

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

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

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

18 338.155 Payment of toll on toll facilities required;
 19 exemptions.—

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

29 (b) This subsection is subject to the Open Government
30 Sunset Review Act in accordance with s. 119.15 and shall stand
31 repealed on October 2, 2017, unless reviewed and saved from
32 repeal through reenactment by the Legislature.

33 Section 2. The Legislature finds that it is a public
34 necessity to exempt personal identifying information about
35 individuals which is held by the Department of Transportation, a
36 county, or an expressway authority for the purpose of paying for
37 use of toll facilities by any means of payment. The exemption
38 puts individuals who pay with TOLL-BY-PLATE (video billed) on
39 equal footing with individuals who pay by a check, charge card,
40 or credit card, or who pay cash at the toll booth. The exemption
41 protects the health and safety of the public by making exempt
42 information as to the whereabouts of individuals as they use the
43 toll road system. The exemption promotes the use of the
44 electronic toll collection system, which is a more efficient and
45 effective government collection system for tolls, because paying
46 by TOLL-BY-PLATE (video billed) or paying for tolls by check,
47 charge card, or credit card not only saves individuals time in
48 passing through the toll facilities, in comparison with
49 individuals who pay cash, but also costs much less to
50 administer. Further, the exemption protects the privacy of
51 individuals and promotes the right to be let alone from
52 unreasonable government intrusion by prohibiting the public
53 disclosure of private information about the finances and
54 location of the individual using the toll road system.

55 Section 3. This act shall take effect July 1, 2012.