




**BOARD OF COUNTY COMMISSIONERS
OFFICE OF THE COMMISSION AUDITOR**

M E M O R A N D U M

TO: The Honorable Chairwoman Audrey M. Edmonson,
and the Board of County Commissioners

FROM: Adeyinka Majekodunmi, CPA 
Commission Auditor

DATE: June 17, 2019

SUBJECT: Review of Florida State Legislature Voting Records Regarding Tolls in
Miami-Dade County

As requested at the April 9, 2019 Board of County Commission meeting, we have prepared and attached the report completed on May 10, 2019 regarding the Florida State Legislature Voting Records for Legislations on Tolls in Miami-Dade County.

A copy of this report has been sent via email and placed on OCA's website. If you have any questions, please feel free to contact our office 305-375-4354.



Miami-Dade Board of County Commissioners
Office of the Commission Auditor

**Review of Florida State Legislature Voting Records for
Legislations Regarding Tolls in Miami-Dade County
As of May 9, 2019**

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PURPOSE

The purpose of this report is to identify Florida State (State) legislators and Miami-Dade County (County) Delegation in the State Legislature that have proposed any of the following types of legislation:

- Lower tolls on the Turnpike and to reject the imposition of tolls within a toll on the Turnpike.
- Opposed to having express lanes and the related tolls being charged on the I-95.
- Proposed legislation to reject tolling on the Palmetto Expressway.

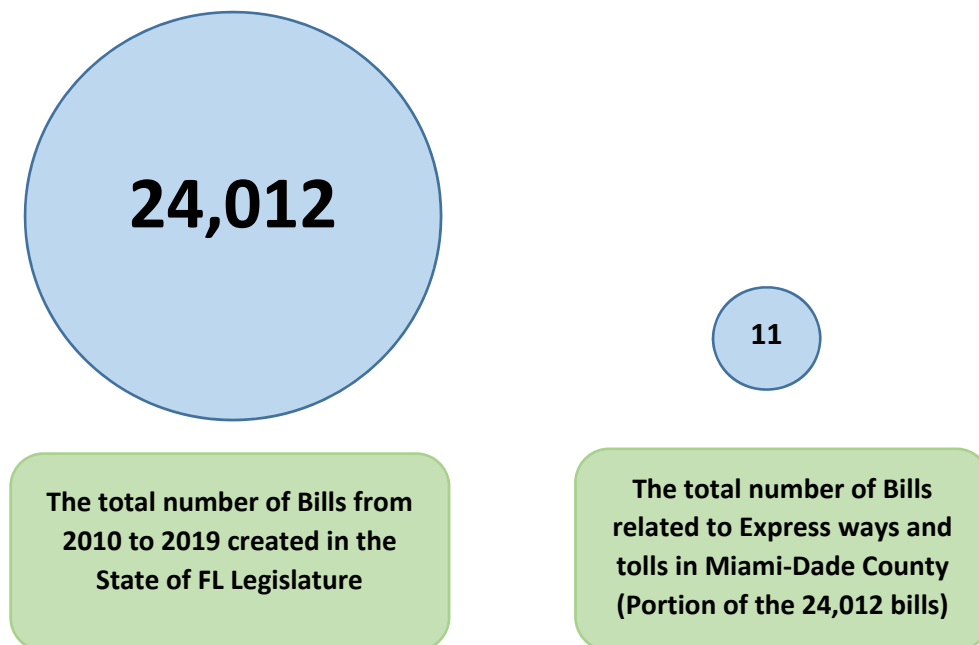
METHODOLOGY

The Office of the Commission Auditor (OCA) reviewed all the bills in the State Legislature pertaining to the above-mentioned expressways and all the annual reports prepared by the County's Office of Intergovernmental Affairs (OIA) for a nine-year period, beginning from 2010 to 2019.

OCA identified and highlighted all transportation legislation that appeared pertinent to the research, in addition to reviewing relevant legislation currently under consideration in the State Legislature. Finally, we reviewed the voting records in the State Legislature to determine how the legislators voted on each bill.

