

By Senator Ring

32-00033-09

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1                   A bill to be entitled  
2           An act relating to public records; defining the term  
3           "publicly owned building or facility"; creating an  
4           exemption from public-records requirements for  
5           information that identifies a donor or prospective  
6           donor of a donation made for the benefit of a publicly  
7           owned building or facility if the donor desires to  
8           remain anonymous; providing for future legislative  
9           review and repeal of the exemption under the Open  
10          Government Sunset Review Act; providing a statement of  
11          public necessity; providing an effective date.

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

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15           Section 1. Confidentiality of certain donor information  
16 related to a publicly owned building or facility.—

17           (1) As used in this section, the term "publicly owned  
18 building or facility" means a building or facility the title to  
19 which is vested in the state or a political subdivision of the  
20 state.

21           (2) If a donor or prospective donor of a donation made for  
22 the benefit of a publicly owned building or facility desires to  
23 remain anonymous, information that would identify the name,  
24 address, or telephone number of that donor or prospective donor  
25 is confidential and exempt from s. 119.07(1), Florida Statutes,  
26 and s. 24(a), Art. I of the State Constitution.

27           (3) This section is subject to the Open Government Sunset  
28 Review Act in accordance with s. 119.15, Florida Statutes, and  
29 shall stand repealed on October 2, 2014, unless reviewed and

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30 saved from repeal through reenactment by the Legislature.

31 Section 2. The Legislature finds that it is a public  
32 necessity that information that would identify the name,  
33 address, or telephone number of a donor or prospective donor of  
34 a donation made for the benefit of a publicly owned building or  
35 facility be made confidential and exempt from public-records  
36 requirements if the donor or prospective donor desires to remain  
37 anonymous. In order to encourage private investment in publicly  
38 owned buildings or facilities, it is a public necessity to  
39 promote the giving of gifts to, and the raising of private funds  
40 for, the acquisition, renovation, rehabilitation, and operation  
41 of publicly owned buildings or facilities. An essential element  
42 of a robust plan of promoting the giving of private gifts and  
43 the raising of private funds is the need to protect the identity  
44 of prospective and actual donors who desire to remain anonymous.  
45 If the identity of prospective and actual donors who desire to  
46 remain anonymous is subject to disclosure, there is a chilling  
47 effect on donations because donors are concerned about  
48 disclosure of personal information leading to theft and, in  
49 particular, identity theft, including personal safety and  
50 security. Therefore, the Legislature finds that it is a public  
51 necessity to make confidential and exempt from public-records  
52 requirements information that would identify a donor or  
53 prospective donor of a donation made for the benefit of a  
54 publicly owned building or facility if the donor or prospective  
55 donor wishes to remain anonymous.

56 Section 3. This act shall take effect July 1, 2009.