

ENROLLED  
 HB 853

2007 Legislature

1                                   A bill to be entitled  
 2           An act relating to public records; amending s. 267.1736,  
 3           F.S.; providing an exemption from public records  
 4           requirements for certain donor and prospective donor  
 5           information involving state-owned properties in a historic  
 6           district in the City of St. Augustine; providing for  
 7           future legislative review and repeal under the Open  
 8           Government Sunset Review Act; providing a statement of  
 9           public necessity; providing a contingent 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 (9) is added to section 267.1736,  
 14 Florida Statutes, as created by HB 851, 2007 Regular Session, to  
 15 read:

16           267.1736 Direct-support organization.--

17           (9) (a) The identity of a donor or prospective donor to the  
 18 direct-support organization who desires to remain anonymous, and  
 19 all information identifying such donor or prospective donor, is  
 20 confidential and exempt from the provisions of s. 119.07(1) and  
 21 s. 24(a), Art. I of the State Constitution; and that anonymity  
 22 must be maintained in the auditor's report. The university and  
 23 the Auditor General shall have access to all records of the  
 24 direct-support organization upon request.

25           (b) This subsection is subject to the Open Government  
 26 Sunset Review Act in accordance with s. 119.15 and shall stand  
 27 repealed on October 2, 2012, unless reviewed and saved from  
 28 repeal through reenactment by the Legislature.

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29           Section 2. The Legislature finds a public necessity in  
30 protecting the identity of donors and prospective donors to the  
31 direct-support organization authorized to assist the University  
32 of Florida in carrying out its dual historic preservation and  
33 historic preservation education purposes and responsibilities  
34 for the various state-owned properties within the historic  
35 district currently subleased by the Department of State to the  
36 City of St. Augustine for management. This protection will  
37 enable the direct-support organization to effectively and  
38 efficiently administer the promotion, preservation, and public  
39 education efforts related to these state-owned properties. The  
40 purpose of the exemption is to honor the request for anonymity  
41 of donors or prospective donors to the not-for-profit  
42 corporation and thereby encourage donations from individuals and  
43 entities that might otherwise decline to contribute. Without the  
44 exemption, potential donors may be dissuaded from contributing  
45 to the direct-support organization because such donors fear  
46 being harmed by the release of sensitive financial information.  
47 Difficulty in soliciting donations would hamper the ability of  
48 the direct-support organization to carry out its marketing,  
49 promotion, education, and preservation activities and would  
50 hinder fulfillment of the goal of the state in maintaining these  
51 state-owned properties and in preserving, promoting, and  
52 advancing historic preservation of these properties through  
53 funding by both the public sector and the private sector.

54           Section 3. This act shall take effect on the same date  
55 that HB 851 or similar legislation takes effect, if such

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56 | legislation is adopted in the same legislative session or an  
57 | extension thereof and becomes law.