

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Fiscal Policy

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BILL: SB 6-A

INTRODUCER: Senator DiCeglie

SUBJECT: Toll Relief

DATE: December 9, 2022

REVISED: \_\_\_\_\_

|    | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION             |
|----|---------|----------------|-----------|--------------------|
| 1. | Price   | Yeatman        | FP        | <b>Pre-meeting</b> |
| 2. | _____   | _____          | _____     | _____              |
| 3. | _____   | _____          | _____     | _____              |

**I. Summary:**

SB 6-A directs the Florida Turnpike Enterprise (FTE) to establish a toll relief program, effective from January 1, 2023, through December 31, 2023, for all Florida toll facilities that use a Florida-issued transponder or are interoperable with the Florida Department of Transportation's (FDOT's) prepaid electronic transponder toll system (SunPass). The bill defines terms and provides that an account that records 35 or more transactions per eligible transponder per calendar month is eligible for an account credit equal to 50 percent of the amount paid for the qualifying transactions.

The bill appropriates for the 2022-2023 fiscal year the nonrecurring sum of \$500 million from the General Revenue Fund to the State Transportation Trust Fund for use by the FDOT to reimburse the FDOT, the FTE, and other Florida toll facility entities for account credits issued. The bill prohibits the use of such funds for administration, contracted services, or expenses. The bill requires the FDOT to provide reimbursements to support compliance with bond covenants made with bondholders.

The bill requires the FDOT to submit quarterly reports to the Executive Office of the Governor and the chairs of the legislative appropriations committees documenting reimbursements to the FDOT, the FTE, and other Florida toll facilities and toll facility entities for the credits, with specified supporting documentation. The FDOT must reconcile all disbursements and transfers for reimbursement by the end of the month following each quarter, transfer all interest earnings from the appropriated funds to the General Revenue Fund, and provide a reconciliation report.

Any unexpended balance of funds appropriated by the bill to the FDOT for toll relief as of June 30, 2023, reverts and is appropriated for the 2023-2024 Fiscal Year to the FDOT for the same purpose. Any unexpended balance of funds as of February 29, 2024, immediately reverts to the General Revenue Fund. See the "Fiscal Impact Statement" below for additional information.

The act takes effect upon becoming law.

## II. Present Situation:

### Florida Toll Facilities

Florida's toll facilities (roads, bridges, and managed lanes) are constructed, operated, and maintained through toll revenues collected from customers. Every vehicle pays a toll that is generally based on the distance of the trip and the number of axles on the vehicle. Florida's toll facilities are owned and operated by a variety of entities including the FDOT, the FTE, expressway authorities, local governments, and private entities.

#### *State Toll Facilities*

According to the Florida Transportation Commission's (FTC's) *Transportation Authority Monitoring and Oversight Fiscal Year 2021 Report*,<sup>1</sup> FDOT-owned toll facilities include Alligator Alley, Pinellas Byway System, Sunshine Skyway Bridge, 75 Express, Palmetto Express, 95 Express, 295 Express, 595 Express, We kiva Parkway, and Garcon Point Bridge.

FTE-owned facilities include Florida's Turnpike mainline, Sawgrass Expressway, portions of S.R. 417, S.R. 528, and S.R. 429 in Central Florida, Polk Parkway, Veterans Expressway, Suncoast Parkway (and Extension), I-4 Connector, and First Coast Expressway.<sup>2</sup>

The FTC's report indicates that the FTE is responsible for management of all of the above facilities,<sup>3</sup> and SunPass, Florida's electronic prepaid toll program (more fully described below), may be used to pay tolls incurred by customers using these facilities.<sup>4</sup>

#### *Expressway and Bridge Authority Toll Facilities*

Various expressway and bridge authorities in Florida also own and operate toll facilities. For example:

