

By Senator Ring

32-01223-10

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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
5 information that identifies a donor or prospective
6 donor of a donation made for the benefit of a publicly
7 owned performing arts center 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 performing arts center.-

17 (1) As used in this section, the term "publicly owned
18 performing arts center" means a facility consisting of at least
19 200 seats, owned and operated by the state or a political
20 subdivision of the state, which is used and occupied to promote
21 development of any or all of the performing, visual, or fine
22 arts or any or all matters relating thereto and to encourage and
23 cultivate public and professional knowledge and appreciation of
24 the arts.

25 (2) If a donor or prospective donor of a donation made for
26 the benefit of a publicly owned performing arts center desires
27 to remain anonymous, information that would identify the name,
28 address, or telephone number of that donor or prospective donor
29 is confidential and exempt from s. 119.07(1), Florida Statutes,

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30 and s. 24(a), Article I of the State Constitution.

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33 shall stand repealed on October 2, 2015, unless reviewed and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

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

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59 prospective donor wishes to remain anonymous.

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