

1 A bill to be entitled
 2 An act relating to toll operations; amending s.
 3 338.155, F.S.; updating terms; exempting a law
 4 enforcement officer from paying a toll on a toll
 5 facility when operating a marked or unmarked official
 6 vehicle while on official law enforcement business;
 7 defining the term "official law enforcement business";
 8 making technical changes; amending s. 338.26, F.S.;
 9 requiring fees generated from tolls to be used to
 10 reimburse, by interlocal agreement effective for a
 11 specified period of time, a county or another local
 12 governmental entity for the direct actual costs of
 13 operating a specified fire station, which may be used
 14 by a county or another local governmental entity to
 15 provide fire, rescue, and emergency management
 16 services to the public on Alligator Alley; deleting
 17 obsolete language; amending s. 348.0004, F.S.,
 18 providing that a specified toll rate reduction is not
 19 subject to certain covenants; creating a cause of
 20 action for the imposition of excess toll charges;
 21 providing for court costs and attorney fees; providing
 22 an effective date.

23
 24 Be It Enacted by the Legislature of the State of Florida:
 25

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

28 338.155 Payment of toll on toll facilities required;
 29 exemptions.—

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

32 1. An employee ~~Employees~~ of the agency operating the toll
 33 project when using the toll facility on official state
 34 business.7

35 2. State military personnel while on official military
 36 business.7

37 3. A person with a disability ~~Handicapped persons~~ as
 38 provided in subsection (3). ~~this section,~~

39 4. A person ~~Persons~~ exempt from toll payment by the
 40 authorizing resolution for bonds issued to finance the
 41 facility.7 ~~and~~

42 5. A person ~~Persons~~ exempt on a temporary basis where use
 43 of such toll facility is required as a detour route.

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

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

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

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

60 (c) The failure to pay a prescribed toll constitutes a
 61 noncriminal traffic infraction, punishable as a moving violation
 62 as provided in s. 318.18. The department may adopt rules
 63 relating to the payment, collection, and enforcement of tolls,
 64 as authorized in this chapter and chapters 316, 318, 320, and
 65 322, including, but not limited to, rules for the implementation
 66 of video or other image billing and variable pricing.

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

73 (3) A ~~Any handicapped~~ person with a disability who has a
 74 valid driver license, who operates a vehicle specially equipped
 75 for use by persons with disabilities ~~the handicapped~~, and who is

76 certified by a physician licensed under chapter 458 or chapter
 77 459 or by comparable licensing in another state or by the
 78 Adjudication Office of the United States Department of Veterans
 79 Affairs or its predecessor as being severely physically disabled
 80 and having permanent upper limb mobility or dexterity
 81 impairments that ~~which~~ substantially impair the person's ability
 82 to deposit coins in toll baskets, shall be allowed to pass free
 83 through all tollgates and over all toll bridges and ferries in
 84 this state. Such A person ~~who meets the requirements of this~~
 85 ~~subsection~~ shall, upon application, be issued a vehicle window
 86 sticker by the Department of Transportation.

87 Section 2. Paragraph (a) of subsection (3) of section
 88 338.26, Florida Statutes, is amended to read:

89 338.26 Alligator Alley toll road.—

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

- 92 1. To reimburse outstanding contractual obligations;
- 93 2. To operate and maintain the highway and toll
 94 facilities, including reconstruction and restoration;
- 95 3. To pay for those projects that are funded with
 96 Alligator Alley toll revenues and that are contained in the
 97 1993-1994 adopted work program or the 1994-1995 tentative work
 98 program submitted to the Legislature on February 22, 1994; and
 99 4. By interlocal agreement effective July 1, 2014, through
 100 no later than June 30, 2021, to reimburse a county or another

101 local governmental entity for the direct actual costs of
 102 operating the ~~To design and construct a~~ fire station at mile
 103 marker 63 on Alligator Alley, which may be used by a county or
 104 another local governmental entity to provide fire, rescue, and
 105 emergency management services to the public on Alligator Alley~~+~~
 106 ~~and~~

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

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

113 348.0004 Purposes and powers.—

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

125 (b) There is hereby created a cause of action for the

126 imposition of excess toll charges. Any person eligible for a
127 toll reduction as specified in paragraph (a), may bring a civil
128 action in a court of competent jurisdiction against a toll
129 authority for the value of toll credits that the person was to
130 have been credited. The court may award any person bringing an
131 action under this paragraph court costs and reasonable attorney
132 fees.

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