

By the Committee on Governmental Oversight and Accountability;
and Senator Evers

585-02220-14

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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 application of
10 the exemption; providing for future legislative review
11 and repeal of the exemption under the Open Government
12 Sunset Review Act; providing a statement of public
13 necessity; providing an effective 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 exemption applies

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30 to personal identifying information held by the department, a
31 county, a municipality, or an expressway authority before, on,
32 or after the effective date of the exemption. This subsection is
33 subject to the Open Government Sunset Review Act in accordance
34 with s. 119.15 and shall stand repealed on October 2, 2019,
35 unless reviewed and saved from repeal through reenactment by the
36 Legislature.

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

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59 compared to individuals who pay for tolls with cash, but also
60 costs much less for the state to administer. Further, the
61 exemption protects an individual's right to privacy by
62 prohibiting the public disclosure of private information about
63 the finances and location of an individual using the toll road
64 system.

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