

RULES OF THE  
DUNES COMMUNITY DEVELOPMENT DISTRICT

**CHAPTER II**  
**TOLL BRIDGE AND TRANSPORTATION SYSTEM RULES: ESTABLISHING**  
**PROCEDURES, RATES AND CHARGES FOR TOLLING OPERATIONS AND**  
**TRANSPORTATION SYSTEM MAINTENANCE**

**EFFECTIVE AS OF NOVEMBER 12, 2021**

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2.1 **PURPOSE.**

The purpose of these Rules is to establish comprehensive regulations pertaining to the toll bridge and roadways owned and operated by the Dunes Community Development District (“District”); providing for and establishing rates and charges for the toll facility; providing definitions, including limitations and prohibited uses or practices; providing procedures for hearing disputes involving charges and discontinuation of service; providing for adjustments; providing an effective date.

2.2 **NECESSITY.**

To establish uniform and comprehensive regulations pertaining to the toll bridge and roadways owned and operated by the District.

2.3 **DEFINITIONS.**

The following terms and phrases, when used herein, shall have the meaning ascribed to them in this Section, except where the context clearly indicates a different meaning. Words used in the present terms shall include the future, and the singular number includes the plural, and the plural the singular.

- (1) **BOARD OF SUPERVISORS:** The governing board of the District, whose powers and authority are established by Chapter 190 of the Florida Statutes cited as the “Uniform Community Development District Act of 1980” (hereinafter, “Chapter 190”).
- (2) **CUSTOMER:** Any person, firm, association, corporation, governmental agency or similar organization supplied with the use of the toll bridge and roadways owned and operated by the District.
- (3) **DISTRICT:** The District as defined below in 2.3.8.
- (4) **DISTRICT MANAGER:** The manager of the District whose authority and responsibilities are established by Chapter 190 of the Florida Statutes and as may be prescribed by the Board of Supervisors.
- (5) **EASEMENTS:** Rights of ingress, egress, dedications, rights of way, conveyances or other property interests necessary or incidental to the installation, extension, repair, maintenance, construction or reconstruction of District’s transportation

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system or any components thereof, over or upon customer's property.

- (6) ENGINEER: The appointed head of the Engineering Department of the District or his authorized representatives or a consulting engineering firm retained by the District to perform some or all duties of the engineer.
- (7) FINANCE DIRECTOR: The appointed head of Finance of the District, or his authorized representative. The Finance Director may also be the District Manager or his/her designee.
- (8) DUNES COMMUNITY DEVELOPMENT DISTRICT: A political subdivision of the State of Florida, created pursuant to Chapter 190 of the Florida Statutes.
- (9) RATE SCHEDULE: The schedule or schedules of rates or charges for the particular classification of service adopted and attached as Form A to this Chapter.
- (10) SERVICE: Shall be construed to include, in addition to all transportation systems by the customer the readiness and ability on the part of the District to furnish access to its transportation services including tolling facilities and vehicular as well as non-motorized transportation networks use for transportation purposes to the customer.
- (11) TERMS "SHALL" AND "MAY": As used herein, the word "may" is permissive, and the word "shall" is mandatory.
- (12) DUNES CDD TRANSPORTATION SYSTEM: Shall be defined as the Hammock Dunes Bridge over the Intra-coastal waterway, Hammock Dunes Parkway, Camino Del Mar from A1A easterly to the intersection of Hammock Dunes Parkway, together with any and all appurtenant facilities, approaches, and avenues of access.

## 2.4 GENERAL POWERS.

- (1) DUNES CDD TRANSPORTATION SYSTEM: The District created and established by the provisions of this part is granted and shall have the right to acquire, hold, construct, improve, maintain, operate, own, and lease all or any part of the Dunes CDD Transportation System, hereinafter referred to as the "System."
- (2) CONSTRUCT: It is the express intention of this part that the District, in the construction of the System, be authorized to construct any extensions, additions, or improvements to the System or appurtenant facilities, including all necessary

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approaches and avenues of access, with such changes, modifications, or revisions of the project as are deemed desirable and proper.

