Florida Department of Transportation
Office of Inspector General
Kristofer B. Sullivan, Inspector General

Department Section 129(a)(3) Financial Review FY 2024-25 (Toll Credits)

Report No. 26C-005

October 22, 2025

What We Did

At the request of the Florida Department of Transportation's (Department) Office of the Comptroller, the Office of Inspector General conducted an independent review of Department owned toll facility records to verify financial compliance with requirements concerning the limitation on use of revenues as outlined in Title 23 United States Code (U.S.C.), Highways, Chapter 1, Federal-Aid Highways, Section 129, Toll Roads, Bridges, Tunnels, and Ferries, specifically subsection 129(a)(3)(A), Limitations on Use of Revenues.[1]

The scope of the review was the Department's 10 toll facilities subject to the financial audit requirements of Section 129 for the period July 1, 2024, to June 30, 2025. The Section 129 requirement to verify adequate maintenance of the toll facilities is conducted by the Department's Office of Maintenance for Fiscal Year 2024-25 and is outside the scope of this review.

What We Found

We determined the Department's use of toll revenues for the 10 toll facilities tested complied in all material respects with limitations set forth in Title 23 U.S.C., Section 129(a)(3)(A).

What We Recommend

This report does not contain recommendations, as the review found the transactions were compliant with the applicable Section 129 requirements.

[1] This is commonly referred to as Section 129.

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BACKGROUND AND INTRODUCTION

At the request of the Florida Department of Transportation's (Department) Office of the Comptroller, the Office of Inspector General (OIG) conducted an independent review of Department owned toll facility records to verify financial compliance with requirements concerning the limitations on the use of revenues as outlined in Title 23, United States Code (U.S.C.), Highways, Chapter 1, Federal-Aid Highways, Section 129, Toll Roads, Bridges, Tunnels, and Ferries, specifically subsection 129(a)(3)(A), Limitations on Use of Revenues.[1]

The scope of the review was the 10 toll facilities owned by the Department for the period July 1, 2024, to June 30, 2025. The Section 129 requirement to verify adequate maintenance of the toll facilities is conducted by the Department's Office of Maintenance for Fiscal Year 2024-25 and is outside the scope of this review.

The compliance requirements for Department owned toll facilities are outlined in Section 129 (a)(3)(A), Limitations on Use of Revenues, and state:

> A public authority with jurisdiction over a toll facility shall ensure that all toll revenues received from operation of the toll facility are used only for:
>
> > (i) debt service with respect to the projects on or for which the tolls are authorized, including funding of reasonable reserves and debt service on refinancing.
> >
> > (ii) a reasonable return on investment of any private person financing the project, as determined by the State or interstate compact of States concerned.
> >
> > (iii) any costs necessary for the improvement and proper operation and maintenance of the toll facility, including reconstruction, resurfacing, restoration, and rehabilitation.
> >
> > (iv) if the toll facility is subject to a public-private partnership agreement, payments that the party holding the right to toll revenues owes to the other party under the public-private partnership agreement; and
> >
> > (v) if the public authority certifies annually that the tolled facility is being adequately maintained, any other purpose for which Federal funds may be obligated by a State under this title.

[1] This is commonly referred to as Section 129.

Additionally, Section 129 (a)(3)(B)(i), Annual Audit, states:

> A public authority with jurisdiction over a toll facility shall conduct, or have an independent auditor conduct, an annual audit of toll facility records to verify adequate maintenance and compliance with subparagraph (A) and report the results of the audits to the Secretary.

The following Department owned toll facilities and associated records are subject to the audit requirements of Section 129:

1. Gateway Expressway Phase 1
2. I-275 Sunshine Skyway Bridge
3. I-295 Express East and West
4. I-4 Ultimate
5. I-595 Express
6. I-75 Alligator Alley
7. I-75 Express Lanes
8. I-95 Express Lanes Phase 3
9. Pinellas Bayway System
10. State Road 429 Wekiva Parkway

RESULTS OF REVIEW

Finding 1 – Financial Review

We determined the Department's use of toll revenues complied in all material respects with limitations set forth in Title 23 United States Code, Section 129(a)(3)(A).

