 40 miles per
12 hour, the customer shall be charged the minimum express lane
13 toll. A customer's express lane average travel speed is his or
14 her average travel speed from the customer's entry point to the
15 customer's exit point.

16 Section 2. Paragraph (e) is added to subsection (1) of
17 section 338.2216, Florida Statutes, to read:

18 338.2216 Florida Turnpike Enterprise; powers and
19 authority.—

20 (1)

21 (e) Effective July 1, 2018, if a customer's average travel
22 speed for a trip in an express lane falls below 40 miles per
23 hour, the customer shall be charged the general toll lane toll
24 amount plus 25 cents. A customer's express lane average travel
25 speed is his or her average travel speed from the customer's
26 entry point to the customer's exit point.

27 Section 3. Paragraph (a) of subsection (3) of section
28 338.231, Florida Statutes, is amended to read:

29 338.231 Turnpike tolls, fixing; pledge of tolls and other
30 revenues.—The department shall at all times fix, adjust, charge,
31 and collect such tolls and amounts for the use of the turnpike
32 system as are required in order to provide a fund sufficient
33 with other revenues of the turnpike system to pay the cost of
34 maintaining, improving, repairing, and operating such turnpike
35 system; to pay the principal of and interest on all bonds issued
36 to finance or refinance any portion of the turnpike system as
37 the same become due and payable; and to create reserves for all
38 such purposes.

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



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40 ~~2017~~, the department shall, to the maximum extent feasible,
41 program sufficient funds in the tentative work program such that
42 the percentage of turnpike toll and bond financed commitments in
43 Miami-Dade County, Broward County, and Palm Beach County as
44 compared to total turnpike toll and bond financed commitments
45 shall be at least 90 percent of the share of net toll
46 collections attributable to users of the turnpike system in
47 Miami-Dade County, Broward County, and Palm Beach County as
48 compared to total net toll collections attributable to users of
49 the turnpike system. This subsection does not apply when the
50 application of such requirements would violate any covenant
51 established in a resolution or trust indenture relating to the
52 issuance of turnpike bonds. The department may at any time for
53 economic considerations establish lower temporary toll rates for
54 a new or existing toll facility for a period not to exceed 1
55 year, after which the toll rates adopted pursuant to s. 120.54
56 shall become effective.

57 Section 4. Present subsections (6) through (9) of section
58 348.0004, Florida Statutes, are redesignated as subsections (7)
59 through (10), respectively, paragraph (e) of subsection (2) of
60 that section is amended, and new subsections (6), (11), and (12)
61 are added to that section, to read:

62 348.0004 Purposes and powers.—

63 (2) Each authority may exercise all powers necessary,
64 appurtenant, convenient, or incidental to the carrying out of
65 its purposes, including, but not limited to, the following
66 rights and powers:

67 (e) To fix, alter, charge, establish, and collect tolls,
68 rates, fees, rentals, and other charges for the services and



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69 facilities system, which tolls, rates, fees, rentals, and other
70 charges must always be sufficient to comply with any covenants
71 made with the holders of any bonds issued pursuant to the
72 Florida Expressway Authority Act. However, such right and power
73 may be assigned or delegated by the authority to the department.

74 1. Notwithstanding any other provision of law to the
75 contrary, but subject to any contractual requirements contained
76 in documents securing any indebtedness outstanding on July 1,
77 2017, in any county as defined in s. 125.011(1):

78 a. The authority may not increase a toll unless the
79 increase is justified to the satisfaction of the authority by a
80 traffic and revenue study conducted by an independent third
81 party, except for an increase to the extent necessary to adjust
82 for inflation pursuant to the procedure for toll rate
83 adjustments provided in s. 338.165.

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

86 c. The amount of toll revenues used for administrative
87 expenses by the authority may not be greater than 10 percent
88 above the annual state average of administrative costs
89 determined as provided in this sub-subparagraph. The Florida
90 Transportation Commission shall determine the annual state
91 average of administrative costs based on the annual
92 administrative expenses of all the expressway authorities of
93 this state. For purposes of this sub-subparagraph,
94 administrative expenses include, but are not limited to,
95 employee salaries and benefits, small business outreach,
96 insurance, professional service contracts not directly related
97 to the operation and maintenance of the expressway system, and



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98 other overhead costs. The commission may adopt rules necessary
99 for the implementation of this sub-subparagraph.

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

106 3. Notwithstanding any other provision of law to the
107 contrary, but subject to any contractual requirements contained
108 in documents securing any outstanding indebtedness payable from
109 tolls, in any county as defined in s. 125.011(1), the board of
110 county commissioners may, by ordinance adopted on or before
111 September 30, 1999, alter or abolish existing tolls and
112 currently approved increases thereto if the board provides a
113 local source of funding to the county expressway system for
114 transportation in an amount sufficient to replace revenues
115 necessary to meet bond obligations secured by such tolls and
116 increases.

117 (6) Subject to compliance with any covenants made with the
118 holders of any bonds issued pursuant to the Florida Expressway
119 Authority Act, an authority in any county as defined in s.
120 125.011(1) may, at the time that any toll is incurred, reduce
121 the toll charged on any of the authority's toll facilities by up
122 to 10 percent for each SunPass registrant having an account in
123 good standing and having the license plate of the vehicle or
124 vehicles incurring the toll registered to the SunPass account at
125 the time the toll is incurred. The authority may not impose
126 additional requirements for receipt of the reduced toll amount.



