

By the Committee on Appropriations; and Senators Passidomo and Young

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1                   A bill to be entitled  
2       An act relating to toll operations; amending s.  
3       338.155, F.S.; exempting a law enforcement officer  
4       from paying a toll on a toll facility when operating a  
5       marked or unmarked official vehicle while on official  
6       law enforcement business; defining the term "official  
7       law enforcement business"; amending s. 338.26, F.S.;  
8       requiring fees generated from tolls to be used to  
9       reimburse, by interlocal agreement within a specified  
10      timeframe, a county or another local governmental  
11      entity for the direct actual costs of operating a  
12      specified fire station; providing services to the  
13      public on Alligator Alley; deleting obsolete language;  
14      amending s. 348.0003, F.S.; requiring the governing  
15      body of the authority in certain counties to, by a  
16      specified date, submit to the Governor information  
17      regarding its compliance with a specified minimum  
18      percent toll reduction; requiring, effective on a  
19      specified date, the existing board to be dissolved  
20      and, except for the district secretary of the  
21      Department of Transportation, a new board to be  
22      appointed by that date if the required toll reduction  
23      has not taken place; prohibiting a member of the board  
24      on a specified date to be appointed to the new board,  
25      except for the district secretary of the department;  
26      requiring the members to be residents of the county,  
27      except for the district secretary of the department;  
28      requiring a specified number of voting members to be  
29      appointed by the governing body of the county;

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30 authorizing, at the discretion of the governing body  
 31 of the county, up to a specified amount of the members  
 32 appointed by the governing body of the county to be  
 33 elected officials residing in the county; requiring a  
 34 specified amount of voting members of the authority to  
 35 be appointed by the Governor; requiring that the  
 36 district secretary of the department from the  
 37 appropriate district be an ex officio voting member;  
 38 providing an effective date.  
 39

40 Be It Enacted by the Legislature of the State of Florida:  
 41

42 Section 1. Subsections (1) and (3) of section 338.155,  
 43 Florida Statutes, are amended to read:

44 338.155 Payment of toll on toll facilities required;  
 45 exemptions.—

46 (1) (a) A person may not use a ~~any~~ toll facility without  
 47 payment of tolls, except:

48 1. An employee ~~employees~~ of the agency operating the toll  
 49 project when using the toll facility on official state  
 50 business.7

51 2. State military personnel while on official military  
 52 business.

53 3. A person with a disability, ~~handicapped persons~~ as  
 54 provided in subsection (3).

55 4. A person ~~this section,~~ ~~persons~~ exempt from toll payment  
 56 by the authorizing resolution for bonds issued to finance the  
 57 facility.

58 5. A person, ~~and persons~~ exempt on a temporary basis where

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59 use of such toll facility is required as a detour route.

60 6. A ~~Any~~ law enforcement officer operating a marked or  
61 unmarked official vehicle while ~~is exempt from toll payment when~~  
62 on official law enforcement business. For purposes of this  
63 subparagraph, the term "official law enforcement business"  
64 includes, but is not limited to, patrol operations,  
65 investigative activities, crime prevention operations, and  
66 traffic operations.

67 7. A ~~Any~~ person operating a fire vehicle while ~~when~~ on  
68 official business or a rescue vehicle while ~~when~~ on official  
69 business ~~is exempt from toll payment.~~

70 8. A ~~Any~~ person participating in the funeral procession of  
71 a law enforcement officer or firefighter killed in the line of  
72 duty ~~is exempt from toll payment.~~

73 (b) The secretary or the secretary's designee may suspend  
74 the payment of tolls on a toll facility when necessary to assist  
75 in emergency evacuation.

76 (c) The failure to pay a prescribed toll constitutes a  
77 noncriminal traffic infraction, punishable as a moving violation  
78 as provided in s. 318.18. The department may adopt rules  
79 relating to the payment, collection, and enforcement of tolls,  
80 as authorized in this chapter and chapters 316, 318, 320, and  
81 322, including, but not limited to, rules for the implementation  
82 of video or other image billing and variable pricing.

83 (d) With respect to toll facilities managed by the  
84 department, ~~the~~ revenues of which are not pledged to repayment  
85 of bonds, the department may by rule allow the use of such  
86 facilities by public transit vehicles or by vehicles  
87 participating in a funeral procession for an active-duty

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88 military service member without the payment of tolls.

89 (3) A ~~Any handicapped~~ person with a disability who has a  
90 valid driver license, who operates a vehicle specially equipped  
91 for use by persons with disabilities ~~the handicapped~~, and who is  
92 certified by a physician licensed under chapter 458 or chapter  
93 459 or by comparable licensing in another state or by the  
94 Adjudication Office of the United States Department of Veterans  
95 Affairs or its predecessor as being severely physically disabled  
96 and having permanent upper limb mobility or dexterity  
97 impairments that ~~which~~ substantially impair the person's ability  
98 to deposit coins in toll baskets, shall be allowed to pass free  
99 through all tollgates and over all toll bridges and ferries in  
100 this state. Such ~~A person who meets the requirements of this~~  
101 ~~subsection~~ shall, upon application, be issued a vehicle window  
102 sticker by the Department of Transportation.