- (4) COLLECT TOLLS: To fix, alter, charge, establish, and collect tolls, rates, fees, rentals, and other charges for the services and facilities of the System, which tolls, rates, fees, rentals, and other charges must always be sufficient to comply with any covenants made with the holders of any bonds issued pursuant to this part.
- (5) BORROW: To borrow money and make and issue bonds.
- (6) CONTRACT: To make contracts of every name and nature and to execute all instruments necessary or convenient for the carrying on of its business, including entering into contracts for the services of consultants to perform planning, engineering, legal, or other appropriate services of a professional nature, subject to the requirements of applicable law.
- (7) APPLY FOR GRANTS: Without limitation of the foregoing, to borrow money and accept grants from, and to enter into contracts, including interlocal agreements, leases, or other transactions, with any federal agency, the state, or any political subdivision thereof, any agency of the state, County, or any other public body of the state, including pursuant to Florida Statute 348.973. For purposes of the foregoing, the District shall have the right to apply for, receive, and participate in, any and all grants, advances, and technical support provided by any federal agency or the department, the division, the county, or other political subdivision, agency, or instrumentality of the state to local governmental entities, special districts, expressway or transportation authorities, road and bridge districts, special road and bridge districts, metropolitan transportation authorities, and other public subdivisions, agencies, and instrumentalities of the state pursuant to the Florida Transportation Code, in connection with the State Highway System as outlined under §335 Fla. Stat. or otherwise.
- (8) PLEDGE: To pledge, hypothecate, or otherwise encumber all or any part of its receipts as security for all or any of the obligations of the District.
- (9) NECESSARY: To do all acts and things necessary or convenient for the conduct of its business and the general welfare of the District in order to carry out the powers granted to it by this part or any other law.
- (9) BONDS: Bonds may be issued on behalf of the System by the District.

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- (10) WEBSITE: Maintain a website for payment and information with various terms and conditions.

**2.5 APPLICATION FOR ACCOUNT SERVICE.**

Account Service shall be furnished only upon signed application accepted by District and the conditions of such application are binding upon the customer as well as upon the District. To obtain service, application shall be made at the District in the place or places designated by the District Manager. Applications are accepted by the District with the understanding that there is no obligation on the part of the District to render service other than that which is then available from its existing System. Application for service required by firms, partnerships, associations, corporations and others, shall be tendered only by duly authorized parties. When service is rendered under agreement or agreements entered into between the District and an agent of the principal, the use of such service by the principal shall constitute full and complete ratification by the principal of the agreement or agreements entered into between the District and an agent of the principal under which such service is rendered.

- 2.6 DETERMINATION OF APPLICABLE TOLL RATE:** Effective immediately, the District will operate under various rate schedules adopted by the Board of Supervisors. The schedule or schedules of rates or charges for the particular classification of service adopted is attached as Form A to this Chapter. In accordance with §338.155(4), Fla. Stat., the toll rates will be posted at the Toll Bridge Office and the District's official website.

**2.7 PAYMENT OF TOLL ON TOLL FACILITIES REQUIRED:**

(1) FAILURE TO PAY TOLL. In accordance with §316.1001, Fla. Stat., A person may not use any toll facility without payment of tolls, except as provided in §338.155, Fla. Stat. (and as further explained under 2.8 of these Rules). Failure to pay a prescribed toll is a noncriminal traffic infraction, punishable as a moving violation under Chapter 318, Fla. Stat.

(2) ENFORCEMENT. For the purpose of enforcing this section, the District, defined as a "Governmental Entity" as defined under §334.03(11), Fla. Stat., which owns and operates a toll facility, by rule or ordinance, hereby authorizes a toll enforcement officer to issue a uniform traffic citation for a violation of this section of the Rules of the District. Toll enforcement officer means the designee of a governmental entity, such as the District, whose authority is to enforce the payment of tolls. The District may designate toll enforcement officers pursuant to §316.640, Fla. Stat. The District Manager shall designate the Bridge Manager and/or Assistant Bridge Manager or a specific employee as the toll enforcement officer(s) as approved by the Board. The toll enforcement officer shall enforce the collection of tolls pursuant to Florida law.

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(3) COMPLIANCE. The District shall adhere to the provisions and requirements as set forth under Chapter 316.1001, Fla. Stat. as it pertains to this section of the Rules of the District.

