

By the Committee on Commerce; and Senator Ring

577-04359-10

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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 a county or municipality, which  
20 is used and occupied to promote development of any or all of the  
21 performing, visual, or fine arts or any or all matters relating  
22 thereto and to encourage and cultivate public and professional  
23 knowledge and appreciation of the arts.

24           (2) If a donor or prospective donor of a donation made for  
25 the benefit of a publicly owned performing arts center desires  
26 to remain anonymous, information that would identify the name,  
27 address, or telephone number of that donor or prospective donor  
28 is confidential and exempt from s. 119.07(1), Florida Statutes,  
29 and s. 24(a), Article I of the State Constitution.

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32 shall stand repealed on October 2, 2015, unless reviewed and  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

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

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