

CS/HB 1119

2016

1 A bill to be entitled

2 An act relating to tolls; amending s. 338.155, F.S.;

3 requiring a toll facility to ensure the presence of

4 signage notifying drivers if cash payment is not an

5 option; creating s. 338.163, F.S.; requiring a rental

6 car company that imposes a fee for use of an

7 electronic toll payment device to disclose the

8 applicable terms and conditions in the rental

9 agreement or disclosure statement and post such

10 information in certain locations; providing an

11 effective date.

12

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

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15 Section 1. Section 338.155, Florida Statutes, is amended

16 to read:

17 338.155 Payment of toll on toll facilities required;

18 exemptions; signage required.—

19 (1) A person may not use any toll facility without payment

20 of tolls, except employees of the agency operating the toll

21 project when using the toll facility on official state business,

22 state military personnel while on official military business,

23 handicapped persons as provided in this section, persons exempt

24 from toll payment by the authorizing resolution for bonds issued

25 to finance the facility, and persons exempt on a temporary basis

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

27 Any law enforcement officer operating a marked official vehicle
28 is exempt from toll payment when on official law enforcement
29 business. Any person operating a fire vehicle when on official
30 business or a rescue vehicle when on official business is exempt
31 from toll payment. Any person participating in the funeral
32 procession of a law enforcement officer or firefighter killed in
33 the line of duty is exempt from toll payment. The secretary or
34 the secretary's designee may suspend the payment of tolls on a
35 toll facility when necessary to assist in emergency evacuation.
36 The failure to pay a prescribed toll constitutes a noncriminal
37 traffic infraction, punishable as a moving violation as provided
38 in s. 318.18. The department may adopt rules relating to the
39 payment, collection, and enforcement of tolls, as authorized in
40 this chapter and chapters 316, 318, 320, and 322, including, but
41 not limited to, rules for the implementation of video or other
42 image billing and variable pricing. With respect to toll
43 facilities managed by the department, the revenues of which are
44 not pledged to repayment of bonds, the department may by rule
45 allow the use of such facilities by public transit vehicles or
46 by vehicles participating in a funeral procession for an active-
47 duty military service member without the payment of tolls.

48 (2) Any person driving an automobile or other vehicle
49 belonging to the Department of Military Affairs used for
50 transporting military personnel, stores, and property, when
51 properly identified, shall, together with any such conveyance
52 and military personnel and property of the state in his or her

53 charge, be allowed to pass free through all tollgates and over
54 all toll bridges and ferries in this state.

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

69 (4) A copy of this section shall be posted at each toll
70 bridge and on each ferry.

71 (5) The Department of Transportation shall provide
72 envelopes for voluntary payments of tolls by those persons
73 exempted from the payment of tolls pursuant to this section. The
74 department shall accept any voluntary payments made by exempt
75 persons.

76 (6) Personal identifying information held by the
77 Department of Transportation, a county, a municipality, or an
78 expressway authority for the purpose of paying, prepaying, or

79 collecting tolls and associated administrative charges due for
80 the use of toll facilities is exempt from s. 119.07(1) and s.
81 24(a), Art. I of the State Constitution. This exemption applies
82 to such information held by the Department of Transportation, a
83 county, a municipality, or an expressway authority before, on,
84 or after the effective date of the exemption. This subsection is
85 subject to the Open Government Sunset Review Act in accordance
86 with s. 119.15 and shall stand repealed on October 2, 2019,
87 unless reviewed and saved from repeal through reenactment by the
88 Legislature.

89 (7) A toll facility must ensure the presence of signage
90 notifying drivers if cash payment of the applicable toll at such
91 facility is not an available option.

92 Section 2. Section 338.163, Florida Statutes, is created
93 to read:

94 338.163 Rental car companies; required disclosure.—A
95 rental car company that imposes a fee in addition to the toll
96 charge incurred by the renter while using an electronic toll
97 collection system or driving a rental car equipped with a
98 transponder or similar electronic tolling device provided by the
99 rental car company must include the applicable terms and
100 conditions in the rental agreement issued to the renter and must
101 post the applicable terms and conditions either in a conspicuous
102 location on the business premises or provide it in the
103 electronic rental disclosure provided to the renter.

104 Section 3. This act shall take effect July 1, 2016.