

1                   A bill to be entitled  
 2           An act relating to public records; defining the term  
 3           "publicly owned performing arts center"; creating an  
 4           exemption from public records requirements for any record  
 5           or information that reveals the name, address, or  
 6           telephone number of a donor or prospective donor of funds  
 7           or property made for the benefit of a publicly owned  
 8           performing arts center if the donor desires to remain  
 9           anonymous; providing for future legislative review and  
 10          repeal of the exemption under the Open Government Sunset  
 11          Review Act; providing a statement of public necessity;  
 12          providing an effective date.

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

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 16           Section 1. Public records exemption; identifying  
 17 information of donors to publicly owned performing arts center.-

18           (1) As used in this section, "publicly owned performing  
 19 arts center" means a facility that:

20           (a) Consists of at least 200 seats.

21           (b) Is owned and operated by the state or a political  
 22 subdivision of the state.

23           (c) Is used and occupied to promote development of any or  
 24 all of the performing, visual, or fine arts, or any or all  
 25 matters relating thereto, and to encourage and cultivate public  
 26 and professional knowledge and appreciation of the arts.

27           (2) Any record or information, or portions thereof, that  
 28 reveals the name, address, or telephone number of a donor or

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29 prospective donor of funds or property for the benefit of a  
30 publicly owned performing arts center who desires to remain  
31 anonymous is confidential and exempt from s. 119.07(1), Florida  
32 Statutes, and s. 24(a), Article I of the State Constitution.

33 (3) This section is subject to the Open Government Sunset  
34 Review Act in accordance with s. 119.15, Florida Statutes, and  
35 shall stand repealed on October 2, 2015, unless reviewed and  
36 saved from repeal through reenactment by the Legislature.

37 Section 2. The Legislature finds that it is a public  
38 necessity that any record or information that reveals the name,  
39 address, or telephone number of a donor or prospective donor of  
40 funds or property made for the benefit of a publicly owned  
41 performing arts center be made confidential and exempt from  
42 public records requirements if the donor or prospective donor  
43 desires to remain anonymous. In order to encourage private  
44 investment in publicly owned performing arts centers, it is a  
45 public necessity to promote the giving of gifts to, and the  
46 raising of private funds for, the acquisition, renovation,  
47 rehabilitation, and operation of publicly owned performing arts  
48 centers. An essential element of a robust plan of promoting the  
49 giving of private gifts and the raising of private funds is the  
50 need to protect the identity of prospective and actual donors  
51 who desire to remain anonymous. If the identities of prospective  
52 and actual donors who desire to remain anonymous are subject to  
53 disclosure, there is a chilling effect on donations because  
54 donors have legitimate concerns about the disclosure of personal  
55 information possibly leading to theft and, in particular,  
56 identity theft. They are also justifiably concerned about the

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57 possibility that such disclosure could jeopardize their personal  
58 safety and security. Therefore, the Legislature finds that it is  
59 a public necessity to make confidential and exempt from public  
60 records requirements any record or information that reveals the  
61 name, address, or telephone number of a donor or prospective  
62 donor of funds or property made for the benefit of a publicly  
63 owned performing arts center if the donor or prospective donor  
64 wishes to remain anonymous.

65 Section 3. This act shall take effect July 1, 2010.