**2.8 PAYMENT OF TOLL ON TOLL FACILITIES REQUIRED; EXEMPTIONS**

(1) EXEMPTIONS. In accordance with Florida Statute §338.155, a person may not use a toll facility without payment of tolls, except:

1. State military personnel while on official military business.
2. A person with a disability as defined under §338.155(3), Florida Statute and/or any disabled person as provided under the Beverly Chapman Act.
3. A person exempt from toll payment by the authorizing resolution for bonds issued to finance the facility.
4. A person exempt on a temporary basis where use of such toll facility is required as a detour route.
5. A law enforcement officer operating an official vehicle while on official law enforcement business.
6. A person operating a fire vehicle while on official business or a rescue vehicle while on official business.
7. A person participating in the funeral procession of a law enforcement officer or firefighter killed in the line of duty.
8. Nothing in this section or this rule prevents the Board, at its discretion, from issuing or allowing exemptions as it sees fit and determines is in the best interest of the District or continuity of services.

(2) SUSPENSION OF TOLLS. The District Manager or the District Manager's designee may suspend the payment of tolls on a toll facility when necessary to implement with the following directives:

1. Assist in emergency evacuation.
2. 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.
3. Allow the use of an automobile or other vehicle belonging to the Department of Military Affairs used for transporting military personnel, stores, and property, when properly identified, shall, together with any such conveyance and military personnel and property of the state in his or her charge.
4. Allow a person with a disability who has a valid driver license, who operates a vehicle specially equipped for use by persons with disabilities as defined under Florida Statute §338.155(d).
5. The District may follow any directives from federal, state and local authorities as to the suspending of tolls in a natural disaster emergency.
6. Suspension of tolls can be established by the Board of Supervisors for a special

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event or any other event the Board of Supervisors deems appropriate.

7. The District Manager or his Designee may temporarily suspend tolls due to situations they deem appropriate.

(3) NOTICE. A copy of §338.155, Fla. Stat., shall be posted at the Hammock Dunes Bridge.

(4) NONCRIMINAL TRAFFIC INFRACTION. The failure to pay a prescribed toll shall be deemed a noncriminal traffic infraction and punishable in accordance with §318.18, Fla. Stat. and subject to payment collection and toll enforcement as authorized under chapters 316, 318, 320 and 322 of the Florida Statutes.

## **2.9 LIMITATIONS OF USE**

(1) PURPOSE. Tolls purchased from the District shall be used by the customer only for the purpose specified in the application for service.

(2) RESTRICTIONS. The customer shall not sell or otherwise dispose of such use supplied by the District.

## **2.10 PROTECTION OF DISTRICT PROPERTY**

(1) It is the responsibility of every driver over the District's System to ensure all material/equipment is secured on its respective vehicles.

(2) "Responsible Party" is defined as any person who operates and otherwise has control over a motor vehicle at the time of spilling of falling road debris while driving on the Hammock Dunes Bridge or any part of the Dunes CDD Transportation System.

(3) It is the responsibility of the Responsible Party to insure it immediately reports any spilling or road debris or any other foreign materials on District Property to the Hammock Dunes Bridge Management at the following contact: Hammock Dunes Bridge Service Center located at the toll plaza.

(4) In the event of any incident that causes damage to the District property, whether intentionally or negligently, the Responsible Party will be responsible for any and all expenses incurred for cleaning up any spills, debris or material left behind and shall be solely responsible for the cost of any and all property repairs.

**2.11 CONTINUITY OF SERVICE.** The District will at all times use reasonable diligence to provide continuous service, and having used reasonable diligence, shall not be liable to the customer for failure or interruption of continuous service. The District shall not be liable for any act or omission caused directly or indirectly by strikes, labor troubles, accident,

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litigations, breakdowns, shutdowns for repairs or adjustments, acts of sabotage, enemies of the United States, wars, governmental interference, acts of God or other causes beyond its control.

**2.12 CUSTOMER REMOVAL FROM PROPERTY FOR ADVERSE ACTIONS.**

(1) Any customer verbally harassing a District employee or engaging in aggressive or abusive behavior will be asked to leave the property immediately by any Supervisor or Manager. Refusal of the customer to leave the property will prompt District personnel to contact local authorities. Any customer physically abusing any District employee will be subject to arrest and prosecution at the employee's request.