We found the governance of toll facility expenditures was outlined in a September 23, 2020, memorandum from the Department's Office of Comptroller (OOC) to the Federal Highway Administration (FHWA). The memorandum states in part:

> FDOT has a process whereby prior to obligating, the use of those revenues is requested by the district, reviewed for compliance by the Federal Aid Office, reviewed for financial soundness by the Office of Comptroller and Office of Work Program and Budget, and approved/disapproved by the Assistant Secretary of Finance and Administration.

The OOC confirmed this process was in use for Fiscal Year 2024-25.

The auditor retrieved the toll facility expenditure reports from the Comptroller Automation Platform (CAP) for the period July 1, 2024, to June 30, 2025, consisting of 10 toll facilities with 1,921 transactions totaling $137,122,221. See Figure1.

Figure 1: Summary of Applicable Toll Facility Expenditures

Section 129 Toll Facilities
Summary of Applicable Expenditure Transactions
July 1, 2024 to June 30, 2025

Toll Facility	Transaction Count	Dollars
Gateway Express Phase 1	54	$ 3,202,245
I-275 Sunshine Skyway Bridge	594	$ 15,107,675
I-295 Express East	95	$ 1,351,523
I-4 Ultimate	125	$ 21,092,341
I-595 Express	9	$ 45,367
I-75 Alligator Alley	535	$ 77,416,580
I-75 Express Lanes	172	$ 5,715,230
I-95 Express Lanes Phase 3	30	$ 1,418,686
Pinellas Bayway System	188	$ 1,198,466
State Road 429 Wekiva Parkway	119	$ 10,574,108
Totals	1,921	$ 137,122,221

Source: OIG Prepared Schedule

As part of our testing, we determined 74 transactions were greater than $250,000. These transactions represented $88,878,367 of the total $137,122,221, or 65 percent. Of the 74 transactions, we judgmentally sampled the supporting documentation for seven transactions totaling $9,750,883 of the total $88,878,367, or 11 percent.

We also tested the supporting documentation of 54 statistically sampled transactions between $500 and $250,000, totaling $1,509,849, selected from the population of 1,335, totaling $49,474,015. The sampling of transactions to support the determination followed acceptable auditing practices associated with the scope.

This report does not contain recommendations, as the review found the transactions were compliant with the applicable Section 129 requirements.

APPENDIX A – Purpose, Scope, and Methodology

The **purpose** of this engagement was to determine if the Department complied with Title 23 United States Code, Highways, Chapter 1, Federal-Aid Highways, Section 129(a)(3)(A), Toll Roads, Bridges, Tunnels, and Ferries, Limitations on use of toll revenue.

The **scope** of this review includes the expenditures assigned to the Department's 10 toll facilities subject to Section 129 for the period of July 1, 2024, to June 30, 2025.

The **methodology** included:

- verifying Department owned toll facilities subject to Section 129 governance with the Project Finance Office;
- reviewing applicable laws, statutes, and Department Memorandum of Understandings with Federal Highway Administration; and
- examining and testing transactions for Section 129 compliance.

APPENDIX B – Management Response

The Office of the Comptroller, Project Finance Office responded on October 13, 2025, by email with the following response:

> We will not be submitting any comments on any of the three draft Preliminary and Tentative reviews (Section 129 toll expenditures, VPPP expenditures, or over-the-road bus). Thank you and your team for your hard work on this year's certification. We look forward to receiving the final published reports.

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STATEMENT OF ACCORDANCE

The Department's mission is to provide a safe transportation system that ensures the mobility of people and goods, enhances economic prosperity, and preserves the quality of our environment and communities.

The Office of Inspector General's mission is to provide independent and objective investigative and audit services that promote accountability, integrity, and efficiency within the Florida Department of Transportation and its partners.

This work product was prepared pursuant to section 20.055, Florida Statutes, in accordance with the Association of Inspectors General *Principles and Standards for Offices of Inspector General*, and using The Institute of Internal Auditors' *Global Internal Audit Standards* as a guide.

Please address inquiries regarding this report to the Department's Office of Inspector General at (850) 410-5800.

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