103 Section 2. Paragraph (a) of subsection (3) of section  
104 338.26, Florida Statutes, is amended to read:

105 338.26 Alligator Alley toll road.—

106 (3) (a) Fees generated from tolls shall be deposited in the  
107 State Transportation Trust Fund and shall be used:

- 108 1. To reimburse outstanding contractual obligations;
- 109 2. To operate and maintain the highway and toll facilities,  
110 including reconstruction and restoration;
- 111 3. To pay for those projects that are funded with Alligator  
112 Alley toll revenues and that are contained in the 1993-1994  
113 adopted work program or the 1994-1995 tentative work program  
114 submitted to the Legislature on February 22, 1994; and

115 4. By interlocal agreement effective July 1, 2014, through  
116 no later than June 30, 2019, to reimburse a county or another

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117 local governmental entity for the direct actual costs of  
118 operating the ~~To design and construct a~~ fire station at mile  
119 marker 63 on Alligator Alley, which may be used by a county or  
120 another local governmental entity to provide fire, rescue, and  
121 emergency management services to the public on Alligator Alley~~r~~  
122 and

123 ~~5. By interlocal agreement effective July 1, 2014, through~~  
124 ~~no later than June 30, 2018, to reimburse a county or another~~  
125 ~~local governmental entity for the direct actual costs of~~  
126 ~~operating such fire station.~~

127 Section 3. Paragraph (d) of subsection (2) of section  
128 348.0003, Florida Statutes, is amended to read:

129 348.0003 Expressway authority; formation; membership.—

130 (2) The governing body of an authority shall consist of not  
131 fewer than five nor more than nine voting members. The district  
132 secretary of the affected department district shall serve as a  
133 nonvoting member of the governing body of each authority located  
134 within the district. Each member of the governing body must at  
135 all times during his or her term of office be a permanent  
136 resident of the county which he or she is appointed to  
137 represent.

138 (d)1. Notwithstanding any provision to the contrary in this  
139 subsection, in any county as defined in s. 125.011(1), the  
140 governing body of an authority shall consist of up to nine  
141 members, and the following provisions of this paragraph shall  
142 apply specifically to such authority. Except for the district  
143 secretary of the department, the members must be residents of  
144 the county. Five voting members shall be appointed by the  
145 governing body of the county. At the discretion of the governing

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146 body of the county, up to two of the members appointed by the  
147 governing body of the county may be elected officials residing  
148 in the county. Three voting members of the authority shall be  
149 appointed by the Governor. One member shall be the district  
150 secretary of the department serving in the district that  
151 contains such county. This member shall be an ex officio voting  
152 member of the authority. If the governing body of an authority  
153 includes any member originally appointed by the governing body  
154 of the county as a nonvoting member, when the term of such  
155 member expires, that member shall be replaced by a member  
156 appointed by the Governor until the governing body of the  
157 authority is composed of five members appointed by the governing  
158 body of the county and three members appointed by the Governor.  
159 Except as provided in subparagraph 2., a member of the authority  
160 serving as of July 1, 2016, may serve the remainder of his or  
161 her term. However, upon the conclusion of the term or upon  
162 vacancy, such expired term or vacancy may not be filled except  
163 if such appointment meets the requirements of this section. When  
164 the term of a member expires or a vacancy occurs, the member may  
165 ~~shall~~ not be replaced by the appointing entity until the  
166 governing body of the authority is composed of five voting  
167 members appointed by the governing body of the county and three  
168 voting members appointed by the Governor, which three members  
169 shall not include the district secretary serving as an ex  
170 officio member. Except as provided in subsection (5), the  
171 qualifications, terms of office, and obligations and rights of  
172 members of the authority shall be determined by resolution or  
173 ordinance of the governing body of the county in a manner that  
174 is consistent with subsections (3) and (4).

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175       2. Notwithstanding subparagraph 1., in any county as  
176 defined in s. 125.011(1), the governing body of the authority  
177 shall, by October 1, 2018, submit to the Governor information  
178 regarding its compliance with the minimum 5 percent toll  
179 reduction prescribed in s. 348.0004(6). If the required toll  
180 reduction has not taken place, the existing board shall be  
181 dissolved effective October 31, 2018, and, except for the  
182 district secretary of the department, a new board shall be  
183 appointed by that date. Other than the district secretary of the  
184 department, a member of the board on October 1, 2018, may not be  
185 appointed to the new board. Except for the district secretary of  
186 the department, the members must be residents of the county.  
187 Five voting members shall be appointed by the governing body of  
188 the county. At the discretion of the governing body of the  
189 county, up to two of the members appointed by the governing body  
190 of the county may be elected officials residing in the county.  
191 Three voting members of the authority shall be appointed by the  
192 Governor. One member shall be the district secretary of the  
193 department serving in the district that contains such county.  
194 This member shall be an ex officio voting member of the  
195 authority.

196       Section 4. This act shall take effect July 1, 2018.