

Approved:

Effective: November 18, 2015
Office: Emergency Management
Topic No.: 956-010-001-b


Department of Transportation

EMERGENCY RESPONDER TOLL PLAN

This Emergency Responder Toll Plan (“Plan”) establishes the emergency responder toll plan procedure for the Florida Department of Transportation (“Department”) and the Florida Turnpike Enterprise (“Turnpike”) and for all emergency responders using Florida toll facilities and delineates certain roles, responsibilities and authorities. If a natural or manmade disaster should occur in the State of Florida, easy access must be provided to all affected areas. All emergency responders must pay tolls to access the Florida toll facilities except as exempted pursuant to **Section 338.155 (1), Florida Statutes (F.S.)**, as set forth below. Due to technological advances in toll collection, paying and keeping track of tolls can be accomplished efficiently.

Section 338.155 Payment of toll on toll facilities required; exemptions.—

“(1) A person may not use any toll facility without payment of tolls, except employees of the agency operating the toll project when using the toll facility on official state business, state military personnel while on official military business, handicapped persons as provided in this section, persons exempt from toll payment by the authorizing resolution for bonds issued to finance the facility, and persons exempt on a temporary basis where use of such toll facility is required as a detour route. Any law enforcement officer operating a marked official vehicle is exempt from toll payment when on official law enforcement business. Any person operating a fire vehicle when on official business or a rescue vehicle when on official business is exempt from toll payment. Any person participating in the funeral procession of a law enforcement officer or firefighter killed in the line of duty is exempt from toll payment. The secretary or the secretary’s designee may suspend the payment of tolls on a toll facility when necessary to assist in emergency evacuation. The failure to pay a prescribed toll constitutes a noncriminal traffic infraction, punishable as a moving violation as provided in s. 318.18. The department may adopt rules relating to the payment, collection, and enforcement of tolls, as authorized in this chapter and chapters 316, 318, 320, and 322, including, but not limited to, rules for the implementation of video or other image billing and variable pricing. With respect to toll facilities managed by the department, the revenues of which are not pledged to repayment of bonds, the department may by rule allow the use of such facilities by public transit vehicles or by vehicles participating in a funeral procession for an active-duty military service member without the payment of tolls.”

AUTHORITY:

Section 20.23(3)(a), F.S., and Section 334.048(3), F.S.

OTHER STATUTORY REFERENCES AND APPLICABLE ORDERS:

- Section 316.1001, F.S., and Section 338.155, F.S.
- Chapter 252, F.S.
- Governor's Executive Orders or proclamations declaring a State of Emergency

This Plan applies to the use of Florida toll facilities by all emergency responders within the State of Florida subject to applicable law.

BACKGROUND:

Historically, tolls have been temporarily suspended in accordance with **Section 338.155 (1), F.S.**, to facilitate emergency response efforts that include the evacuation of citizens from areas likely to be impacted by significant natural or man-made disasters. Once the evacuations were conducted, normal toll operations would be reinstated and all vehicles, unless specifically exempted by **Section 338.155 (1), F.S.**, would be required to pay tolls. In order to assist emergency recovery efforts, tolls were waived for emergency responders. In the past, this led to a loss of revenue for the Department, which the Federal Emergency Management Agency ("FEMA") deemed to be ineligible for reimbursement.

DEFINITIONS:

Emergency Responder: Any federal, state, or local government employee, or representative of a private or non-profit entity who is tasked with responding to emergencies within the State of Florida. This includes government, private and non-profit entities from the State of Florida or from another U.S. State tasked with responding to an emergency within the State of Florida.

Federal Emergency Management Agency ("FEMA"): FEMA's mission is to reduce the loss of life and property and protect the nation from all hazards, including natural disasters, acts of terrorism, and other man-made disaster, by leading and supporting the nation in a risk based, comprehensive emergency management system of preparedness, protection, response, recovery, and mitigation.

Florida Division of Emergency Management ("FDEM"): FDEM manages the overall response and recovery efforts to natural and technological disasters in Florida.

Incident Command System ("ICS"): ICS is a common framework within which emergency responders work together effectively across the five major functional areas: Command, Operations, Planning Logistics, and Finance & Administration. ICS is based upon a flexible, scalable response.

Public Assistance Program: Is a program authorized by the Stafford Act through which FEMA awards grants to assist State and local governments and certain Nonprofit entities with the response to and recovery from disasters.

State Emergency Operations Center (“SEOC”): SEOC is the State level designated location where emergencies are managed.

State Emergency Response Team (“SERT”): SERT is a collective group of eighteen (18) Emergency Support Functions (“ESF”) at the SEOC under the management of the State Emergency Coordination Officer. The lead agency represents each ESF as part of the SERT.

SunPass Mini Transponder: The SunPass Mini Transponder is a decal-type transponder that is mounted to the windshield, usually behind the rear-view mirror. Once it is mounted, it cannot be removed from the vehicle and reused.

