F L O R I D A   H O U S E   O F   R E P R E S E N T A T I V E S

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 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 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.
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11   Be It Enacted by the Legislature of the State of Florida:
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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30 | with s. 119.15 and shall stand repealed on October 2, 2019,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.

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