

## CHAPTER 2014-217

### Committee Substitute for House Bill No. 7007

An act relating to public records; amending s. 338.155, F.S., relating to the payment of tolls and associated charges; providing an exemption from public records requirements for personal identifying information; providing for retroactive application of the exemption; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

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

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

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

(6) ~~Personal identifying information held by provided to, acquired by, or in the possession of the Department of Transportation, a county, a municipality, or an expressway authority for the purpose of paying, prepaying, or collecting tolls and associated administrative charges due for the use of using a credit card, charge card, or check for the prepayment of electronic 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. This exemption applies to such information held by the Department of Transportation, a county, a municipality, or an expressway authority before, on, or after the effective date of the exemption. This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2019, unless reviewed and saved from repeal through reenactment by the Legislature.~~

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

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

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

Approved by the Governor June 20, 2014.

Filed in Office Secretary of State June 20, 2014.