SunPass Portable Transponder: The SunPass Portable Transponder is mounted to the windshield usually behind the rear-view mirror. Because it uses suction cups to attach to the windshield, it can be removed and transferred to another vehicle for continued use.

SunPass Emergency Response Team: The Sunpass Emergency Response Team is a team of certain Turnpike designated personnel assisting in the distribution and procurement of SunPass Transponders in the event the normal supply chain is inadequate. The field locations are dependent on the need as established by Turnpike. The Turnpike designated field teams will handle distribution of SunPass Transponders after purchase of same and will provide activation assistance for the SunPass Transponders.

Transponders: For purposes of this Plan, SunPass Mini Transponder and SunPass Portable Transponder shall collectively be referred to herein, as “Transponder” or “Transponders” as the context may require.

1. TOLL PAYMENT OPERATIONS

To facilitate a safe and timely response to major natural or man-made disasters by emergency response personnel and agencies, the Turnpike has developed multiple methods for toll collection to ensure tolls are paid in an efficient manner on Florida’s toll facilities and bridges.

This plan will allow emergency responders full access to persons and critical infrastructure in the areas affected by the emergency, while preserving toll revenue. When tolls are paid by emergency responders who are officially tasked by SERT in response to a federally declared disaster, applications for reimbursement can be submitted to FEMA by the government or nonprofit entities of these emergency responders through the Public Assistance Program. By having emergency responders incur tolls and request reimbursement from FEMA for those tolls, emergency responders are eligible to recover those toll costs associated with responding to a disaster. In addition, this process allows the Department to be in compliance with statutory requirements for collecting tolls on Florida toll facilities. It also allows compliance with bond resolutions for toll facilities that have outstanding bond indentures.

The Turnpike collects approximately 80% of toll revenue through a transponder-based electronic toll collection system known as SunPass. Customers purchase a SunPass transponder and establish a prepaid account. As a customer passes through a toll facility, the lane equipment reads the transponder and records the transaction. The corresponding customer's SunPass account is debited for the toll payment.

SunPass Transponders may be purchased online at www.sunpass.com or at the following thousands of retail locations throughout the State of Florida:

- Turnpike service plazas and gas stations,
- SunPass Customer Service Centers on Florida's Turnpike,
 - Glades Road Interchange at Exit 75 in Boca Raton
 - Snapper Creek Service Plaza at Milepost 19 in Miami-Dade
- Florida Welcome Centers vending machines located on I-10, I-75 and I-95
- Publix Supermarkets, CVS Pharmacy stores, Walgreens, Amcscot Financial branches and AAA South regional offices in Florida.

Transponders can be activated, mounted and ready for use immediately. To activate, customers may contact the SunPass Service Center at 1-888-TOLL-FLA (865-5352); online via the SunPass website at <https://www.sunpass.com>; the SunPass Mobile app; or in-person at one of the SunPass Customer Service Centers.

2. EMERGENCY RESPONDERS

In the event that a unique storm or other event prevents the procurement of Transponders through the normal procurement methods outlined above, Turnpike has several contingency plans to expedite acquisition and activation of Transponders for emergency responders, as set forth below.

Turnpike has an existing inventory of Transponders reserved for emergency responders that can be purchased and quickly activated to allow emergency responders access to all Florida toll facilities. If multiple Transponders are required, Turnpike may create a commercial account and overnight the shipment of Transponders to the appropriate address.

The Turnpike maintains preparedness to deploy SunPass Emergency Response Teams to off-site locations and provide necessary resources to enable emergency responders to purchase Transponders for travel on Florida's toll facilities. Transponders purchased from the SunPass Emergency Response Team's staffed locations can be activated at those sites.

3. RECOMMENDED USE OF TRANSPONDER TYPES

3.1 RENTAL VEHICLES

It is recommended that emergency responders using rental vehicles purchase SunPass Portable Transponders. The SunPass Portable Transponder can be placed in the rental vehicle for tolling and no charge will be made to the rental car company. Upon completion of

the emergency response, the emergency responder is responsible for immediately removing Transponders from the rental vehicle. If a SunPass Mini Transponder is used, the emergency responder is responsible for immediately destroying the SunPass Mini Transponder upon completion of the emergency response in order to eliminate the risk of subsequent unauthorized use. Any Transponders left in rental vehicles after the completion of the emergency response are the responsibility of the emergency responder. Turnpike bears no responsibility or liability for any negative consequences resulting from any Transponders left in a vehicle after completion of an emergency response including, without limitation, any tolls incurred.

3.2 PERSONAL VEHICLES

It is recommended that emergency responders using personal vehicles purchase SunPass Mini Transponders.

3.3 AGENCY, COUNTY, OR COMPANY VEHICLES

It is recommended that emergency responders using agency, county or company vehicles purchase SunPass Mini Transponders.

4. POST EVENT RESPONSIBILITIES

After the emergency response, it is the emergency responder's responsibility to deactivate the SunPass account(s) and remove the Transponder from the subject vehicle windshield.

5. TRAINING

None Required.

6. FORMS

None required.