



494290

LEGISLATIVE ACTION

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



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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



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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.-



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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. Subsection (6) of section 348.0004, Florida
91 Statutes, is amended to read:
92 348.0004 Purposes and powers.—
93 (6) (a) ~~Subject to compliance with any covenants made with~~
94 ~~the holders of any bonds issued pursuant to the Florida~~
95 ~~Expressway Authority Act,~~ An authority in any county as defined
96 in s. 125.011(1) shall, at the time that any toll is incurred,
97 reduce the toll charged on any of the authority's toll



98 facilities by at least 5 percent, but not more than 10 percent,
99 for each SunPass registrant having an account in good standing
100 and having the license plate of the vehicle or vehicles
101 incurring the toll registered to the SunPass account at the time
102 the toll is incurred. The authority may not impose additional
103 requirements for receipt of the reduced toll amount.

104 (b) There is hereby created a cause of action for the
105 imposition of excess toll charges. Any person eligible for a
106 toll reduction as specified in paragraph (a) may bring a civil
107 action in a court of competent jurisdiction against a toll
108 authority for the value of toll credits that the person was to
109 have been credited. The court may award court costs and
110 reasonable attorney fees to any person bringing an action under
111 this paragraph.

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

113
114 ===== T I T L E A M E N D M E N T =====

115 And the title is amended as follows:

116 Delete everything before the enacting clause
117 and insert:

118 A bill to be entitled
119 An act relating to toll operations; amending s.
120 338.155, F.S.; exempting a law enforcement officer
121 from paying a toll on a toll facility when operating a
122 marked or unmarked official vehicle while on official
123 law enforcement business; defining the term "official
124 law enforcement business"; amending s. 338.26, F.S.;
125 requiring fees generated from tolls to be used to
126 reimburse, by interlocal agreement within a specified



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127 timeframe, a county or another local governmental
128 entity for the direct actual costs of operating a
129 specified fire station; providing services to the
130 public on Alligator Alley; deleting obsolete language;
131 amending s. 348.0004, F.S.; deleting provisions
132 subjecting a specified toll rate reduction to certain
133 covenants; creating a cause of action for the
134 imposition of excess toll charges; providing for award
135 of court costs and attorney fees; providing an
136 effective date.