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CS/CS/HB 141, Engrossed 2

2018 Legislature

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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

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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

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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,

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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:

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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~~;~~

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.—

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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

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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

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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.