



424970

576-04058-17

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Transportation, Tourism, and
Economic Development)

A bill to be entitled

An act relating to limited access and toll facilities;
amending s. 338.166, F.S.; authorizing the department
to require use of an electronic transponder
interoperable with the department's electronic toll
collection system for the use of high-occupancy toll
lanes or express lanes; requiring, as of a specified
date, that a customer be charged the minimum express
lane toll if his or her average travel speed for a
trip in an express lane falls below a specified rate;
providing for measurement of a customer's express lane
average travel speed; amending s. 338.2216, F.S.;
authorizing the Florida Turnpike Enterprise to require
use of an electronic transponder interoperable with
the department's electronic toll collection system for
the use of express lanes on the turnpike system;
prohibiting variable pricing from being implemented in
express lanes when the level of service in the express
lane, determined in accordance with specified
criteria, is equal to level of service A; specifying
that variable pricing in express lanes when the level
of service in the express lane is level of service B
may only be implemented by charging the general toll
lane toll amount plus a specified amount; providing
that pricing in express lanes when the level of
service is other than level of service A or B may vary



424970

576-04058-17

27 in the manner established by the Florida Turnpike
28 Enterprise to manage congestion in the express lanes;
29 requiring, as of a specified date, that a customer be
30 charged a general toll lane toll amount plus a
31 specified amount if his or her average travel speed
32 for a trip in an express lane falls below a specified
33 rate; providing for measurement of a customer's
34 express lane average travel speed; amending s.
35 338.231, F.S.; extending the timeframe during which
36 the Department of Transportation must program
37 sufficient funds in the tentative work program such
38 that the percentage of turnpike toll and bond financed
39 commitments in Miami-Dade County, Broward County, and
40 Palm Beach County are at least a specified percent of
41 a certain share of certain net toll collections;
42 amending s. 348.0004, F.S.; providing applicability;
43 requiring toll increases by authorities in certain
44 counties to be justified by an independent study by a
45 third party; providing an exception for an increase to
46 adjust for inflation pursuant to a specified procedure
47 for toll rate adjustments; requiring toll increases to
48 be approved by a specified margin in a vote of the
49 expressway authority board; prohibiting the amount of
50 toll revenues used for administrative expenses by the
51 authority from being greater than a specified
52 percentage above the annual state average of
53 administrative costs; requiring the Florida
54 Transportation Commission to determine the annual
55 state average of administrative costs based on the



424970

576-04058-17

56 annual administrative expenses of all the expressway
57 authorities of this state; authorizing the commission
58 to adopt certain rules; conforming a cross-reference;
59 authorizing authorities in certain counties to reduce
60 toll charges up to a specified amount at the time that
61 any toll is incurred for certain SunPass registrants,
62 subject to certain requirements; prohibiting such
63 authorities from imposing additional requirements for
64 receipt of the reduced toll amount; requiring an
65 authority in certain counties to determine its surplus
66 revenues and deduct from the surplus revenues a
67 prudent reserve as determined by the board; requiring
68 such authority to dedicate a certain amount of the
69 remaining surplus revenues after the deduction of a
70 prudent reserve to transportation- and transit-related
71 expenses for projects in municipalities and counties
72 in which the authority operates; authorizing the
73 authority to determine which specific transportation-
74 and transit-related expenses to fund from proposals
75 submitted by municipalities and counties; requiring
76 the transportation- and transit-related expenses
77 funded to have a rational nexus to the transportation
78 facilities of the authority; requiring a rational
79 nexus to demonstrate that the proposed transportation
80 expenditure makes a substantial impact on the capacity
81 or use of the transportation facilities of the
82 authority or that the proposed transit expenditure
83 complements the operation of, or expands the access
84 to, the transportation facilities of the authority;



424970

576-04058-17

85 requiring that an authority established in certain
86 counties have an audit conducted by an independent
87 third party not less than biennially; requiring the
88 audit report be made publicly available on the
89 authority's website; creating s. 348.00115, F.S.;
90 requiring authorities in certain counties to post
91 certain information on a website; defining the term
92 "contract"; providing an effective date.

93

94 Be It Enacted by the Legislature of the State of Florida:

95

96 Section 1. Present subsections (5) and (6) of section
97 338.166, Florida Statutes, are redesignated as subsections (6)
98 and (7), respectively, subsection (4) is amended, and a new
99 subsection (5) is added to that section, to read:

100 338.166 High-occupancy toll lanes or express lanes.—

101 (4) The department may implement variable rate tolls on
102 high-occupancy toll lanes or express lanes. The department may
103 require use of an electronic transponder interoperable with the
104 department's electronic toll collection system for the use of
105 high-occupancy toll lanes or express lanes.