SNAPSHOT OF BILLS

From 2010 to 2019



ANALYSIS

The bills were reviewed for language dealing with tolls on the Turnpike, MDX expressways, and the express lanes on I-95. We identified a total of 11 Bills that were relevant to the analysis and they were divided into the following three categories:

- (a) Bills currently under consideration (Total: 0 Bills)
- (b) Bills that passed (Total: 4 Bills)
- (c) Bills that died (Total: 7 Bills)

Bill Currently Under Consideration (Total: 0 Bills)

None

Bills that Passed (Total: 4 Bills)

- (1) **HB 385-Year 2019** –HB 385 passed the House 05/03/2019 and is on its way to the Governor who is expected to sign it. The major provisions of the bill are as follows:

- i. Abolish the MDX and will allow the State to reclaim the management of all five County managed expressways; and
- ii. Prohibit the newly State created expressway authority, GMX, from raising toll rates, including for inflation adjustments, until 07/01/2019, except (i) as necessary to comply with bond covenants or (ii) on or after 07/01/2024 by a supermajority vote of the GMX Board.

This bill by Bryan Avila of District 111 and Rep. Daniel Perez of District 116, was filed on 01/22/2019. The bill was approved in the House. Its companion bill (SB 898) by Senator Many Diaz Jr. of District 36, was filed on 02/08/2019. The Senate then substituted it with HB 385 which it voted upon favorably on 05/02/2019 and returned to the House.

- (2) **HB 141-Year 2018** – HB 141 passed, it exempts law enforcement vehicles from paying tolls while on official business. Also included is language dealing with the MDX, it requires MDX to submit to the Governor, by 10/01/2018, information regarding its compliance with the minimum five percent toll reduction requirement as described in S. 348.0004(6), F.S. Should MDX not comply with the reduction, on 10/31/2018, the current board shall be dissolved, and a new board appointed.

This bill by Rep. Shawn Harrison of District 63, co-introduced by Kionne L. McGee of District 117, Bob Rommel of District 106, and Clovis Jr. Watson of District 20 was filed in the House on 09/07/2017. Its companion bill (SB 1012) by Kathleen Passidomo of District 28, co-introduced by Dana Young of District 18, was filed on 11/26/2017.

- (3) **HB 1049-Year 2017** – HB 1049 passed with a Senate strike-all amendment. Then it went back to the House and the House concurred with the amendment. HB 1049 allocates between 20% and 50% of surplus MDX toll revenue for transit projects approved by the Transportation Planning Organization (TPO) and extends from 2017 to 2027 the sunset of a provision requiring 90% of toll revenues generated on the Turnpike within Miami-Dade, Broward and Palm Beach Counties to stay within these counties.

This bill by Rep. Bryan Avila of District 111 and Jeanette Nunez of District 119, co-introduced by Rep. Robert Asencio of District 118, Diaz Jose Felix of District 116, Diaz Manny of District 103, Jacobs of District 96 and McGee of District 117, was filed in the House on 02/27/2017. A companion bill (SB 1562) by Sen. Rene Garcia of District 36, co-introduced by Daphne Campbell of District 38, was filed in the Senate on 03/02/2017.

- (4) **HB 319-Year 2013** – HB 319 passed, it revised provisions for local governments implementing transportation concurrency plans and provided requirements for certain alternatives.

This bill by Lake Ray of District 12, was filed in the House on 01/18/2013. Its companion bill (SB 972) by Dorothy Hukill of District 14, was filed in the Senate on 04/25/2013.

Bills that Died (Total: 7 Bills)

- (1) **SB 1406-Year 2019** – Died in Infrastructure and Security on 05/03/2019. If it became law, it would have ban authorities from charging tolls to drivers if the average speed limit on the expressway falls below 40 miles per hour. Indefinitely postponed and withdrawn from consideration.

This bill by Sen. Anitere Flores of District 39, was filed on 02/26/2019. Its companion bill (HB 1069) by Anthony Rodriguez of District 118, was filed on 02/25/2019.

- (2) **HB 243-Year 2018** – HB 243 passed the House, but SB 688 died in Appropriations 03/10/2018. If HB 243 had passed both houses, it would have diverted the Charter County regional transportation tax and would have had a fiscal impact on the County.

This bill by Rep. Bryan Avila of District 111 and Rep. Daniel Perez of District 116, co-introduced by Matt Caldwell of District 79 and Manny Diaz of District 103, was filed in the House on 10/06/2017. Its companion bill (SB 688) by Sen. Rene Garcia of District 36, was filed on 10/30/2017.

