

ENROLLED  
CS/HB 863

2008 Legislature

1                                   A bill to be entitled  
2           An act relating to public records and meetings; amending  
3           s. 292.055, F.S.; providing an exemption from public  
4           records requirements for information concerning certain  
5           donors and prospective donors to the direct-support  
6           organization of the Department of Veterans' Affairs;  
7           providing an exemption from public meeting requirements  
8           for portions of meetings of the direct-support  
9           organization at which the identity of donors and  
10          prospective donors is discussed; providing for future  
11          legislative review and repeal of the exemption under the  
12          Open Government Sunset Review Act; providing a statement  
13          of public necessity; providing a contingent effective  
14          date.

15  
16   Be It Enacted by the Legislature of the State of Florida:

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18           Section 1. Subsection (9) is added to section 292.055,  
19          Florida Statutes, as created by HB 861, 2008 Regular Session, to  
20          read:

- 21           292.055 Direct-support organization.--  
22           (9) CONFIDENTIALITY OF DONORS.--  
23           (a) The identity of a donor or prospective donor to the  
24           direct-support organization who desires to remain anonymous, and  
25           all information identifying such donor or prospective donor, is  
26           confidential and exempt from the provisions of s. 119.07(1) and  
27           s. 24(a), Art. I of the State Constitution.  
28           (b) Portions of meetings of the direct-support

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29 organization during which the identity of donors or prospective  
 30 donors is discussed are exempt from the provisions of s. 286.011  
 31 and s. 24(b), Art. I of the State Constitution.

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 34 repealed on October 2, 2013, unless reviewed and saved from  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

36 Section 2. The Legislature finds that it is a public  
 37 necessity to exempt from public records requirements the  
 38 identity of donors and prospective donors to the direct-support  
 39 organization authorized to assist the Department of Veterans'  
 40 Affairs in carrying out its function to serve the military  
 41 veterans of this state. The ability to protect the identity of  
 42 donors and prospective donors will enable the direct-support  
 43 organization to effectively and efficiently administer the  
 44 promotion and public-education efforts of the direct-support  
 45 organization related to the goal of assisting veterans who  
 46 return from recent conflicts. The purpose of the exemption is to  
 47 honor the request for anonymity of donors or prospective donors  
 48 to the not-for-profit corporation, thereby encouraging donations  
 49 from individuals and entities that might otherwise decline to  
 50 contribute. Without the exemption, potential donors may be  
 51 dissuaded from contributing to the direct-support organization  
 52 for fear of being harmed by the release of sensitive financial  
 53 information. Difficulty in soliciting donations would hamper the  
 54 ability of the direct-support organization to carry out its  
 55 education and rehabilitation activities to promote and advance a  
 56 veteran's reintegration into the community through both public-

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57 sector and private-sector funding. Further, the Legislature  
58 finds that it is a public necessity to exempt from public  
59 meeting requirements that portion of a meeting of the direct-  
60 support organization at which the identity of a donor or  
61 prospective donor is discussed. The failure to close that  
62 portion of a meeting at which such information is discussed  
63 would defeat the purpose of the public records exemption and  
64 could result in the release of the identity of a donor or  
65 prospective donor, thus leading to a reduction in donations and  
66 the subsequent hindrance of the effective and efficient  
67 operation of this governmental program.

68 Section 3. This act shall take effect July 1, 2008, if  
69 House Bill 861, or similar legislation establishing a direct-  
70 support organization for the Department of Veterans' Affairs, is  
71 adopted in the same legislative session or an extension thereof  
72 and becomes law.