



477376

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/02/2018	.	
	.	
	.	
	.	

The Committee on Appropriations (Passidomo) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. 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:



477376

11 1. An employee ~~employees~~ of the agency operating the toll
12 project when using the toll facility on official state
13 business.

14 2. State military personnel while on official military
15 business.

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

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

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

23 6. A ~~Any~~ law enforcement officer operating a marked or
24 unmarked official vehicle while ~~is exempt from toll payment when~~
25 on official law enforcement business. For purposes of this
26 subparagraph, the term "official law enforcement business"
27 includes, but is not limited to, patrol operations,
28 investigative activities, crime prevention operations, and
29 traffic operations.

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

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

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

39 (c) The failure to pay a prescribed toll constitutes a



477376

40 noncriminal traffic infraction, punishable as a moving violation
41 as provided in s. 318.18. The department may adopt rules
42 relating to the payment, collection, and enforcement of tolls,
43 as authorized in this chapter and chapters 316, 318, 320, and
44 322, including, but not limited to, rules for the implementation
45 of video or other image billing and variable pricing.

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

52 (3) A ~~Any handicapped~~ person with a disability who has a
53 valid driver license, who operates a vehicle specially equipped
54 for use by persons with disabilities ~~the handicapped~~, and who is
55 certified by a physician licensed under chapter 458 or chapter
56 459 or by comparable licensing in another state or by the
57 Adjudication Office of the United States Department of Veterans
58 Affairs or its predecessor as being severely physically disabled
59 and having permanent upper limb mobility or dexterity
60 impairments that ~~which~~ substantially impair the person's ability
61 to deposit coins in toll baskets, shall be allowed to pass free
62 through all tollgates and over all toll bridges and ferries in
63 this state. Such ~~A person who meets the requirements of this~~
64 ~~subsection~~ shall, upon application, be issued a vehicle window
65 sticker by the Department of Transportation.

66 Section 2. Paragraph (a) of subsection (3) of section
67 338.26, Florida Statutes, is amended to read:

68 338.26 Alligator Alley toll road.-



477376

69 (3) (a) Fees generated from tolls shall be deposited in the
70 State Transportation Trust Fund and shall be used:
71 1. To reimburse outstanding contractual obligations;
72 2. To operate and maintain the highway and toll facilities,
73 including reconstruction and restoration;
74 3. To pay for those projects that are funded with Alligator
75 Alley toll revenues and that are contained in the 1993-1994
76 adopted work program or the 1994-1995 tentative work program
77 submitted to the Legislature on February 22, 1994; and
78 4. By interlocal agreement effective July 1, 2014, through
79 no later than June 30, 2019, to reimburse a county or another
80 local governmental entity for the direct actual costs of
81 operating the ~~To design and construct~~ a fire station at mile
82 marker 63 on Alligator Alley, which may be used by a county or
83 another local governmental entity to provide fire, rescue, and
84 emergency management services to the public on Alligator Alley~~;~~
85 ~~and~~
86 ~~5. By interlocal agreement effective July 1, 2014, through~~
87 ~~no later than June 30, 2018, to reimburse a county or another~~
88 ~~local governmental entity for the direct actual costs of~~
89 ~~operating such fire station.~~
90 Section 3. Paragraph (d) of subsection (2) of section
91 348.0003, Florida Statutes, is amended to read:
92 348.0003 Expressway authority; formation; membership.—
93 (2) The governing body of an authority shall consist of not
94 fewer than five nor more than nine voting members. The district
95 secretary of the affected department district shall serve as a
96 nonvoting member of the governing body of each authority located
97 within the district. Each member of the governing body must at



477376

98 all times during his or her term of office be a permanent
99 resident of the county which he or she is appointed to
100 represent.

