

By Senator Evers

2-01584-13

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1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 338.155, F.S.; clarifying provisions; providing that
 4 personal identifying information about individuals
 5 related to the payment of tolls, which is held by the
 6 Department of Transportation and certain other
 7 entities, is exempt from public records requirements;
 8 providing for future legislative review and repeal of
 9 the exemption under the Open Government Sunset Review
 10 Act; providing legislative findings and 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. Subsection (6) of section 338.155, Florida
 16 Statutes, is amended to read:

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

19 (6)(a) Personal identifying information of drivers who use
 20 toll facilities in this state which is held by ~~provided to,~~
 21 ~~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 associated
 24 administrative charges ~~using a credit card, charge card, or~~
 25 ~~check for the prepayment of electronic toll facilities charges~~
 26 ~~to the department, a county, or an expressway authority~~ is
 27 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 28 Constitution.

29 (b) This subsection is subject to the Open Government

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30 Sunset Review Act in accordance with s. 119.15 and shall stand
31 repealed on October 2, 2018, unless reviewed and saved from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 from s. 119.07(1) and s. 24(a), Art. I of
35 the State Constitution personal identifying information about
36 individuals which is held by the Department of Transportation, a
37 county, or an expressway authority in connection with the
38 payment, prepayment, or collection of tolls. The exemption puts
39 individuals who pay with the TOLL-BY-PLATE system on equal
40 footing with those who prepay with a check, charge card, credit
41 card or pay cash at the toll booth. The exemption also protects
42 the public by exempting information about an individual's use of
43 the toll road system. The exemption promotes the use of the
44 electronic toll collection system, which is a more efficient and
45 effective collection system for tolls because the use of the
46 TOLL-BY-PLATE system or prepaying with a check, charge card, or
47 credit card saves an individual time in passing through toll
48 facilities, compared to those who pay cash, and costs less to
49 administer. The exemption also protects the privacy of
50 individuals and promotes the right to be free from unreasonable
51 government intrusion by prohibiting the public disclosure of
52 private information about an individual's finances and location.

53 Section 3. This act shall take effect July 1, 2013.