- The Central Florida Expressway Authority (CFX) owns and operates a number of toll facilities on portions of various state roads (S.R.) in Central Florida: East-West Expressway (S.R. 408), Beachline Expressway (S.R. 528), Central Florida GreeneWay (S.R. 417), Western Beltway (S.R. 429), John Land Apopka Expressway (S.R. 414), S.R. 451, and S.R. 453.<sup>5</sup>
- The Miami-Dade County Expressway Authority (MDX) facilities include the Airport Expressway (S.R. 112), Dolphin Expressway (S.R. 836), Don Shula Expressway (S.R. 874), Snapper Creek Expressway (S.R. 878), and Gratigny Parkway (S.R. 924).<sup>6</sup>
- The Mid-Bay Bridge Authority owns the Mid-Bay Bridge (S.R. 293), the Walter Francis Spence Parkway, Danny Wuerffel Way, and Walter Francis Spence Parkway.<sup>7</sup> The FTE

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<sup>1</sup> (On file in the Senate Transportation Committee, at p. 3.)

<sup>2</sup> *Id.* at p. 23.

<sup>3</sup> *Id.*

<sup>4</sup> According to the report, the FDOT also operates the Garcon Point Bridge, the Mid-Bay Bridge, and the Walter Francis Spence Parkway. SunPass may be used to pay tolls incurred on these facilities, as well. *Id.*, select "Department-operated Facilities."

<sup>5</sup> *Supra* note 1.

<sup>6</sup> See MDX, *About Miami-Dade Expressway Authority*, available at [About | MDX \(mdxway.com\)](https://www.mdxway.com) (last visited December 8, 2022).

<sup>7</sup> *Supra* note 1 at p. 31.

provides toll operations on these facilities, and the FDOT's District Three provides maintenance functions.<sup>8</sup>

SunPass is also accepted on these facilities.

### ***Local Government and Private Entity Toll Facilities***

Toll facilities are also owned by local governments or locally-created authorities. For example, the Monroe County Card Sound Toll Authority is primarily responsible for operating the Card Sound Bridge. The FDOT provides maintenance for the toll booth and right-of-way along Card Sound Road.<sup>9</sup> At least one toll facility is privately owned, the Orchard Pond Parkway.<sup>10</sup> SunPass may be used on these facilities, as well.

### **SunPass**

Florida's electronic prepaid toll program, SunPass, is the FDOT's preferred method of payment for tolls.<sup>11</sup> Customers may purchase a transponder at a variety of locations,<sup>12</sup> activate it for use, and install it in the customer's vehicle. When the vehicle encounters a toll collection point, the SunPass collection system electronically recognizes the transponder and automatically deducts the given toll amount from the customer's pre-paid account. Customers may pre-pay and replenish their SunPass accounts using credit or debit cards or cash. SunPass can be used on various toll roads, bridges, and managed lanes.<sup>13</sup>

According to the FTE,<sup>14</sup> SunPass customers always pay the lowest toll amount in Florida, saving an average of 25 percent compared to paying cash<sup>15</sup> or paying by the TOLL-BY-PLATE system, which bills a customer for tolls incurred over a 30-day period and imposes an additional \$2.50 administrative charge.<sup>16</sup>

### ***Toll Collection Interoperability***

Interoperable toll collection allows drivers to establish a single toll account that allows for payments on a variety of tolled facilities, *regardless of the facility's ownership*. An interoperable system recognizes a customer at any given toll collection facility participating in the system, and

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<sup>8</sup> *Supra* note 1.

<sup>9</sup> See Monroe County, *Card Sound Toll Authority*, available at [Card Sound Toll Authority | Monroe County, FL - Official Website \(monroecounty-fl.gov\)](https://www.monroecounty-fl.gov) (last visited December 8, 2022).

<sup>10</sup> See [HOME | Orchard Pond Parkway](https://www.monroecounty-fl.gov) (last visited December 7, 2022).