- (3) **HB 535-Year 2018**– This bill died in Committee in both houses. If passed, it would have created a statewide transportation authority and would have allocated \$25 million annually to the County for alternative transportation systems.

This bill by Rep. Bryan Avila of District 111 and Grant James of District 64, co-introduced by Jackie Toledo of District 60, was filed in the House on 11/06/2017. Its companion bill (SB 1200) by Sen. Dana Young of District 18, co-introduced by Bill Galvano of District 21, Simpson Wilton of District 10, Oscar II Braynon of District 35, Garcia of District 36, Darryl Ervin Rouson of District 19, Annette Taddeo of District 40 Jeff Brandes of District 24 and Tom Lee of District 20, was filed in the Senate on 12/08/2017.

- (4) **SB 1372-Year 2016** – Both bills died in committee. These bills were filed without reflecting the language that was originally submitted. As filed, the bills directed funding and oversight on each of these County priorities to MDX. The County maintained that the County is the proper entity, since MDX is not a taxing authority. This issue was a County priority and the subject of Motion: 04/21/2015 BCC.

This bill by Sen. Anitere Flores of District 39, was filed in the Senate on 01/06/2016. Its companion bill (HB 1377) by Jeanette Nunez of District 119, co-introduced by Jose Rodriguez of District 112, was filed on 01/11/2016.

- (5) **SB 1276-Year 2015** – SB 1276 died when the Senate Rules Committee failed to hear the bill, and HB 989 died on the House floor. The bills would have restructured the MDX and revised qualifications for membership on the governing body of certain expressway authorities. They would also have provided for termination from an authority's governing body upon a finding of a violation of specified ethical conduct provisions, or failure to comply with a notice of failure to comply with financial disclosure requirements, etc. Senator Flores filed the MDX language as a Senate floor amendment to SB 1024, but later withdrew the amendment.

This bill by Senator Anitere Flores of District 39, was filed in the Senate on 02/25/2015. Its companion bill (HB 989) by Rep. Jeanette Nunez of District 119, co-introduced by Frank Artiles of District 118, was introduced in the House on 02/24/2015.

- (6) **SB 772-Year 2014** – These bills died in committee. They would have required the Board of County Commissioners to approve any MDX toll increase by a supermajority vote and would shift the balance of MDX Board appointments from the BCC to the Governor and limited the bonding authority of MDX.

This General bill by Sen. Rene Garcia of District 38, was filed on 01/29/2014. Its companion bill (HB 353) by Rep. Jeanette Nuñez of District 119, co-introduced by Michael Bileca of District 115, Daphne Campbell of District 108, Diaz Manny Jr. of District 103, Gonzalez of District 111, Jose R. Oliva of District 110, and Holly Raschein of District 120, was filed on 11/27/2013.

- (7) **HB 7127-Year 2013** – The bill was the Florida Department of Transportation (FDOT) package and it died in legislative session. HB 7127 included language creating a strategic airport investment initiative similar to FDOT's seaport program, and also included language leading to consolidation of Metropolitan Planning Organizations (MPOs) statewide. HB 7127 died in returning messages to the House.

This General bill by Rep. Frank Artiles of District 118, was filed in the House on 03/25/2013. Its companion bill (SB 1132) by Sen. Jeff Brandes of District 22, co-introduced by Sen. Greg Evers of District 2, was filed on 02/22/2013.

VOTING RECORD

After reviewing the legislation, OCA focused on the voting records for those bills that received a vote on the House floor or the Senate floor to determine which legislators supported or opposed those bills.

The legislation whose voting records we considered are as follows: HB 385 2019, HB 243 2018, HB 141 2018, HB 1049 2017, and HB 319 2013.

