

20131424e1

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

28 (b) This subsection is subject to the Open Government
29 Sunset Review Act in accordance with s. 119.15 and shall stand

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30 repealed on October 2, 2018, unless reviewed and saved from
31 repeal through reenactment by the Legislature.

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

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