

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 held by the Department of Transportation,  
 6           a county, or an expressway authority for the purpose  
 7           of paying, prepaying, or collecting tolls and other  
 8           amounts due for the use of toll facilities; providing  
 9           for future repeal and legislative review of the  
 10          exemption under the Open Government Sunset Review Act;  
 11          providing a finding of public necessity; providing an  
 12          effective date.

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

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

18           338.155 Payment of toll on toll facilities required;  
 19           exemptions.—

20           (6) (a) Personal identifying information held by ~~provided~~  
 21           ~~to, acquired by, or in the possession of~~ the Department of  
 22           Transportation, a county, or an expressway authority for the  
 23           purpose of paying, prepaying, or collecting tolls and other  
 24           amounts due for the use of toll facilities ~~using a credit card,~~  
 25           ~~charge card, or check for the prepayment of electronic toll~~  
 26           ~~facilities charges~~ to the department, a county, or an expressway  
 27           authority is exempt from s. 119.07(1) and s. 24(a), Art. I of  
 28           the State Constitution.

29           (b) This subsection is subject to the Open Government  
30 Sunset Review Act in accordance with s. 119.15 and shall stand  
31 repealed on October 2, 2017, unless reviewed and saved from  
32 repeal through reenactment by the Legislature.

33           Section 2. The Legislature finds that it is a public  
34 necessity to exempt personal identifying information about  
35 individuals which is held by the Department of Transportation, a  
36 county, or an expressway authority for the purpose of paying for  
37 use of toll facilities by any means of payment. The exemption  
38 puts individuals who pay with TOLL-BY-PLATE (video billed) on  
39 equal footing with individuals who pay by a check, charge card,  
40 or credit card, or who pay cash at the toll booth. The exemption  
41 protects the health and safety of the public by making exempt  
42 information as to the whereabouts of individuals as they use the  
43 toll road system. The exemption promotes the use of the  
44 electronic toll collection system, which is a more efficient and  
45 effective government collection system for tolls, because paying  
46 by TOLL-BY-PLATE (video billed) or paying for tolls by check,  
47 charge card, or credit card not only saves individuals time in  
48 passing through the toll facilities, in comparison with  
49 individuals who pay cash, but also costs much less to  
50 administer. Further, the exemption protects the privacy of  
51 individuals and promotes the right to be let alone from  
52 unreasonable government intrusion by prohibiting the public  
53 disclosure of private information about the finances and  
54 location of the individual using the toll road system.

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