

By Senator Fasano

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1 A bill to be entitled
2 An act relating to public records; amending s.
3 338.155, F.S.; revising an exemption from public
4 records requirements for personal identifying
5 information provided to, acquired by, or in the
6 possession of the Department of Transportation, a
7 county, or an expressway authority for the purpose of
8 paying, prepaying, or collecting tolls; providing a
9 finding of public necessity; providing an effective
10 date.

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

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14 Section 1. Subsection (6) of section 338.155, Florida
15 Statutes, is amended to read:

16 338.155 Payment of toll on toll facilities required;
17 exemptions.—

18 (6) Personal identifying information, including, but not
19 limited to, the name, address, credit card or debit number, bank
20 and account information, or other personal financial
21 information, provided to, acquired by, or in the possession of
22 the Department of Transportation, a county, or an expressway
23 authority for the purpose of paying, prepaying, or collecting
24 tolls and other amounts due for the use of toll facilities ~~using~~
25 ~~a credit card, charge card, or check for the prepayment of~~
26 ~~electronic toll facilities charges to the department, a county,~~
27 ~~or an expressway authority~~ is exempt from s. 119.07(1) and s.
28 24(a), Art. I of the State Constitution.

29 Section 2. The Legislature finds that it is a public

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30 necessity to provide an exemption from s. 119.07(1), Florida
31 Statutes, and s. 24(a), Article I of the State Constitution for
32 personal identifying information about individuals, including,
33 but not limited to, the name, address, credit or debit card
34 number, bank and account information, or other personal
35 financial information, which is provided to, acquired by, or in
36 the possession of the Department of Transportation, a county, or
37 an expressway authority for the purpose of paying for the use of
38 toll facilities by any means of payment. The exemption puts
39 individuals who pay tolls after usage of a toll facility using
40 video billing on equal footing with individuals who prepay by
41 check, credit or debit card, or who pay cash at the toll booth.
42 The exemption protects the health and safety of the public by
43 keeping confidential information as to the whereabouts of
44 individuals as they use the toll-collection system. The
45 exemption promotes the use of the electronic toll-collection
46 system, which is a more efficient and effective collection
47 system for tolls, because paying by video billing or prepaying
48 for tolls by check, debit card, or credit card not only saves an
49 individual time in passing through the toll facilities, in
50 comparison with an individual who pays cash, but also costs much
51 less to administer. Furthermore, the exemption protects the
52 privacy of an individual and promotes the right to be let alone
53 from unreasonable governmental intrusion by prohibiting the
54 public disclosure of private information about the finances and
55 location of the individual using the toll-collection system.

56 Section 3. This act shall take effect July 1, 2012.