SENATE VOTING – MIAMI-DADE COUNTY DELEGATION

SEN - DISTRICT	HB 385 2019	HB 141 2018	HB 1049 2017	HB 319 2013
Braynon-35	Yea	Yea	Yea	n/a
Braynon-36	n/a	n/a	n/a	Yea
Bullard-39	n/a	n/a	n/a	Excused
Campbell-38	n/a	Nay	Yea	n/a
Diaz de la Portilla-40	n/a	n/a	n/a	Yea
Diaz-36	Yea	n/a	n/a	n/a
Flores-37	n/a	n/a	n/a	Yea
Flores-39	Nay	Yea	Not Voting	n/a
Garcia-36	n/a	Yea	Yea	n/a
Garcia-38	n/a	n/a	n/a	Yea
Margolis-35	n/a	n/a	n/a	Yea
Pizzo-38	Nay	n/a	n/a	n/a
Rodriguez-37	Nay	Yea	Yea	n/a
Taddeo-40	Nay	Yea	n/a	n/a

Legend

Yea	Voted Yes
Nay	Voted No
n/a	Was not an elected member at the time of the vote
Vacant	Seat was not occupied at the time of the vote
Not Voting	Not present during the voting on the bill
Excused	Excused from attending the voting on the bill
Abstain	Present but abstained from voting on the bill

HOUSE VOTING – MIAMI-DADE COUNTY DELEGATION

REP - DISTRICT	HB 385 2019	HB 243 2018	HB 141 2018	HB 1049 2017	HB 319 2013
Aloupis-115	Yea	n/a	n/a	n/a	n/a
Artiles-118	n/a	n/a	n/a	n/a	Yea
Asencio-118	n/a	Yea	Yea	Yea	n/a
Avila-111	Yea	Yea	Yea	Yea	n/a
Bacz-114	n/a	n/a	n/a	Yea	n/a
Bileca-115	n/a	Yea	Yea	Yea	Yea
Bush-109	Yea	n/a	n/a	n/a	n/a
Campbell-108	n/a	n/a	n/a	n/a	Yea
Diaz, J.-116	n/a	n/a	n/a	Yea	Yea
Diaz, M.-103	n/a	Yea	Yea	Yea	Yea
Duran-112	Yea	Yea	Yea	Yea	n/a
Fernandez-114	Nay	n/a	n/a	n/a	n/a
Fernandez-Barquin-119	Yea	n/a	n/a	n/a	n/a
Fresen-114	n/a	n/a	n/a	n/a	Yea
Geller-100	Nay	Yea	Yea	Yea	n/a
Gibbons-100	n/a	n/a	n/a	n/a	Yea
Gonzalez-111	n/a	n/a	n/a	n/a	Yea
Grieco-113	Yea	n/a	n/a	n/a	n/a
Hardemon-108	n/a	Yea	Yea	Not Voting	n/a
Joseph-108	Nay	n/a	n/a	n/a	n/a
McGhee-117	Nay	Nay	Yea	Yea	Yea
Nunez-119	n/a	Yea	Yea	Yea	Yea
Oliva-110	Yea	Yea	Yea	Yea	Yea
Perez-116	Yea	Yea	Yea	n/a	n/a
Polo-103	Nay	n/a	n/a	n/a	n/a
Pritchett-102	Nay	Nay	Yea	Yea	Yea
Raschein-120	Yea	Yea	Yea	Yea	Yea
Richardson-113	n/a	Yea	Yea	Yea	Yea
Rodriguez, A.-118	Yea	n/a	n/a	n/a	n/a
Rodriguez, A.M.-105	Yea	n/a	n/a	n/a	n/a
Rodriguez-112	n/a	n/a	n/a	n/a	Nay
Stafford-109	n/a	Nay	Yea	Yea	Yea
Trujillo-105	n/a	Yea	Yea	Yea	Yea
VACANT-114	n/a	Vacant	Vacant	n/a	n/a
Watson, B.-107	Nay	Nay	Yea	Yea	Yea

Legend

Yea	Voted Yes
Nay	Voted No
n/a	Was not an elected member at the time of the vote
Vacant	Seat was not occupied at the time of the vote
Not Voting	Not present during the voting on the bill
Excused	Excused from attending the voting on the bill
Abstain	Present but abstained from voting on the bill

CONCLUSION

OCA concluded that based on the legislation reviewed above, that bills HB 385 2019 and HB 141 2018 discuss tolls on the expressways that reflects a reduction or elimination of tolls based on specific criteria.

OCA did not come across any legislation during the nine-year period, beginning from 2010 to 2019, or currently under consideration in the State Legislature, that aimed specifically at rejecting a toll within a toll on the Turnpike, opposing the express lanes on I-95, or rejecting tolls on the Palmetto Expressway.