

14-100.002 Prosecution of Unpaid Toll Violations.

(1) Application and Scope. The purpose of this rule is to implement Section 316.1001, F.S., and provide guidance to toll enforcement officers for the issuance of Uniform Traffic Citations (UTC).

(a) It is in the public interest, fair to users who pay posted tolls, and necessary for toll collection and bond accountability, to enforce the payment of tolls and reduce the number of toll violations which occur when prescribed tolls are not paid by users of toll facilities. Failure to pay a prescribed toll is a violation of Section 316.1001, F.S. Violators of Section 316.1001, F.S., at Department owned or operated toll facilities are subject to issuance of a UTC by the Department, and those toll facilities owned by a public or private entity for which the Department collects tolls pursuant to an agreement authorized by Section 338.161(5), F.S.

(b) For a toll facility not part of the Florida Turnpike System or otherwise owned by the Department and subject to this rule, all applicable toll rates for the use of the toll facility shall be established by the applicable private or public entity owning or operating the toll facility in accordance with the owner or operator's governing laws, charters, ordinances, resolutions, rules, ~~and~~ procedures, or other toll rate determination. The private or public entity shall be responsible for establishing ~~such~~ toll rates on its own toll facilities.

(c) After exhausting all internal Department database records, the license plate number of a motor vehicle alleged to have committed a toll violation shall be entered into the Florida Department of Law Enforcement or the Department of Highway Safety and Motor Vehicles or other database to obtain the name and address of the registered owner for use in prosecution of toll violations.

(2) Issuance of a UTC.

(a) The registered owner of a motor vehicle, where the vehicle was observed proceeding through a facility at which the driver failed to pay the required toll, shall be subject to issuance of a UTC for a violation of Section 316.1001, F.S. Mailing the citation to the registered owner's address constitutes notification.

(b) A photographic image of a motor vehicle using a toll facility in violation of Section 316.1001, F.S., captured by the Violation Enforcement System (VES) camera at the toll lane, shall be grounds for issuance of a UTC to the registered owner of the motor vehicle alleged to be involved in the violation.

(c) Florida Turnpike Unpaid Toll Notice Receipt – Driver, SP050-A-006A, Rev. 07/05, and Florida Turnpike Unpaid Toll Notice Receipt – Department, SP050-A-006B, Rev. 07/05, signed by the driver, acknowledging and documenting inability to pay a required toll while in the toll lane or using the toll facility, where the driver fails to

send the toll amount as prescribed in the receipt within 10 calendar days, shall be grounds for the issuance of a UTC to the driver.

(d) Except as provided in Section 316.1001(2)(c), F.S., the registered owner of the motor vehicle involved in a toll violation is responsible for payment of the amount provided for in Section 318.18, F.S., in addition to any amount that is imposed as a result of a plea, finding of guilt, or other disposition. If the UTC was issued based on an unpaid toll notice receipt signed by the driver, the requirement of the establishment of this fact by the registered owner is inapplicable.

(3) Validation of Digital Photographic Evidence. The Department's toll enforcement officer(s), or his or her designee, shall review captured photographic images of motor vehicle license plates to ensure accuracy and data integrity. The toll enforcement officer(s), or designee, shall also verify that the toll collection system and VES were performing properly, were functional, and were in operation at the time of the alleged toll violation. The toll enforcement officer(s), or designee, shall review the transaction data to ensure that those transactions immediately prior and subsequent to the toll violation transaction were processed correctly. Upon final validation of violation data, the toll enforcement officer(s), or designee, may cause a UTC to be issued. The requirements of this paragraph do not apply to the issuance of a UTC by a toll enforcement officer that is based on an unpaid toll notice receipt signed by the driver and subsequent failure by the driver to properly remit payment. In that instance, a toll enforcement officer shall have knowledge of the procedures and internal controls in place for receiving, processing, and documenting such deferred payments, and shall issue a UTC based upon verification of the failure of the driver to properly remit payment.

(4) Response to a UTC.

(a) The UTC shall inform the registered owner that the motor vehicle registered in his or her name was observed proceeding through a toll facility at which the driver failed to pay the required toll, and provide the registered owner of the options to pay the fine, as well as instruction on how to contest the UTC.

(b) Upon receipt of a UTC, except as provided in Section 316.1001(2)(c), F.S., the registered owner of the motor vehicle involved in the violation is responsible for payment of the amount provided for in Section 318.18(7) or 318.14(12), F.S., in addition to any amount that is imposed as a result of a plea, finding of guilt, or other disposition.

(c) The requirements of paragraphs (4)(a) and (b), above do not apply where the issuance of the UTC is based on an unpaid toll notice receipt signed by the driver and subsequent failure by the driver to properly remit payment. In that instance, the UTC will inform the driver of that basis for the issuance of the UTC, and upon receipt of the UTC,

the driver who signed the unpaid toll notice receipt, and subsequently failed to properly remit payment, is responsible for payment of the amount provided for in Section 318.18(7) or 318.14(12), F.S., in addition to any amount that is imposed as a result of a plea, finding of guilt, or other disposition.

(5) Forms. The following forms are incorporated by reference and made a part of this rule:

Form Number	Date	Title
SP050-A-002	07/05	Uniform Traffic Citation
SP050-A-006A	07/05	Florida Turnpike Unpaid Toll Notice Receipt – Driver
SP050-A-006B	07/05	Florida Turnpike Unpaid Toll Notice Receipt – Department

Copies of these forms may be obtained from the Florida Department of Transportation, Toll Violation Enforcement, Post Office Box 880069, Boca Raton, Florida 33488-0069.

Rulemaking Authority 316.1001, 334.044(2), 338.155(1) FS. Law Implemented 316.1001, 334.044(28), 338.155, 338.165, 338.2216338.231 FS. History—New 8-13-00, Amended 8-6-02, 4-16-06, 2-19-14, _____.