

By Senator Gelber

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1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 119.071, F.S.; providing exemptions from the public-
 4 records law for personal identifying information held
 5 by a public transit provider and used to facilitate
 6 the purchase of prepaid fare cards and for information
 7 indicating the location or travel patterns of persons
 8 using fare cards; providing for future repeal and
 9 legislative review of the exemptions under the Open
 10 Government Sunset Review Act; providing a statement of
 11 public necessity; providing an effective date.

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 13 Be It Enacted by the Legislature of the State of Florida:

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 15 Section 1. Present paragraph (i) of subsection (5) of
 16 section 119.071, Florida Statutes, is redesignated as paragraph
 17 (j), and a new paragraph (i) is added to that subsection, to
 18 read:

19 119.071 General exemptions from inspection or copying of
 20 public records.—

21 (5) OTHER PERSONAL INFORMATION.—

22 (i)1. Personal identifying information that is provided to,
 23 acquired by, or in the possession of a public transit provider,
 24 as defined in s. 341.031, for the purpose of prepaying transit
 25 fares or acquiring a prepaid transit fare card or similar
 26 device, and information that indicates the location,
 27 whereabouts, or travel patterns of a person using a prepaid
 28 transit fare card or similar device, are confidential and exempt
 29 from s. 119.07(1) and s. 24(a), Art. I of the State

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30 Constitution.

31 2. This paragraph is subject to the Open Government Sunset
32 Review Act in accordance with s. 119.15, and shall stand
33 repealed on October 2, 2015, unless reviewed and saved from
34 repeal through reenactment by the Legislature.

35 Section 2. The Legislature finds that it is a public
36 necessity that personal identifying information held by a public
37 transit provider for the purpose of facilitating the prepayment
38 of transit fares be made confidential and exempt from public-
39 records requirements in order to protect the privacy of the
40 public. The exemption puts individuals who prepay transit fares
41 using a prepaid transit fare card on an equal footing with those
42 who pay cash. Allowing individuals to use a prepaid transit fare
43 card is a more efficient and effective system for collecting
44 transit fares, and not only saves individuals time in accessing
45 the transit system in comparison with individuals who pay cash,
46 but also costs significantly less to administer. The Legislature
47 also finds that it is a public necessity that information that
48 indicates the location or travel patterns of persons using
49 transit fare cards or similar devices be made confidential and
50 exempt from public-records requirements in order to protect the
51 privacy of individuals and promote the right of individuals to
52 be let alone from unreasonable governmental intrusion.

53 Section 3. This act shall take effect July 1, 2010.