

By Senator Garcia

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1                                   A bill to be entitled  
 2       An act relating to expressway authorities; providing a  
 3       short title; amending s. 348.0004, F.S.; providing  
 4       applicability; requiring toll increases by authorities  
 5       in certain counties to be justified by an independent  
 6       study; providing that such authorities may only  
 7       increase tolls to the extent necessary to adjust for  
 8       inflation pursuant to a certain procedure for toll  
 9       rate adjustments; requiring toll increases to be  
 10      approved by a vote of the expressway authority boards;  
 11      limiting the amount of toll revenues such authorities  
 12      may use for administrative expenses; requiring a  
 13      certain distance between toll facilities on  
 14      transportation facilities constructed after a  
 15      specified date, subject to a certain restriction;  
 16      conforming a cross-reference; requiring authorities in  
 17      certain counties to establish a toll rebate program  
 18      having specified parameters; creating s. 348.00115,  
 19      F.S.; requiring authorities in certain counties to  
 20      post certain information on a website; defining the  
 21      term "contract"; providing an effective date.

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

24  
 25           Section 1. This act may be cited as the "Toll Reform Act."  
 26           Section 2. Present subsections (6) through (9) of section  
 27 348.0004, Florida Statutes, are redesignated as subsections (7)  
 28 through (10), respectively, paragraph (e) of subsection (2) of  
 29 that section is amended, and a new subsection (6) is added to

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30 that section, to read:

31 348.0004 Purposes and powers.—

32 (2) Each authority may exercise all powers necessary,  
33 appurtenant, convenient, or incidental to the carrying out of  
34 its purposes, including, but not limited to, the following  
35 rights and powers:

36 (e) To fix, alter, charge, establish, and collect tolls,  
37 rates, fees, rentals, and other charges for the services and  
38 facilities system, which tolls, rates, fees, rentals, and other  
39 charges must always be sufficient to comply with any covenants  
40 made with the holders of any bonds issued pursuant to the  
41 Florida Expressway Authority Act. However, such right and power  
42 may be assigned or delegated by the authority to the department.

43 1. Notwithstanding any other provision of law to the  
44 contrary, but subject to any contractual requirements contained  
45 in documents securing any indebtedness outstanding on July 1,  
46 2017, in any county as defined in s. 125.011(1):

47 a. The authority may not increase a toll unless the  
48 increase is justified to the satisfaction of the authority by a  
49 traffic and revenue study conducted by an independent third  
50 party.

51 b. The authority may only increase tolls to the extent  
52 necessary to adjust for inflation pursuant to the procedure for  
53 toll rate adjustments provided in s. 338.165.

54 c. A toll increase must be approved by a two-thirds vote of  
55 the expressway authority board.

56 d. The authority may not use more than 10 percent of its  
57 toll revenues for administrative expenses. For purposes of this  
58 sub-subparagraph, administrative expenses include, but are not

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59 limited to, employee salaries and benefits, small business  
60 outreach, insurance, professional service contracts not directly  
61 related to the operation and maintenance of the expressway  
62 system, and other overhead costs.

63 e. On transportation facilities constructed after July 1,  
64 2017, there must be a distance of at least 5 miles between toll  
65 facilities. The authority may not increase a toll collected at  
66 an individual toll facility to implement this sub-subparagraph.

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

73 3. Notwithstanding any other provision of law to the  
74 contrary, but subject to any contractual requirements contained  
75 in documents securing any outstanding indebtedness payable from  
76 tolls, in any county as defined in s. 125.011(1), the board of  
77 county commissioners may, by ordinance adopted on or before  
78 September 30, 1999, alter or abolish existing tolls and  
79 currently approved increases thereto if the board provides a  
80 local source of funding to the county expressway system for  
81 transportation in an amount sufficient to replace revenues  
82 necessary to meet bond obligations secured by such tolls and  
83 increases.

84 (6) An authority in any county as defined in s. 125.011(1)  
85 shall establish a toll rebate program having all of the  
86 following parameters:

87 (a) Participants in the program include all SunPass

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88 registrants having an account in good standing, with the license  
89 plate of the vehicle or vehicles incurring the tolls for which a  
90 rebate is required being registered to the SunPass account at  
91 the time of any toll transaction during the applicable rebate  
92 period.

93 (b) The authority may not require program participants to  
94 complete any form of registration to be eligible for rebates.

95 (c) The authority shall provide on a biannual basis a  
96 SunPass account credit to each participant incurring tolls on  
97 the authority's facilities in the amount of 3 percent of the  
98 total tolls paid by the recipient for the applicable 6-month  
99 period, with no minimum spending requirement.

100 Section 3. Section 348.00115, Florida Statutes, is created  
101 to read:

102 348.00115 Public accountability.—An expressway authority in  
103 a county as defined in s. 125.011(1) shall post the following  
104 information on its website:

105 (1) Audited financial statements and any interim financial  
106 reports.

107 (2) Board and committee meeting agendas, meeting packets,  
108 and minutes.

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

110 (4) Authority budgets.

111 (5) Authority contracts. For purposes of this subsection,  
112 "contract" means a written agreement or purchase order issued  
113 for the purchase of goods or services or a written agreement for  
114 the receipt of state or federal financial assistance.

115 (6) Authority expenditure data, which must include the name  
116 of the payee, the date of the expenditure, and the amount of the

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117 expenditure. Such data must be searchable by name of the payee,  
118 name of the paying agency, and fiscal year and must be  
119 downloadable in a format that allows offline analysis.

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

122 Section 4. This act shall take effect July 1, 2017.