<sup>11</sup> See Florida's Turnpike, *SUNPASS*, available at [SunPass – Florida's Turnpike \(floridasturnpike.com\)](https://www.floridasturnpike.com) (last visited December 5, 2022).

<sup>12</sup> Such as Publix, CVS Pharmacy, and Walgreens; Walk-in Centers; the SunPass Customer Service Center, or online at SunPass.com. The most commonly used transponders are the SunPass Mini (\$4.99 plus tax) and the SunPass PRO (\$14.95 plus tax). For further comparison of the two transponders, *see Id.*

<sup>13</sup> For more information on "managed lanes," *see* FDOT, *Managed Lanes*, available at [Managed Lanes \(fdot.gov\)](https://www.fdot.gov) (last visited December 6, 2022).

<sup>14</sup> The FTE is part of the FDOT, headed by an executive director who serves at the pleasure of the FDOT secretary. *See s. 20.23(4)(a)-(e)*, F.S.

<sup>15</sup> See SunPass, FAQs, *Are there SunPass toll discount plans?*, available at [SunPass : Frequently Asked Questions](https://www.floridasturnpike.com) (last visited December 5, 2022).

<sup>16</sup> See Florida's Turnpike, *TOLL-BY-PLATE*, available at [TOLL-BY-PLATE – Florida's Turnpike \(floridasturnpike.com\)](https://www.floridasturnpike.com) (last visited December 5, 2022).

each toll facility owner or operator receives proper payment for use of the owner's or operator's facility.

Current Florida law requires all new limited access facilities and existing transportation facilities on which new or replacement electronic toll collection systems are installed to be interoperable with the FDOT's electronic toll-collection system.<sup>17</sup> The FDOT is also authorized to require the use of a transponder interoperable with the FDOT's electronic toll collection system for use of high-occupancy toll lanes or express lanes.<sup>18</sup> The FTE is authorized to require the use of an electronic transponder interoperable with the FDOT's electronic toll collection system for the use of express lanes on the turnpike system.<sup>19</sup>

Participating SunPass agencies, other than the FDOT and the FTE, include the Miami-Dade County Expressway Authority, the Tampa-Hillsborough Expressway Authority, the Central Florida Expressway Authority, the E-ZPass Group (an association of toll entities in 19 states),<sup>20</sup> the North Carolina QuickPass, and the Georgia Peach Pass. Additional participants include other tolled facilities in Florida: Lee County (LeeWay), the Mid-Bay Bridge Authority (the Mid-Bay Bridge), Escambia County (Bob Sikes Bridge), Bay Harbor Islands (Broad Causeway), Miami-Dade County (the Venetian Causeway and the Rickenbacker Causeway), and the Card Sound Toll Authority (Monroe County, Card Sound Bridge).<sup>21</sup>

### ***Existing Toll Discounts and Rebates***

Current law authorizes the FDOT to incur expenses for paid advertising, marketing, and promotion of toll facilities and electronic toll collection products and services. Such promotions may include discounts and free products.<sup>22</sup>

As authorized, SunPass offers a number of discount and rebate plans for frequent users and commuters on certain toll facilities on which SunPass may be used. These plans may have requirements for residency, vehicle occupancy, number-of-trips, or time-of-day restrictions. For example, SunPass customers who use the Sunshine Skyway receive a 10 percent rebate for three-plus axle vehicles when 40 or more paid transactions per transponder occur for a given calendar

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<sup>17</sup> Section 338.01(7), F.S. Note that express lanes in Florida are tolled lanes located within a non-tolled facility, such as I-75.

<sup>18</sup> Section 338.166(4), F.S.

<sup>19</sup> Section 338.2216(1)(d), F.S.

