

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: SB 1424

INTRODUCER: Senator Evers

SUBJECT: Public Records/Personal Identifying Information/Payment of Tolls

DATE: March 13, 2013                      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Eichin	TR	<b>Pre-meeting</b>
2.	_____	_____	GO	_____
3.	_____	_____	RC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

SB 1424 expands an existing public records exemption for the personal identifying information of drivers who pay tolls by using a transponder and an associated prepaid account to drivers who pay tolls using electronic toll facility video invoicing.

This bill amends section 338.155 of the Florida Statutes.

**II. Present Situation:**

Current law provides a public records exemption for the personal identifying information of users of toll facilities who pay their tolls by using a transponder and an associated prepaid account established with the Department of Transportation (FDOT) or other expressway authorities. These accounts are generally established and kept current by periodic deposits into the account, by customer check or credit card, from which the customer's tolls are deducted as incurred. The current exemption states:

Personal identify information provided to, acquired by, or in the possession of the Department of Transportation, a county, or an expressway authority for the purpose of using a credit card, charge card, or check for the prepayment of toll facilities charges to the department, a county, or an expressway authority is exempt from s. 119.07(1) and s. 24(a), Art. I of the State constitution.<sup>1</sup>

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<sup>1</sup> Section 338.155(6), F.S.

FDOT is currently engaged in statewide elimination of cash toll booths and transitioning to an all-electronic toll collection system. As part of the transition and in addition to prepaid accounts, FDOT offers a video billing system, known as Toll-By-Plate, under which an image of the customer's tag is taken when passing through a toll lane, and the customer receives an invoice for tolls incurred, plus an administrative charge to cover the costs of processing and mailing the invoice. These customers similarly may pay Toll-By-Plate invoices with checks, credit cards, and debit cards, etc., but the personal identifying information of these customers is not exempted under current public records provisions.

### **III. Effect of Proposed Changes:**

The bill expands the current exemption by removing reference to the customer's method of payment; i.e., credit card, charge card, or check, and instead provides protection of any person's personal identifying information for the purpose of paying, prepaying, or collecting tolls and associated administrative charges. Protection of personal identifying information is expanded to Toll-By-Plate customers. The privacy of toll customers is protected, regardless of the type of account established or the method of toll payment.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

##### *Vote Requirement*

Section 24(c), Art. I of the Florida Constitution requires a two-thirds vote of the members present and voting in each house of the Legislature for passage of a newly created public records or public meetings exemption. Because this bill creates a new public records exemption for the personal identifying information of individuals not previously exempted, it requires a two-thirds vote for passage.

##### *Public Necessity Statement*

Section 24(c), Art. I of the Florida Constitution requires a public necessity statement for a newly created public records or public meetings exemption. Because this bill creates a new public records exemption, it includes a public necessity statement.

##### *Single Subject Requirement*

Section 24(c), Art. I of the Florida Constitution requires the Legislature to create public records exemptions in legislation separate from substantive law changes. The bill complies with that requirement.

#### **C. Trust Funds Restrictions:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

SB 1424 will protect the personal identifying information of Toll-By-Plate customers, in addition to that of prepaying customers.

**C. Government Sector Impact:**

SB 1424 allows toll authorities to protect the personal identifying of Toll-By-Plate customers, in addition to that of prepaying customers.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.