

By Senator Posey

24-93-05

1 A bill to be entitled

2 An act relating to public records; creating an

3 exemption from public-records requirements for

4 information obtained by the Department of

5 Financial Services in connection with the

6 receipt of private donations for programs or

7 activities the donor believes is inadequately

8 funded; providing for future legislative review

9 and repeal; providing a statement of public

10 necessity; providing an effective date.

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

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14 Section 1. Public-records exemption for receipt of

15 private-donation information.--

16 (1) Except as otherwise provided by this section,

17 information received by the Department of Financial Services

18 in connection with the receipt of private donations for

19 programs or activities the donor believes are inadequately

20 funded, is exempt and confidential from section 119.07(1) and

21 Section 24(a), Article I of the State Constitution.

22 (2) Information of the designated program or activity,

23 and the amount of the proposed donation, shall remain exempt

24 and confidential from section 119.07(1) and Section 24(a),

25 Article I of the State Constitution until the Legislature has

26 enacted a budget for the next fiscal year. If information

27 about the proposed program or activity or the amount of the

28 donation were to become public the information may have an

29 adverse impact upon the Legislature's deliberative process

30 such that the budgetary funding for the designated program or

31 activity might be diminished by the Legislature anticipating

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

1 that the private donation would make up the difference between
2 what the Legislature is willing to appropriate and what the
3 program or activity needs. After the Legislature has passed
4 the budget for the fiscal year, the Department of Financial
5 Services shall release all information concerning the
6 designated donations as public records.

7 (3) If the Department of Financial Services receives a
8 request for information that is exempt and confidential under
9 subsection (2), the department shall communicate to the person
10 or entity requesting the information the reason disclosure is
11 prohibited under subsection (2).

12 (4) This section is subject to the Open Government
13 Sunset Review Act of 1995 in accordance with section 119.15,
14 Florida Statutes, and shall stand repealed on October 2, 2010,
15 unless reviewed and saved from repeal through reenactment by
16 the Legislature.

17 Section 2. The Legislature finds that it is a public
18 necessity that information received concerning a private
19 donation by the Department of Financial Services be
20 confidential and exempt from section 119.07(1), Florida
21 Statutes, and Section 24(a) of Article I of the State
22 Constitution until the Legislature has enacted a budget for
23 the next fiscal year. The public necessity exists to the
24 extent that disclosure might jeopardize the Legislature
25 properly funding the program or activity thereby minimizing
26 the impact the private donation might have on the adequate
27 funding of the program or activity.

28 Section 3. This act shall take effect July 1, 2005.
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SENATE SUMMARY

Creates an exemption from public-records requirements for information obtained by the Department of Financial Services in connection with private donations made for programs or activities the donor believes is inadequately funded. Provides for future legislative review and repeal of the exemption.