<sup>20</sup> The group is a partnership between the FTE and the E-ZPass network. The SunPass PRO can be used everywhere E-ZPass is accepted, and E-ZPass can be used to pay tolls incurred on Florida's Turnpike System and on toll facilities owned and operated by the FDOT. The 19 states include Florida, Georgia, North Carolina, Virginia, West Virginia, Kentucky, Pennsylvania, Ohio, Indiana, Illinois, Minnesota, New York, Maine, New Hampshire, Massachusetts, Rhode Island, New Jersey, Delaware, and Maryland. See Florida's Turnpike, *Interoperability in 19 States*, available at [Interoperability Map 08-21 \(floridasturnpike.com\)](https://www.floridasturnpike.com) (last visited December 5, 2022).

<sup>21</sup> SunPass, *Tolls in Florida, Participating Agencies*, available at [SunPass : Tolls](https://www.sunpass.com) (last visited December 5, 2022). According to the SunPass website, in addition to SunPass transponders, the following transponders may be used in Florida: E-Pass (the Central Florida Expressway Authority), E-ZPass (the 19-state association), the LeeWay, the North Carolina QuickPass, and the Georgia Peach Pass. *Id.*, *Florida's Toll Roads and Bridges*. Additionally, according to the Central Florida Expressway Authority website, the "Uni," (a product of the Central Florida Expressway Authority) is accepted everywhere E-Pass and E-Z Pass are accepted including 19 states from Florida to Maine and west to Minnesota." See *cfxway, Uni by E-pass*, available at [Uni - One Toll Pass. 19 States. \(cfxway.com\)](https://www.cfxway.com) (last visited December 6, 2022).

<sup>22</sup> Section 338.161(1), F.S.

month. SunPass customers using the Pinellas Bayway may purchase an annual resident pass for \$15 and an annual commuter pass for \$50.<sup>23</sup>

### ***SunPass Savings Program***

On August 25, 2022, Governor DeSantis announced a new toll discount program called “SunPass Savings.”<sup>24</sup> The program is for customers who use Florida’s Turnpike System and FDOT-owned toll facilities. The program began on September 1 and is currently scheduled to run for six months. Customers with two-axle vehicles and at least 40 paid transactions in a month receive a 20 percent credit to their SunPass account, and customers with 80 or more paid transactions receive a 25 percent credit each month. Credits are automatically posted to accounts on the 10<sup>th</sup> of the following month. Customers must have a SunPass account or Florida interoperable account<sup>25</sup> in good standing.<sup>26</sup> If a customer has multiple transponders on his or her account, each transponder meeting the paid transactions requirement will render the customer’s account eligible for a SunPass Savings credit.<sup>27</sup>

### ***2023 Legislative Proposal for a Toll Relief Program***

On September 7, 2022, Governor DeSantis announced a 2023 legislative proposal “to provide discounts on tolls for frequent commuters using any toll roads across the state.”<sup>28</sup> The proposal is for a one-year program, beginning on July 1, 2023, and running through June 30, 2024. Customers with at least 40 paid transactions per month would receive a 50 percent credit to their accounts.

## **III. Effect of Proposed Changes:**

**Section 1** of the bill directs the FTE to establish a toll relief program, effective from January 1, 2023, through December 31, 2023, for all Florida toll facilities or Florida toll facility entities that use a Florida-issued transponder<sup>29</sup> or are interoperable with the FDOT’s SunPass system. The bill deems a “qualifying account” that records 35 or more “qualifying transactions” per transponder per calendar month to be eligible for an account credit equivalent to 50 percent of the amount paid in that calendar month for the qualifying transactions per transponder. A SunPass or other transponder issued by a Florida toll agency must be linked to the qualifying account.

A “qualifying account” is defined to mean a private prepaid SunPass account or another Florida-based electronic prepaid toll program account in good standing. A “qualifying transaction” means a paid transponder-based toll transaction incurred by a two-axle vehicle for travel on a

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<sup>23</sup> For a listing, by county, of current SunPass discounts and rebates, see SunPass, *Tolls in Florida, SunPass Discounts and Rebates*, available at [SunPass : Tolls](#) (last visited December 6, 2022).

