



1                                   A bill to be entitled  
 2           An act relating to transportation; amending s.  
 3           338.222, F.S.; revising provisions relating to  
 4           contracting and negotiation between the Department of  
 5           Transportation and local governmental entities for  
 6           acquisition, construction, or operation of turnpike  
 7           projects; amending s. 338.155, F.S.; exempting a law  
 8           enforcement officer from paying a toll on a toll  
 9           facility when operating an official vehicle while on  
 10          official law enforcement business; amending s. 338.26,  
 11          F.S.; requiring fees generated from tolls to be used  
 12          to reimburse, by interlocal agreement, a county or  
 13          another local governmental entity for the direct  
 14          actual costs of operating a specified fire station  
 15          providing services to the public on Alligator Alley;  
 16          deleting obsolete language; amending s. 348.0003,  
 17          F.S.; requiring the governing body of an authority to  
 18          report certain compliance information to the Governor;  
 19          providing for the formation of a new board under  
 20          certain circumstances; providing for appointment of  
 21          new members; providing an effective date.

22  
 23   Be It Enacted by the Legislature of the State of Florida:

24  
 25           Section 1.   Subsection (2) of section 338.222, Florida



26 Statutes, is amended to read:

27 338.222 Department of Transportation sole governmental  
28 entity to acquire, construct, or operate turnpike projects;  
29 exception.—

30 (2) The department may, but is not required to, contract  
31 with any local governmental entity as defined in s. 334.03(13)  
32 for the design, right-of-way acquisition, transfer, purchase,  
33 sale, acquisition, or other conveyance of the ownership,  
34 operation, maintenance, or construction of any turnpike project  
35 which the Legislature has approved. Local governmental entities  
36 may negotiate and contract with the department for the design,  
37 right-of-way acquisition, transfer, purchase, sale, acquisition,  
38 or other conveyance of the ownership, operation, maintenance, or  
39 ~~and~~ construction of any section of the turnpike project within  
40 areas of their respective jurisdictions or within counties with  
41 which they have interlocal agreements.

42 Section 2. 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  
59 use of such toll facility is required as a detour route.

60           6. A ~~Any~~ law enforcement officer operating an ~~a~~ ~~marked~~  
61 official vehicle while ~~is exempt from toll payment when~~ on  
62 official law enforcement business.

63           7. A ~~Any~~ person operating a fire vehicle while ~~when~~ on  
64 official business or a rescue vehicle while ~~when~~ on official  
65 business ~~is exempt from toll payment~~.

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

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

72           (c) The failure to pay a prescribed toll constitutes a  
73 noncriminal traffic infraction, punishable as a moving violation  
74 as provided in s. 318.18. The department may adopt rules  
75 relating to the payment, collection, and enforcement of tolls,



76 as authorized in this chapter and chapters 316, 318, 320, and  
77 322, including, but not limited to, rules for the implementation  
78 of video or other image billing and variable pricing.

79 (d) With respect to toll facilities managed by the  
80 department, ~~the revenues of which are not pledged to repayment~~  
81 of bonds, the department may by rule allow the use of such  
82 facilities by public transit vehicles or by vehicles  
83 participating in a funeral procession for an active-duty  
84 military service member without the payment of tolls.

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

99 Section 3. Paragraph (a) of subsection (3) of section  
100 338.26, Florida Statutes, is amended to read:



101 338.26 Alligator Alley toll road.—

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

104 1. To reimburse outstanding contractual obligations;

105 2. To operate and maintain the highway and toll  
106 facilities, including reconstruction and restoration;

107 3. To pay for those projects that are funded with  
108 Alligator Alley toll revenues and that are contained in the  
109 1993-1994 adopted work program or the 1994-1995 tentative work  
110 program submitted to the Legislature on February 22, 1994; and

111 4. By interlocal agreement effective July 1, 2014, through  
112 no later than June 30, 2019, to reimburse a county or another  
113 local governmental entity for the direct actual costs of  
114 operating the ~~To design and construct~~ a fire station at mile  
115 marker 63 on Alligator Alley, which may be used by a county or  
116 another local governmental entity to provide fire, rescue, and  
117 emergency management services to the public on Alligator Alley; ~~and~~  
118 ~~and~~

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

123 Section 4. Paragraph (d) of subsection (2) of section  
124 348.0003, Florida Statutes, is amended to read:

125 348.0003 Expressway authority; formation; membership.—



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

134 (d)1. Notwithstanding any provision to the contrary in  
135 this subsection, in any county as defined in s. 125.011(1), the  
136 governing body of an authority shall consist of up to nine  
137 members, and the following provisions of this paragraph shall  
138 apply specifically to such authority. Except for the district  
139 secretary of the department, the members must be residents of  
140 the county. Five voting members shall be appointed by the  
141 governing body of the county. At the discretion of the governing  
142 body of the county, up to two of the members appointed by the  
143 governing body of the county may be elected officials residing  
144 in the county. Three voting members of the authority shall be  
145 appointed by the Governor. One member shall be the district  
146 secretary of the department serving in the district that  
147 contains such county. This member shall be an ex officio voting  
148 member of the authority. If the governing body of an authority  
149 includes any member originally appointed by the governing body  
150 of the county as a nonvoting member, when the term of such



151 member expires, that member shall be replaced by a member  
152 appointed by the Governor until the governing body of the  
153 authority is composed of five members appointed by the governing  
154 body of the county and three members appointed by the Governor.  
155 Except as provided in subparagraph 2., a member of the authority  
156 serving as of July 1, 2016, may serve the remainder of his or  
157 her term. However, upon the conclusion of the term or upon  
158 vacancy, such expired term or vacancy may not be filled except  
159 if such appointment meets the requirements of this section. When  
160 the term of a member expires or a vacancy occurs, the member  
161 shall not be replaced by the appointing entity until the  
162 governing body of the authority is composed of five voting  
163 members appointed by the governing body of the county and three  
164 voting members appointed by the Governor, which three members  
165 shall not include the district secretary serving as an ex  
166 officio member. Except as provided in subsection (5), the  
167 qualifications, terms of office, and obligations and rights of  
168 members of the authority shall be determined by resolution or  
169 ordinance of the governing body of the county in a manner that  
170 is consistent with subsections (3) and (4).

171 2. Notwithstanding subparagraph 1., in any county as  
172 defined in s. 125.011, the governing body of the authority shall  
173 by October 1, 2018, submit to the Governor information regarding  
174 its compliance with the minimum 5 percent toll reduction  
175 prescribed in s. 348.0004(6). If the required toll reduction has



176 | not taken place, effective October 31, 2018, the existing board  
177 | shall be dissolved and, except for the district secretary of the  
178 | department, a new board shall be appointed by that date. No  
179 | member of the board on October 1, 2018, may be appointed to the  
180 | new board. Except for the district secretary of the department,  
181 | the members must be residents of the county. Five voting members  
182 | shall be appointed by the governing body of the county. At the  
183 | discretion of the governing body of the county, up to two of the  
184 | members appointed by the governing body of the county may be  
185 | elected officials residing in the county. Three voting members  
186 | of the authority shall be appointed by the Governor. One member  
187 | shall be the district secretary of the department serving in the  
188 | district that contains such county. This member shall be an ex  
189 | officio voting member of the authority.

190 |       Section 5. This act shall take effect July 1, 2018.