

By Senator Evers

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1 A bill to be entitled
2 An act relating to public records; amending s.
3 338.155, F.S.; providing an exemption from public
4 records requirements for personal identifying
5 information held by the Department of Transportation,
6 a county, a municipality, or an expressway authority
7 for the purpose of paying, prepaying, or collecting
8 tolls and associated administrative charges for the
9 use of toll facilities; providing for future
10 legislative review and repeal of the exemption under
11 the Open Government Sunset Review Act; providing a
12 statement of public necessity; providing an effective
13 date.

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

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

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

21 (6) Personal identifying information held by ~~provided to,~~
22 ~~acquired by, or in the possession of~~ the Department of
23 Transportation, a county, a municipality, or an expressway
24 authority for the purpose of paying, prepaying, or collecting
25 tolls and associated administrative charges for the use of ~~using~~
26 ~~a credit card, charge card, or check for the prepayment of~~
27 ~~electronic toll facilities charges to the department, a county,~~
28 ~~or an expressway authority~~ is exempt from s. 119.07(1) and s.
29 24(a), Art. I of the State Constitution. This subsection is

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30 subject to the Open Government Sunset Review Act in accordance
31 with s. 119.15 and shall stand repealed on October 2, 2019,
32 unless reviewed and saved from repeal through reenactment by the
33 Legislature.

34 Section 2. The Legislature finds that it is a public
35 necessity to exempt from s. 119.07(1), Florida Statutes, and s.
36 24(a), Article I of the State Constitution, personal identifying
37 information of individuals held by the Department of
38 Transportation, a county, a municipality, or an expressway
39 authority for the purpose of paying, prepaying, or collecting
40 tolls and associated administrative charges for the use of toll
41 facilities. The exemption puts individuals who pay for tolls by
42 TOLL-BY-PLATE, which uses photographic images of the vehicle
43 license plate for billing purposes, on equal footing with
44 individuals who prepay for tolls by check, debit card, or credit
45 card, or who pay for tolls with cash at the toll booth. The
46 exemption protects the health and safety of the public by making
47 exempt information regarding the location, travel patterns, and
48 travel activity of individuals who use the toll road system. The
49 exemption protects the anonymity of all individuals on toll
50 roads, not just cash customers, regardless of the method they
51 use to pay tolls. The exemption also thereby promotes the use of
52 the more efficient and effective electronic toll collection
53 system, since paying for tolls by TOLL-BY-PLATE or prepaying for
54 tolls by check, debit card, or credit card not only saves
55 individuals time when passing through the toll facilities,
56 compared to individuals who pay for tolls with cash, but also
57 costs much less for the state to administer. Further, the
58 exemption protects an individual's right to privacy by

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59 prohibiting the public disclosure of private information about
60 the finances and location of an individual using the toll road
61 system.

62 Section 3. This act shall take effect upon becoming a law.