

1 A bill to be entitled
 2 An act relating to toll operations; amending s.
 3 338.155, F.S.; exempting a law enforcement officer
 4 from paying a toll on a toll facility when operating a
 5 marked or unmarked official vehicle while on official
 6 law enforcement business; defining the term "official
 7 law enforcement business"; amending s. 338.26, F.S.;
 8 requiring fees generated from tolls to be used to
 9 reimburse, by interlocal agreement, a county or
 10 another local governmental entity for the direct
 11 actual costs of operating a specified fire station
 12 providing services to the public on Alligator Alley;
 13 deleting obsolete language; amending s. 348.0004,
 14 F.S.; deleting provisions subjecting a specified toll
 15 rate reduction to certain covenants; creating a cause
 16 of action for the imposition of excess toll charges;
 17 providing for award of court costs and attorney fees;
 18 providing an effective date.

19
 20 Be It Enacted by the Legislature of the State of Florida:

21
 22 Section 1. Subsections (1) and (3) of section 338.155,
 23 Florida Statutes, are amended to read:

24 338.155 Payment of toll on toll facilities required;
 25 exemptions.—

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

28 1. An ~~employee~~ employees of the agency operating the toll
 29 project when using the toll facility on official state
 30 business.~~7~~

31 2. State military personnel while on official military
 32 business.

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

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

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

40 6. A ~~Any~~ law enforcement officer operating a marked or
 41 unmarked official vehicle while ~~is exempt from toll payment when~~
 42 on official law enforcement business. For purposes of this
 43 subparagraph, the term "official law enforcement business"
 44 includes, but is not limited to, patrol operations,
 45 investigative activities, crime prevention operations, and
 46 traffic operations.

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

50 8. A ~~Any~~ person participating in the funeral procession of

51 a law enforcement officer or firefighter killed in the line of
52 duty ~~is exempt from toll payment.~~

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

56 (c) The failure to pay a prescribed toll constitutes a
57 noncriminal traffic infraction, punishable as a moving violation
58 as provided in s. 318.18. The department may adopt rules
59 relating to the payment, collection, and enforcement of tolls,
60 as authorized in this chapter and chapters 316, 318, 320, and
61 322, including, but not limited to, rules for the implementation
62 of video or other image billing and variable pricing.

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

69 (3) A ~~Any handicapped~~ person with a disability who has a
70 valid driver license, who operates a vehicle specially equipped
71 for use by persons with disabilities ~~the handicapped~~, and who is
72 certified by a physician licensed under chapter 458 or chapter
73 459 or by comparable licensing in another state or by the
74 Adjudication Office of the United States Department of Veterans
75 Affairs or its predecessor as being severely physically disabled

76 and having permanent upper limb mobility or dexterity
 77 impairments that ~~which~~ substantially impair the person's ability
 78 to deposit coins in toll baskets, shall be allowed to pass free
 79 through all tollgates and over all toll bridges and ferries in
 80 this state. Such ~~A person who meets the requirements of this~~
 81 ~~subsection~~ shall, upon application, be issued a vehicle window
 82 sticker by the Department of Transportation.

83 Section 2. Paragraph (a) of subsection (3) of section
 84 338.26, Florida Statutes, is amended to read:

85 338.26 Alligator Alley toll road.—

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

- 88 1. To reimburse outstanding contractual obligations;
- 89 2. To operate and maintain the highway and toll
 90 facilities, including reconstruction and restoration;
- 91 3. To pay for those projects that are funded with
 92 Alligator Alley toll revenues and that are contained in the
 93 1993-1994 adopted work program or the 1994-1995 tentative work
 94 program submitted to the Legislature on February 22, 1994; and
- 95 4. By interlocal agreement effective July 1, 2014, through
 96 no later than June 30, 2021, to reimburse a county or another
 97 local governmental entity for the direct actual costs of
 98 operating the ~~To design and construct~~ a fire station at mile
 99 marker 63 on Alligator Alley, which may be used by a county or
 100 another local governmental entity to provide fire, rescue, and

101 emergency management services to the public on Alligator Alley~~+~~
 102 and

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

107 Section 3. Subsection (6) of section 348.0004, Florida
 108 Statutes, is amended to read:

109 348.0004 Purposes and powers.—

110 (6) (a) ~~Subject to compliance with any covenants made with~~
 111 ~~the holders of any bonds issued pursuant to the Florida~~
 112 ~~Expressway Authority Act,~~ An authority in any county as defined
 113 in s. 125.011(1) shall, at the time that any toll is incurred,
 114 reduce the toll charged on any of the authority's toll
 115 facilities by at least 5 percent, but not more than 10 percent,
 116 for each SunPass registrant having an account in good standing
 117 and having the license plate of the vehicle or vehicles
 118 incurring the toll registered to the SunPass account at the time
 119 the toll is incurred. The authority may not impose additional
 120 requirements for receipt of the reduced toll amount.

121 (b) There is hereby created a cause of action for the
 122 imposition of excess toll charges. Any person eligible for a
 123 toll reduction as specified in paragraph (a) may bring a civil
 124 action in a court of competent jurisdiction against a toll
 125 authority for the value of toll credits that the person was to

126 | have been credited. The court may award court costs and
127 | reasonable attorney fees to any person bringing an action under
128 | this paragraph.

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