

BILL

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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 other
 8 amounts due for the use of toll facilities; providing
 9 for future repeal and legislative review of the
 10 exemption under the Open Government Sunset Review Act;
 11 providing a finding of public necessity;; providing an
 12 effective date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

15
 16 Section 1. Section 1. Subsection (6) of section
 17 338.155, Florida 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 other
 24 amounts due for the use of toll facilities ~~using a credit card,~~
 25 ~~charge card, or check for the prepayment of electronic toll~~
 26 ~~facilities charges~~ to the department, a county, or an expressway
 27 authority is exempt from s. 119.07(1) and s. 24(a), Art. I of
 28 the State Constitution.

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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 31 repealed on October 2, 2017, unless reviewed and saved from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 credit card or who pay cash at the toll booth. The exemption
 41 protects the health and safety of the public by keeping
 42 confidential information as to the whereabouts of individuals as
 43 they use the toll road system. The exemption promotes the use of
 44 the electronic toll collection system, which is a more efficient
 45 and effective government collection system for tolls, because
 46 paying by TOLL-BY-PLATE (video billed) or paying for tolls by
 47 check, charge card, or credit card not only saves individuals
 48 time in 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.