(2) Aggressive or abusive behavior includes language (whether verbal or written) that may cause staff to objectively or subjectively feel afraid, threatened or abused and may include threats, personal verbal abuse, derogatory remarks and rudeness. Also, inflammatory statements, remarks of a discriminatory nature and unsubstantiated allegations are considered abusive behavior. Where a customer is aggressive or abusive, the District may proceed utilizing an array of remedies, including, but not limited to, the following:

- a. Advise the customer that the District considers their actions offensive, unnecessary and unhelpful and ask them to stop;
- b. Terminate telephone calls, cancel appointments, revoke meetings or withdraw any further interaction with the customer;
- c. Terminate all direct contact with the customer;
- d. Notify the Flagler County Sheriff's Office or State Law Enforcement (This will always be the case if physical violence is used or threatened); and
- e. Take any other action the District considers appropriate under the circumstances.

**2.13 TERMINATION OF SERVICE.**

(1) All tolling service shall be pursuant to proper permit or application; which procedure accords the District the opportunity to provide for orderly expansion of facilities and regulation thereof in a manner calculated to ensure continuous service to all customers. Inherent in this obligation is the governmental prerogative of necessity to terminate service which is adverse to the continuous, orderly and uninterrupted operation and maintenance of its tolling service. Accordingly, the District reserves the right by unilateral act and in its sole discretion, to refuse service, or to terminate service temporarily, or to discontinue service in all instances when conditions exist which would constitute an emergency of public concern, or when the providing of any service would constitute a threat to the safety, health or welfare of customers generally or a significant portion of the customer population.



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(2) When discontinuance or termination of service can be remedied by an act of the customer, District shall provide written notice of remedial action to the customer in order that service may be continued uninterrupted. The customer shall complete remedial action within ten (10) working business days after the District provides customer notice. Acts considered to be remedial by the customer, and for which service may be temporarily terminated, discontinued or interrupted are listed as follows:

- a. Failure to pay for service as described in Section 14 under these Chapter II, Rules of the District.
- b. Failure of customer to meet provisions of agreements with the District.
- c. Use of service for any other property or purpose than described in the permit or application.
- d. When requested by customer, in which case resumption of service shall be accomplished in accordance with District policy as herein provided.

(3) The District reserves the right by unilateral act and in its sole discretion to refuse service, terminate service temporarily, or to discontinue service without notice under the following circumstances:

- a. Causing, or allowing to exist, a hazardous condition with respect to the location, use of, or access to any tolling service or component.
- b. Alteration or modification of any transmission or tolling component or device used in providing any tolling service to the customer. Any such unauthorized use, if fraudulent, may result in criminal prosecution and may result in restitution of revenue lost to the District as a condition to restoration of service, including costs of repair or restoration of any tolling equipment or components to normal service condition, as shall be determined by District.
- c. Total or partial destruction of, or abandonment of, any structure, including any act for a duration which, in District's sole opinion, may create a hazardous or unsafe condition or constitute a nuisance. The District will be authorized to contact the Flagler County Sheriff's Office or any law enforcement agency as needed to investigate and eliminate the problem.

**2.14 AMENDMENTS TO RATE SCHEDULE.** The Rate schedule are attached hereto as Form A, being identified as: Toll Rates. This Rate Schedule may be amended from time to time by the Board of Supervisors in accordance with Chapter 190, Fla. Stat., and the contractual agreements of the District.

**2.15 ROADWAYS.**

(1) PURPOSE. The following rules, regulations and procedures will serve as guidance when seeking to improve existing roadways or to develop new roadways that cross the District's land, lots and/or borders. It is intended that these rules and regulations will provide a uniform means for processing and approving requests or applications for

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construction, development, use and/or maintenance of District roadways.

(2) DEFINITIONS.

- a. CONVEYANCE. *See* Grant.
- b. DEVELOPER. A party that improves land with labor and/or capital on behalf of and for the District.
- c. EASEMENT. Rights of ingress, egress, dedications, rights of way, conveyances or other property interests necessary or incidental to the installation, extension, repair, maintenance, construction or reconstruction of District's transportation system or any components thereof, over or upon customer's property.
- d. FACILITIES. The District owns various forms of Facilities, such as its bridge and roadways, acquired to render actions, operations, or activities more manageable, practicable and easier for the intended user.
- e. GRANT. Differentiated from a mere license, a Grant passes interest to another in the lands of which it embraces and must be conveyed by an instrument in writing.
- f. IMPROVEMENTS. A valuable addition made to property or land or an enhancement in its condition, amounting to more than mere repairs or replacement of waste, which costs labor or capital, and which the District intends will enhance value and utility or to adapt it for new or further purpose.
- g. LICENSE. Permission by competent written evidence of authority accorded by the District conferring the right to do some act which without such authorization would be illegal, unauthorized or would be qualified as a trespass or tort.
- h. RIGHT OF WAY. The right of passage or of way imposed by law, by agreement or by virtue of which one has a right to pass.
- i. ROADWAY. A transportation corridor used for vehicular access, including but not limited to, ditches, spillways, clear areas, widenings for passage, etc.
- j. ROADWAY EASEMENT. A transportation corridor used for the construction, use and maintenance of Roadways within the District.

