

1                                   A bill to be entitled  
 2           An act relating to public records; amending s.  
 3           338.155, F.S., relating to the payment of tolls and  
 4           associated charges; providing an exemption from public  
 5           records requirements for personal identifying  
 6           information; providing for future legislative review  
 7           and repeal of the exemption; providing a statement of  
 8           public necessity; providing an effective date.

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

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

14           338.155 Payment of toll on toll facilities required;  
 15   exemptions.—

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

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

27 repealed on October 2, 2019, unless reviewed and saved from  
28 repeal through reenactment by the Legislature.

29 Section 2. The Legislature finds that it is a public  
30 necessity to exempt from s. 119.07(1), Florida Statutes, and s.  
31 24(a), Article I of the State Constitution personal identifying  
32 information about individuals held by the Department of  
33 Transportation, a county, a municipality, or an expressway  
34 authority for the purpose of paying, prepaying, or collecting  
35 tolls and associated administrative charges due for the use of  
36 toll facilities. The exemption puts individuals who pay for  
37 tolls by TOLL-BY-PLATE, which is video billed, on equal footing  
38 with individuals who pay for tolls by check, debit card, or  
39 credit card, or who pay cash at the toll booth. The exemption  
40 protects the health and safety of the public by making exempt  
41 information regarding the locations, travel patterns, and travel  
42 activity of individuals as they use the toll road system. The  
43 exemption protects the anonymity of all travelers on toll roads,  
44 not just cash customers, regardless of the method of payment of  
45 tolls. The exemption also thereby promotes the use of the  
46 electronic toll collection system, which is a more efficient and  
47 effective government collection system for tolls, because paying  
48 for tolls by TOLL-BY-PLATE, which is video billed, or paying for  
49 tolls by check, debit card, or credit card not only saves  
50 individuals time when passing through the toll facilities,  
51 compared to individuals who pay for tolls with cash, but also  
52 costs much less to administer. Further, the exemption protects

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53 the privacy of individuals and promotes their right to be let  
54 alone from unreasonable government intrusion by prohibiting the  
55 public disclosure of private information about the finances and  
56 location of the individual using the toll road system.

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