

MEMORANDUM

Agenda Item No. 11(A)(3)

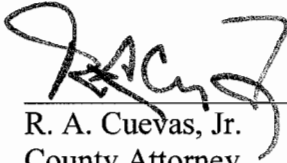
TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: October 20, 2009

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT Resolution urging the Florida Legislature to provide a public records exemption for personal identifying information including account information, location and travel patterns related to pre-paid transit fare systems, such as Miami-Dade County's EASY Card System

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.



R. A. Cuevas, Jr.
County Attorney

RAC/jls



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners **DATE:** October 20, 2009

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 11(A)(3)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(3)
10-20-09

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO PROVIDE A PUBLIC RECORDS EXEMPTION FOR PERSONAL IDENTIFYING INFORMATION INCLUDING ACCOUNT INFORMATION, LOCATION AND TRAVEL PATTERNS RELATED TO PRE-PAID TRANSIT FARE SYSTEMS, SUCH AS MIAMI-DADE COUNTY'S EASY CARD SYSTEM

WHEREAS, EASY Card is a new system for paying transit fares when using Metrobus or Metrorail; and

WHEREAS, EASY Card is a plastic card designed for up to three years use that allows passengers to pay transit fares simply by tapping the EASY Card on Metrorail fare gates and Metrobus fare boxes; and

WHEREAS, EASY Card allows a person to load up to \$150 in monetary value or a 1-Day, 7-Day or 1-Month pass on an EASY Card using cash, a credit card, an ATM card or debit card; and

WHEREAS, EASY Card eliminates the need for paper transfers, and promises improved reliability, ease of use, reductions in lost revenue and improved ridership statistical data; and

WHEREAS, to acquire an EASY Card, a person must create an account online, use a ticket vending machine at a Metrorail station, or visit an EASY Card sales outlet or the Transit Service Center at the Government Center Metrorail station; and

WHEREAS, in 1996, the Florida Legislature passed section 338.155(6), Florida Statutes, which provided a public records exemption related to transponders for electronic toll collection systems, such as SunPass for personal identifying information, including a person's whereabouts,

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travel patterns and information contained on an application for a SunPass or other transponder;
and

WHEREAS, the Legislature justified this public records exemption by finding that the exemption protected the privacy of the public by putting persons who use SunPass and other transponders on an equal footing with persons who pay cash at toll booths and therefore created no records; and

WHEREAS, EASY Card presents similar concerns as SunPass related to privacy regarding information about a person's whereabouts and travel patterns on Metrorail and Metrobus as well as information a person provides to create an EASY Card account; and

WHEREAS, all bank account numbers and debit, charge and credit card numbers are already exempt from disclosure under Florida's public records laws, but other information contained in an EASY Card application as well as records related to a person's whereabouts and travel patterns are not exempt from public records laws; and

WHEREAS, a public records exemption is necessary to place EASY Card users on an equal footing with people who pay cash for Metrorail and Metrobus,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature to provide a public records exemption for personal identifying information including location and travel patterns as well as account information related to pre-paid transit fare systems, such as Miami-Dade County's EASY Card system.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, and the Chair and Members of the Miami-Dade County State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the passage of the legislation set forth in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2010 State Legislative Package.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

- | | |
|---------------------------------|--------------------|
| Dennis C. Moss, Chairman | |
| Jose "Pepe" Diaz, Vice-Chairman | |
| Bruno A. Barreiro | Audrey M. Edmonson |
| Carlos A. Gimenez | Sally A. Heyman |
| Barbara J. Jordan | Joe A. Martinez |
| Dorin D. Rolle | Natacha Seijas |
| Katy Sorenson | Rebeca Sosa |
| Sen. Javier D. Souto | |

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of October, 2009. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

JMM

Jess M. McCarty