

## CHAPTER 2018-145

### Committee Substitute for Committee Substitute for House Bill No. 141

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

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

Section 1. Subsection (2) of section 338.222, Florida Statutes, is amended to read:

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

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

Section 2. Subsections (1) and (3) of section 338.155, Florida Statutes, are amended to read:

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

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

1. An employee employees of the agency operating the toll project when using the toll facility on official state business;

2. State military personnel while on official military business.

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

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

5. A person, ~~and persons~~ exempt on a temporary basis where use of such toll facility is required as a detour route.

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

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

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

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

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

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

(3) A ~~Any~~ handicapped person with a disability who has a valid driver license, who operates a vehicle specially equipped for use by persons with disabilities ~~the handicapped,~~ and who is certified by a physician licensed under chapter 458 or chapter 459 or by comparable licensing in another state or by the Adjudication Office of the United States Department of Veterans Affairs or its predecessor as being severely physically disabled and having permanent upper limb mobility or dexterity impairments that ~~which~~ substantially impair the person's ability to deposit coins in toll baskets; shall be allowed to pass free through all tollgates and over all toll bridges and

ferries in this state. ~~Such~~ A person who meets the requirements of this subsection shall, upon application, be issued a vehicle window sticker by the Department of Transportation.

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

338.26 Alligator Alley toll road.—

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

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

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

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

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

348.0003 Expressway authority; formation; membership.—

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

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

At the discretion of the governing body of the county, up to two of the members appointed by the governing body of the county may be elected officials residing in the county. Three voting members of the authority shall be appointed by the Governor. One member shall be the district secretary of the department serving in the district that contains such county. This member shall be an ex officio voting member of the authority. If the governing body of an authority includes any member originally appointed by the governing body of the county as a nonvoting member, when the term of such member expires, that member shall be replaced by a member appointed by the Governor until the governing body of the authority is composed of five members appointed by the governing body of the county and three members appointed by the Governor. Except as provided in subparagraph 2., a member of the authority serving as of July 1, 2016, may serve the remainder of his or her term. However, upon the conclusion of the term or upon vacancy, such expired term or vacancy may not be filled except if such appointment meets the requirements of this section. When the term of a member expires or a vacancy occurs, the member shall not be replaced by the appointing entity until the governing body of the authority is composed of five voting members appointed by the governing body of the county and three voting members appointed by the Governor, which three members shall not include the district secretary serving as an ex officio member. Except as provided in subsection (5), the qualifications, terms of office, and obligations and rights of members of the authority shall be determined by resolution or ordinance of the governing body of the county in a manner that is consistent with subsections (3) and (4).

2. Notwithstanding subparagraph 1., in any county as defined in s. 125.011, the governing body of the authority shall by October 1, 2018, submit to the Governor information regarding its compliance with the minimum 5 percent toll reduction prescribed in s. 348.0004(6). If the required toll reduction has not taken place, effective October 31, 2018, the existing board shall be dissolved and, except for the district secretary of the department, a new board shall be appointed by that date. No member of the board on October 1, 2018, may be appointed to the new board. Except for the district secretary of the department, the members must be residents of the county. Five voting members shall be appointed by the governing body of the county. At the discretion of the governing body of the county, up to two of the members appointed by the governing body of the county may be elected officials residing in the county. Three voting members of the authority shall be appointed by the Governor. One member shall be the district secretary of the department serving in the district that contains such county. This member shall be an ex officio voting member of the authority.

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

Approved by the Governor April 6, 2018.

Filed in Office Secretary of State April 6, 2018.