

2009166er

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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.

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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29 shall stand repealed on October 2, 2014, unless reviewed and

2009166er

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.