101 (d)1. Notwithstanding any provision to the contrary in this
102 subsection, in any county as defined in s. 125.011(1), the
103 governing body of an authority shall consist of up to nine
104 members, and the following provisions of this paragraph shall
105 apply specifically to such authority. Except for the district
106 secretary of the department, the members must be residents of
107 the county. Five voting members shall be appointed by the
108 governing body of the county. At the discretion of the governing
109 body of the county, up to two of the members appointed by the
110 governing body of the county may be elected officials residing
111 in the county. Three voting members of the authority shall be
112 appointed by the Governor. One member shall be the district
113 secretary of the department serving in the district that
114 contains such county. This member shall be an ex officio voting
115 member of the authority. If the governing body of an authority
116 includes any member originally appointed by the governing body
117 of the county as a nonvoting member, when the term of such
118 member expires, that member shall be replaced by a member
119 appointed by the Governor until the governing body of the
120 authority is composed of five members appointed by the governing
121 body of the county and three members appointed by the Governor.
122 Except as provided in subparagraph 2., a member of the authority
123 serving as of July 1, 2016, may serve the remainder of his or
124 her term. However, upon the conclusion of the term or upon
125 vacancy, such expired term or vacancy may not be filled except
126 if such appointment meets the requirements of this section. When



477376

127 the term of a member expires or a vacancy occurs, the member may
128 ~~shall~~ not be replaced by the appointing entity until the
129 governing body of the authority is composed of five voting
130 members appointed by the governing body of the county and three
131 voting members appointed by the Governor, which three members
132 shall not include the district secretary serving as an ex
133 officio member. Except as provided in subsection (5), the
134 qualifications, terms of office, and obligations and rights of
135 members of the authority shall be determined by resolution or
136 ordinance of the governing body of the county in a manner that
137 is consistent with subsections (3) and (4).

138 2. Notwithstanding subparagraph 1., in any county as
139 defined in s. 125.011(1), the governing body of the authority
140 shall, by October 1, 2018, submit to the Governor information
141 regarding its compliance with the minimum 5 percent toll
142 reduction prescribed in s. 348.0004(6). If the required toll
143 reduction has not taken place, the existing board shall be
144 dissolved effective October 31, 2018, and, except for the
145 district secretary of the department, a new board shall be
146 appointed by that date. Other than the district secretary of the
147 department, a member of the board on October 1, 2018, may not be
148 appointed to the new board. Except for the district secretary of
149 the department, the members must be residents of the county.
150 Five voting members shall be appointed by the governing body of
151 the county. At the discretion of the governing body of the
152 county, up to two of the members appointed by the governing body
153 of the county may be elected officials residing in the county.
154 Three voting members of the authority shall be appointed by the
155 Governor. One member shall be the district secretary of the



477376

156 department serving in the district that contains such county.
157 This member shall be an ex officio voting member of the
158 authority.

159 Section 4. This act shall take effect July 1, 2018.
160

161 ===== T I T L E A M E N D M E N T =====

162 And the title is amended as follows:

163 Delete everything before the enacting clause
164 and insert:

165 A bill to be entitled
166 An act relating to toll operations; amending s.
167 338.155, F.S.; exempting a law enforcement officer
168 from paying a toll on a toll facility when operating a
169 marked or unmarked official vehicle while on official
170 law enforcement business; defining the term "official
171 law enforcement business"; amending s. 338.26, F.S.;
172 requiring fees generated from tolls to be used to
173 reimburse, by interlocal agreement within a specified
174 timeframe, a county or another local governmental
175 entity for the direct actual costs of operating a
176 specified fire station; providing services to the
177 public on Alligator Alley; deleting obsolete language;
178 amending s. 348.0003, F.S.; requiring the governing
179 body of the authority in certain counties to, by a
180 specified date, submit to the Governor information
181 regarding its compliance with a specified minimum
182 percent toll reduction; requiring, effective on a
183 specified date, the existing board to be dissolved
184 and, except for the district secretary of the



477376

185 Department of Transportation, a new board to be
186 appointed by that date if the required toll reduction
187 has not taken place; prohibiting a member of the board
188 on a specified date to be appointed to the new board,
189 except for the district secretary of the department;
190 requiring the members to be residents of the county,
191 except for the district secretary of the department;
192 requiring a specified number of voting members to be
193 appointed by the governing body of the county;
194 authorizing, at the discretion of the governing body
195 of the county, up to a specified amount of the members
196 appointed by the governing body of the county to be
197 elected officials residing in the county; requiring a
198 specified amount of voting members of the authority to
199 be appointed by the Governor; requiring that the
200 district secretary of the department from the
201 appropriate district be an ex officio voting member;
202 providing an effective date.