

1 A bill to be entitled
 2 An act relating to public records; amending s. 292.055,
 3 F.S.; providing an exemption from public records
 4 requirements for the identity of a donor or prospective
 5 donor to a direct-support organization of the Department
 6 of Veterans' Affairs and all information identifying such
 7 donor or prospective donor; providing for specified access
 8 to records of the direct-support organization; providing
 9 for review and repeal of the exemption; providing a
 10 statement of public necessity; providing an effective
 11 date.

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

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 15 Section 1. Subsection (6) of section 292.055, Florida
 16 Statutes, as created by HB 861, 2008 Regular Session, is amended
 17 to read:

18 292.055 Direct-support organization.--
 19 (6) ~~ACTIVITIES; RESTRICTIONS; PUBLIC RECORDS EXEMPTION.--~~

20 (a) Any transaction or agreement between the direct-
 21 support organization organized pursuant to this section and
 22 another direct-support organization or other entity must be
 23 approved by the executive director of the department.

24 (b)1. The identity of a donor or prospective donor to the
 25 direct-support organization who desires to remain anonymous, and
 26 all information identifying such donor or prospective donor is
 27 confidential and exempt from the provisions of s. 119.07(1) and
 28 s. 24(a), Art. I of the State Constitution. Such anonymity shall

HB 863

2008

29 be maintained in the auditor's report. The department and the
30 Auditor General shall have access to all records of the direct-
31 support organization upon request.

32 2. This paragraph is subject to the Open Government Sunset
33 Review Act in accordance with s. 119.15 and shall stand repealed
34 on October 2, 2013, unless reviewed and saved from repeal
35 through reenactment by the Legislature.

36 Section 2. It is the finding of the Legislature that it is
37 a public necessity to protect the identity of donors and
38 prospective donors to a direct-support organization authorized
39 under s. 292.055, Florida Statutes, to assist the Department of
40 Veterans' Affairs in carrying out its mission of advocating for,
41 and providing benefits and services to, veterans of the United
42 States Armed Forces. Protection of the identity of donors and
43 prospective donors to the direct-support organization will
44 enable the direct-support organization to effectively and
45 efficiently administer the benefits and services it provides.
46 Historically, the Department of Veterans' Affairs has focused on
47 providing services to veterans who served in World War II,
48 Korea, and Vietnam and whose needs have included assisted living
49 facilities, long-term care, and cemeteries. As part of this
50 traditional role, the department is also charged with the
51 responsibility of operating and maintaining state veterans'
52 nursing homes. As more such homes are built and the facilities
53 age, the department's costs for operation and maintenance
54 continue to increase. However, the mission of the Department of
55 Veterans' Affairs has changed since troops have begun returning
56 from service in the Global War on Terror. The past 2 years have

57 seen the influx of a younger group of returning servicemembers
58 comprised of over 150,000 veterans of Operation Iraqi Freedom
59 and Operation Enduring Freedom who list Florida as their home of
60 record. These veterans and their families have needs that
61 include, but are not limited to, assistance in obtaining
62 employment, educational opportunities, and vocational
63 rehabilitation. So while the department's commitment to older
64 veterans continues, the department finds that it must diversify
65 the services it offers to accommodate the expanding scope of the
66 needs of all veterans. Consequently, the department must
67 constantly seek new sources of revenue to support increased
68 costs without relying solely upon the taxpayers and the general
69 revenue of the state. The purpose of the exemption from public
70 records requirements is to ensure that the request for anonymity
71 of donors or prospective donors to the not-for-profit
72 corporation is honored, thereby encouraging donations from
73 individuals and entities that might otherwise decline to
74 contribute. Without the exemption, potential donors may be
75 reluctant or unwilling to contribute to the direct-support
76 organization for fear of the harmful effects that may result
77 from the release of sensitive financial information. Difficulty
78 in soliciting donations would hamper the ability of the direct-
79 support organization to carry out its activities and would
80 hinder fulfillment of the goals of the department and the
81 direct-support organization which can only be accomplished
82 through obtaining necessary funding from both public-sector and
83 private-sector sources.

HB 863

2008

84 Section 3. This act shall take effect on the same date
85 that HB 861 or similar legislation takes effect, if such
86 legislation is adopted in the same legislative session or an
87 extension thereof and becomes law.