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CS/HB 7007

2014 Legislature

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 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 retroactive application of  
 7 the exemption; providing for future legislative review  
 8 and repeal of the exemption; providing a statement of  
 9 public necessity; providing an effective date.

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

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

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

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

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30 with s. 119.15 and shall stand repealed on October 2, 2019,  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

33 Section 2. The Legislature finds that it is a public  
34 necessity to exempt from s. 119.07(1), Florida Statutes, and s.  
35 24(a), Article I of the State Constitution personal identifying  
36 information about individuals held by the Department of  
37 Transportation, a county, a municipality, or an expressway  
38 authority for the purpose of paying, prepaying, or collecting  
39 tolls and associated administrative charges due for the use of  
40 toll facilities. The Legislature also finds that it is a public  
41 necessity that this exemption apply to personal identifying  
42 information held by the Department of Transportation, a county,  
43 a municipality, or an expressway authority before, on, or after  
44 the effective date of the exemption. The exemption puts  
45 individuals who pay for tolls by TOLL-BY-PLATE, which is video  
46 billed, on equal footing with individuals who pay for tolls by  
47 check, debit card, or credit card, or who pay cash at the toll  
48 booth. The exemption protects the health and safety of the  
49 public by making exempt information regarding the locations,  
50 travel patterns, and travel activity of individuals as they use  
51 the toll road system. The exemption protects the anonymity of  
52 all travelers on toll roads, not just cash customers, regardless

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53 of the method of payment of tolls. The exemption also thereby  
54 promotes the use of the electronic toll collection system, which  
55 is a more efficient and effective government collection system  
56 for tolls, because paying for tolls by TOLL-BY-PLATE, which is  
57 video billed, or paying for tolls by check, debit card, or  
58 credit card not only saves individuals time when passing through  
59 the toll facilities, compared to individuals who pay for tolls  
60 with cash, but also costs much less to administer. Further, the  
61 exemption protects the privacy of individuals and promotes their  
62 right to be let alone from unreasonable government intrusion by  
63 prohibiting the public disclosure of private information about  
64 the finances and location of the individual using the toll road  
65 system.

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