106 (5) Effective July 1, 2018, if a customer's average travel
107 speed for a trip in an express lane falls below 40 miles per
108 hour, the customer must be charged the minimum express lane
109 toll. A customer's express lane average travel speed is his or
110 her average travel speed from the customer's entry point to the
111 customer's exit point.

112 Section 2. Paragraph (d) of subsection (1) of section
113 338.2216, Florida Statutes, is amended, and paragraph (e) is



424970

576-04058-17

114 added to that subsection, to read:

115 338.2216 Florida Turnpike Enterprise; powers and
116 authority.—

117 (1)

118 (d) The Florida Turnpike Enterprise shall pursue and
119 implement new technologies and processes in its operations and
120 collection of tolls and the collection of other amounts
121 associated with road and infrastructure usage. Such technologies
122 and processes must include, without limitation, video billing
123 and variable pricing. The Florida Turnpike Enterprise may
124 require use of an electronic transponder interoperable with the
125 department's electronic toll collection system for the use of
126 express lanes on the turnpike system. Variable pricing may not
127 be implemented in express lanes when the level of service in the
128 express lane, determined in accordance with the criteria
129 established by the Transportation Research Board Highway
130 Capacity Manual (5th Edition, HCM 2010), as amended from time to
131 time, is equal to level of service A. Variable pricing in
132 express lanes when the level of service in the express lane is
133 level of service B may only be implemented by charging the
134 general toll lane toll amount plus 25 cents. Except as otherwise
135 provided in this subsection, pricing in express lanes when the
136 level of service is other than level of service A or service B
137 may vary in the manner established by the Florida Turnpike
138 Enterprise to manage congestion in the express lanes.

139 (e) Effective July 1, 2018, if a customer's average travel
140 speed for a trip in an express lane falls below 40 miles per
141 hour, the customer must be charged the general toll lane toll
142 amount plus 25 cents. A customer's express lane average travel



424970

576-04058-17

143 speed is his or her average travel speed from the customer's
144 entry point to the customer's exit point.

145 Section 3. Paragraph (a) of subsection (3) of section
146 338.231, Florida Statutes, is amended to read:

147 338.231 Turnpike tolls, fixing; pledge of tolls and other
148 revenues.—The department shall at all times fix, adjust, charge,
149 and collect such tolls and amounts for the use of the turnpike
150 system as are required in order to provide a fund sufficient
151 with other revenues of the turnpike system to pay the cost of
152 maintaining, improving, repairing, and operating such turnpike
153 system; to pay the principal of and interest on all bonds issued
154 to finance or refinance any portion of the turnpike system as
155 the same become due and payable; and to create reserves for all
156 such purposes.

157 (3) (a) For the period July 1, 1998, through June 30, 2027
158 ~~2017~~, the department shall, to the maximum extent feasible,
159 program sufficient funds in the tentative work program such that
160 the percentage of turnpike toll and bond financed commitments in
161 Miami-Dade County, Broward County, and Palm Beach County as
162 compared to total turnpike toll and bond financed commitments
163 shall be at least 90 percent of the share of net toll
164 collections attributable to users of the turnpike system in
165 Miami-Dade County, Broward County, and Palm Beach County as
166 compared to total net toll collections attributable to users of
167 the turnpike system. This subsection does not apply when the
168 application of such requirements would violate any covenant
169 established in a resolution or trust indenture relating to the
170 issuance of turnpike bonds. The department may at any time for
171 economic considerations establish lower temporary toll rates for



424970

576-04058-17

172 a new or existing toll facility for a period not to exceed 1
173 year, after which the toll rates adopted pursuant to s. 120.54
174 shall become effective.

175 Section 4. Present subsections (6) through (9) of section
176 348.0004, Florida Statutes, are redesignated as subsections (7)
177 through (10), respectively, paragraph (e) of subsection (2) of
178 that section is amended, and a new subsection (6), and
179 subsections (11) and (12) are added to that section, to read:

180 348.0004 Purposes and powers.—

181 (2) Each authority may exercise all powers necessary,
182 appurtenant, convenient, or incidental to the carrying out of
183 its purposes, including, but not limited to, the following
184 rights and powers:

185 (e) To fix, alter, charge, establish, and collect tolls,
186 rates, fees, rentals, and other charges for the services and
187 facilities system, which tolls, rates, fees, rentals, and other
188 charges must always be sufficient to comply with any covenants
189 made with the holders of any bonds issued pursuant to the
190 Florida Expressway Authority Act. However, such right and power
191 may be assigned or delegated by the authority to the department.