<sup>24</sup> To view the press release and related press conference, see [Governor Ron DeSantis Announces SunPass Savings \(flgov.com\)](#) (last visited December 6, 2022).

<sup>25</sup> According to the SunPass Savings website, “Florida interoperable transponders are E-Pass, Uni, and Leeway.” SunPass, *SunPass Savings*, available at [SunPass Savings Alert.pdf](#) (last visited December 6, 2022).

<sup>26</sup> *Id.*, for a listing of Florida toll facilities included in the SunPass Savings program.

<sup>27</sup> *Id.*

<sup>28</sup> To view the press release, see [Governor Ron DeSantis Announces 2023 Legislative Proposal for Toll Relief at All Florida Toll Facilities \(flgov.com\)](#) (last visited December 6, 2022.)

<sup>29</sup> Florida residency is not required for participation in the SunPass system.

Florida toll facility using a Florida-issued transponder linked to a qualifying account. Account credits must be posted to a qualifying account the month after the credit is earned.

The bill appropriates the nonrecurring sum of \$500 million for the 2022-2023 fiscal year from the General Revenue Fund to the State Transportation Trust Fund, to be used by the FDOT to reimburse the FDOT, the FTE, and other Florida toll facilities or Florida toll facility entities for account credits issued.

The FDOT is directed to provide reimbursements to support compliance with covenants made with the holders of bonds of the FDOT, the FTE, or other Florida toll facility entities which are in the trust indentures or resolutions adopted in connection with issuance of such bonds. The bill prohibits the FDOT from using the appropriated funds for administration, contracted services, or expenses of the FDOT, the FTE, a Florida toll facility or Florida toll facility entity, or any contractor or vendor thereof.

The bill authorizes the FDOT, from the appropriated funds, to reimburse each Florida toll facility or Florida toll facility entity, as applicable, for the amount of actual account credits issued, based on auditable reports prepared by the Florida toll facilities or Florida toll facility entities which aggregate the account credits issued. The reports must include any documentation required by the FDOT to provide the FDOT with sufficient information for reimbursement of account credits issued.

The bill provides that the unexpended balance of funds appropriated by the bill to the FDOT for toll relief as of June 30, 2023, reverts and is appropriated for the 2023-2024 fiscal year to the FDOT for the same purpose. Any unexpended balance as of February 29, 2024, immediately reverts to the General Revenue Fund.

The bill requires the FDOT to submit quarterly reports to the Executive Office of the Governor and the chairs of the legislative appropriations committees documenting reimbursements to the FDOT, the FTE, and other Florida toll facilities and Florida toll facility entities. The FDOT's report must include supporting documentation with auditable data to support the account credits issued. The FDOT must reconcile all disbursements and transfers for reimbursement by the end of the month following each quarter, transfer all interest earnings from the appropriated funds to the General Revenue Fund, and provide a reconciliation report.

This section expires on February 29, 2024.

**Section 2** provides the act takes effect upon becoming law.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Toll facility users who are eligible for account credits are expected to realize a positive fiscal impact resulting from the prepaid toll account credits. While the exact amount of the positive impact (both total and individually) is dependent on the number of eventual eligible customers and the number of paid transactions per month per eligible customer. Thus, the positive fiscal impact to the pool of eligible toll customers is capped at the amount appropriated for the program in the bill, \$500 million.

C. Government Sector Impact:

The bill appropriates \$500 million from the General Revenue Fund to the State Transportation Trust Fund at the FDOT to provide reimbursement to the toll agencies for the issued toll account credits. Any interest earned on the funds appropriated to the State Transportation Trust Fund must be transferred back to the General Revenue Fund quarterly.

Due to the bill's authorized reimbursement for provided toll account credits, the FDOT and the FTE are not expected to experience any fiscal impact, as is the case for other participating Florida toll agencies.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates an undesignated section of law.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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