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127 (11) Notwithstanding any other provision of the Florida
128 Expressway Authority Act, at least 10 percent, but not greater
129 than 30 percent, of the surplus revenue as defined in s.
130 348.0002(12), as well as the establishment of prudent reserves
131 as determined by the board, shall be dedicated to
132 transportation- and transit-related expenses for projects in
133 municipalities and counties in which the authority operates. The
134 authority may determine which specific transportation- and
135 transit-related expenses to fund from proposals submitted by
136 municipalities and counties. Transportation- and transit-related
137 expenses funded pursuant to this subsection must have a rational
138 nexus to the transportation facilities of the authority and may
139 include, but are not limited to, expenses associated with the
140 planning, design, acquisition, construction, extension,
141 rehabilitation, equipping, preservation, maintenance, or
142 improvement of public transportation facilities, transit
143 facilities, intermodal facilities, or multimodal corridors owned
144 or operated by such municipality or county, and transit-related
145 expenses that impact the capacity or use of the transportation
146 facilities of the authority. For the purpose of this subsection,
147 a rational nexus must demonstrate that the proposed
148 transportation expenditure makes a substantial impact on the
149 capacity or use of the transportation facilities of the
150 authority, or that the proposed transit expenditure complements
151 the operation of, or expands the access to, the transportation
152 facilities of the authority.

153 (12) An authority established in any county as defined in
154 125.011(1) must have an audit conducted by an independent third
155 party not less than biannually, and the audit report must be



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156 made publicly available on the authority's website.

157 Section 5. Section 348.00115, Florida Statutes, is created
158 to read:

159 348.00115 Public accountability.—An expressway authority in
160 a county as defined in s. 125.011(1) shall post the following
161 information on its website:

162 (1) Audited financial statements and any interim financial
163 reports.

164 (2) Board and committee meeting agendas, meeting packets,
165 and minutes.

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

167 (4) Authority budgets.

168 (5) Authority contracts. For purposes of this subsection,
169 the term "contract" means a written agreement or purchase order
170 issued for the purchase of goods or services or a written
171 agreement for the receipt of state or federal financial
172 assistance.

173 (6) Authority expenditure data, which must include the name
174 of the payee, the date of the expenditure, and the amount of the
175 expenditure. Such data must be searchable by name of the payee,
176 name of the paying agency, and fiscal year and must be
177 downloadable in a format that allows offline analysis.

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

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

181
182 ===== T I T L E A M E N D M E N T =====

183 And the title is amended as follows:

184 Delete everything before the enacting clause



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185 and insert:

186 A bill to be entitled
187 An act relating to limited access and toll facilities;
188 amending s. 338.166, F.S.; requiring, as of a
189 specified date, that a customer be charged the minimum
190 express lane toll if his or her average travel speed
191 for a trip in an express lane falls below a specified
192 rate; providing for measurement of a customer's
193 express lane average travel speed; amending s.
194 338.2216, F.S.; requiring, as of a specified date,
195 that a customer be charged a general toll lane toll
196 amount plus a specified amount if his or her average
197 travel speed for a trip in an express lane falls below
198 a specified rate; providing for measurement of a
199 customer's express lane average travel speed; amending
200 s. 338.231, F.S.; extending the timeframe during which
201 the Department of Transportation must program
202 sufficient funds in the tentative work program such
203 that the percentage of turnpike toll and bond financed
204 commitments in Miami-Dade County, Broward County, and
205 Palm Beach County are at least a specified percent of
206 a certain share of certain net toll collections;
207 amending s. 348.0004, F.S.; providing applicability;
208 requiring toll increases by authorities in certain
209 counties to be justified by an independent study by a
210 third party; providing an exception for an increase to
211 adjust for inflation pursuant to a specified procedure
212 for toll rate adjustments; requiring toll increases to
213 be approved by a specified margin in a vote of the



214 expressway authority board; prohibiting the amount of
215 toll revenues used for administrative expenses by the
216 authority from being greater than a specified percent
217 above the annual state average of administrative
218 costs; requiring the Florida Transportation Commission
219 to determine the annual state average of
220 administrative costs based on the annual
221 administrative expenses of all the expressway
222 authorities of this state; authorizing the commission
223 to adopt certain rules; conforming a cross-reference;
224 authorizing authorities in certain counties to reduce
225 toll charges up to a specified amount at the time that
226 any toll is incurred for certain SunPass registrants,
227 subject to certain requirements; prohibiting such
228 authorities from imposing additional requirements for
229 receipt of the reduced toll amount; requiring a
230 certain amount of the surplus revenue, as well as the
231 establishment of prudent reserves as determined by the
232 board, be dedicated to transportation- and transit-
233 related expenses for projects in municipalities and
234 counties in which the authority operates; authorizing
235 the authority to determine which specific
236 transportation- and transit-related expenses to fund
237 from proposals submitted by municipalities and
238 counties; requiring the transportation- and transit-
239 related expenses funded to have a rational nexus to
240 the transportation facilities of the authority;
241 requiring a rational nexus to demonstrate that the
242 proposed transportation expenditure makes a



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243 substantial impact on the capacity or use of the
244 transportation facilities of the authority or that the
245 proposed transit expenditure complements the operation
246 of, or expands the access to, the transportation
247 facilities of the authority; requiring an authority
248 established in a certain county to conduct an audit by
249 an independent third party not less than biannually;
250 requiring such audit be made publicly available on the
251 authority's website; creating s. 348.00115, F.S.;
252 requiring authorities in certain counties to post
253 certain information on a website; defining the term
254 "contract"; providing an effective date.