192 1. Notwithstanding any other provision of law to the
193 contrary, but subject to any contractual requirements contained
194 in documents securing any indebtedness outstanding on July 1,
195 2017, in any county as defined in s. 125.011(1):

196 a. The authority may not increase a toll unless the
197 increase is justified to the satisfaction of the authority by a
198 traffic and revenue study conducted by an independent third
199 party, except for an increase to the extent necessary to adjust
200 for inflation pursuant to the procedure for toll rate



424970

576-04058-17

201 adjustments provided in s. 338.165.

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

204 c. The amount of toll revenues used for administrative
205 expenses by the authority may not be greater than 10 percent
206 above the annual state average of administrative costs
207 determined as provided in this sub-subparagraph. The Florida
208 Transportation Commission shall determine the annual state
209 average of administrative costs based on the annual
210 administrative expenses of all the expressway authorities of
211 this state. For purposes of this sub-subparagraph,
212 administrative expenses include, but are not limited to,
213 employee salaries and benefits, small business outreach,
214 insurance, professional service contracts not directly related
215 to the operation and maintenance of the expressway system, and
216 other overhead costs. The commission may adopt rules necessary
217 for the implementation of this sub-subparagraph.

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

224 3. Notwithstanding any other provision of law to the
225 contrary, but subject to any contractual requirements contained
226 in documents securing any outstanding indebtedness payable from
227 tolls, in any county as defined in s. 125.011(1), the board of
228 county commissioners may, by ordinance adopted on or before
229 September 30, 1999, alter or abolish existing tolls and



424970

576-04058-17

230 currently approved increases thereto if the board provides a
231 local source of funding to the county expressway system for
232 transportation in an amount sufficient to replace revenues
233 necessary to meet bond obligations secured by such tolls and
234 increases.

235 (6) Subject to compliance with any covenants made with the
236 holders of any bonds issued pursuant to the Florida Expressway
237 Authority Act, an authority in any county as defined in s.
238 125.011(1) may, at the time that any toll is incurred, reduce
239 the toll charged on any of the authority's toll facilities by up
240 to 10 percent for each SunPass registrant having an account in
241 good standing and having the license plate of the vehicle or
242 vehicles incurring the toll registered to the SunPass account at
243 the time the toll is incurred. The authority may not impose
244 additional requirements for receipt of the reduced toll amount.

245 (11) Notwithstanding any other provision of the Florida
246 Expressway Authority Act, an authority in any county as defined
247 in s. 125.011(1) shall determine its surplus revenues as defined
248 in s. 348.0002(12) and deduct from the surplus revenues a
249 prudent reserve as determined by the board. The authority shall
250 then dedicate at least 10 percent, but not greater than 30
251 percent, of the remaining surplus revenues after the deduction
252 of a prudent reserve to transportation- and transit-related
253 expenses for projects in municipalities and counties in which
254 the authority operates. The authority may determine which
255 specific transportation- and transit-related expenses to fund
256 from proposals submitted by municipalities and counties.
257 Transportation- and transit-related expenses funded pursuant to
258 this subsection must have a rational nexus to the transportation



424970

576-04058-17

259 facilities of the authority and may include, but are not limited
260 to, expenses associated with the planning, design, acquisition,
261 construction, extension, rehabilitation, equipping,
262 preservation, maintenance, or improvement of public
263 transportation facilities, transit facilities, intermodal
264 facilities, or multimodal corridors owned or operated by such
265 municipality or county, and transit-related expenses that impact
266 the capacity or use of the transportation facilities of the
267 authority. For the purpose of this subsection, a rational nexus
268 must demonstrate that the proposed transportation expenditure
269 makes a substantial impact on the capacity or use of the
270 transportation facilities of the authority, or that the proposed
271 transit expenditure complements the operation of, or expands the
272 access to, the transportation facilities of the authority.

273 (12) An authority established in any county as defined in
274 125.011(1) must have an audit conducted by an independent third
275 party not less than biennially, and the audit report must be
276 made publicly available on the authority's website.

277 Section 5. Section 348.00115, Florida Statutes, is created
278 to read:

279 348.00115 Public accountability.—An expressway authority in
280 a county as defined in s. 125.011(1) shall post the following
281 information on its website:

282 (1) Audited financial statements and any interim financial
283 reports.

284 (2) Board and committee meeting agendas, meeting packets,
285 and minutes.

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

287 (4) Authority budgets.



424970

576-04058-17

288 (5) Authority contracts. For purposes of this subsection,
289 the term "contract" means a written agreement or purchase order
290 issued for the purchase of goods or services or a written
291 agreement for the receipt of state or federal financial
292 assistance.

293 (6) Authority expenditure data, which must include the name
294 of the payee, the date of the expenditure, and the amount of the
295 expenditure. Such data must be searchable by name of the payee,
296 name of the paying agency, and fiscal year and must be
297 downloadable in a format that allows offline analysis.

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

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