(3) EASEMENTS, LICENSES AND RIGHTS OF WAY. As a prerequisite to the construction or installation of any Improvements proposed to be connected or associated to the Facilities of the District, the Developer must agree to Grant or Convey to the District all Easements, Licenses or Rights of way as may be required or necessary by the District as it may pertain or affect the proposed Facilities. The District, in its sole discretion, will consent or disapprove new Roadway construction.

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(4) PERMITS. If new Roadway construction or Improvements are approved by the District, Developer must obtain all necessary, required and obligatory permits, licenses, authorization, certifications, document or any other state or local authorities to commence construction Improvements. Developer shall be responsible for proper handling, management, maintenance and operation of labor to facilitate the Roadway Easements within the District. The Developer shall also be solely responsible to obtain all necessary documents for such Roadway Easements or Improvements such as survey, land documents, and lot or landowner written consent, if applicable. Roadways permitted under these rules and approved by the District shall be constructed using appropriate and recognized State and Federal accepted construction standards.

(5) SATISFACTION. Any Grant or Conveyance as defined under 2.15.3 herein, must be in writing and in the form satisfactory to the District in its sole and exclusive discretion.

(6) DEVELOPER'S LAND. Such Grant or Conveyance, when located on the property of the Developer, must be made without any cost, fees or expense to the District. District reserves the right to require such Easement, License or Right of way to the point at which the District deems appropriate, being the point at which the Facilities of District join with consumers.

(7) FINALIZATION. Such Easements, License and Right of way shall be Conveyed and accepted by the District upon completion, approval and acceptance of the work done by Developer. The District shall be held harmless for all permitted labor and activity within the Roadway Easement or Improvements.

**2.16 SEVERABILITY**. If any section, subsection, sentence, clause, phrase, or portion of this Rule is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Specific Authority: §§ 190.011(5); 190.011(15), 120.54, Fla. Stat.

Law Implemented: §§ 190.11, 190.012(d)1, 316, 316.640, 318, 318.14(12), 318.18, 318.18(7), 320, 322, 335, 338.155, 338.155(4), 334.03, 334.03(11), 348.973, Fla. Stat.

Revisions:

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**“FORM A”**

**RATE SCHEDULE\***

**Toll Rates –**

**CURRENT TOLL FEES as of October 1, 2012**

All Vehicles One Way Trip:

2 axles.....	\$2.00
3 axles.....	\$3.00
4 axles.....	\$3.50
5+ axles.....	\$5.00

No toll in the westbound direction.

**EXPRESSCARD & DECAL DISCOUNTS**

ExpressCard Account holders with prepaid accounts receive discounted travel across the Hammock Dunes Bridge according to the following schedule:

2 axles.....	\$0.50
3 axles.....	\$0.75
4 axles.....	\$0.88
5+ axles.....	\$1.25

No toll in the westbound direction.

\*Toll rates are subject to change.

The District may from time to time decide to implement promotional rates as it deems appropriate. The use of promotional programs such as the BridgePass Loyalty Card are completely at the District’s discretion and are implemented and terminated by Board Action.

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**Additional Fees –**

The District reserves the right to impose a charge for ExpressCards, window decals and/or any form of device used to pay tolls to cross the Hammock Dunes Bridge. The fees would be according to the following schedule:

**Personal/ Residential accounts** – up to a total of six devices at no charge when the account is first opened. After the device limit is reached, additional devices would be charged a fee up to a maximum of \$5.00 per device.

**Business/Corporate accounts** – up to a total of ten devices at no charge when the account is first opened. After the device limit is reached, additional devices would be charged a fee up to a maximum of \$5.00 per device.

The District reserves the right to amend this fee at its discretion. Individual cases will be considered for extenuating circumstances.

History: Adopted November 12, 2021.