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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; amending s. 272.136,  
11          F.S.; creating an exemption from public-records  
12          requirements for information identifying a donor or  
13          prospective donor to the direct-support organization  
14          of the Legislative Research Center and Museum at the  
15          Historic Capitol; providing for future legislative  
16          review and repeal of the exemption under the Open  
17          Government Sunset Review Act; providing a statement of  
18          public necessity; providing an effective date.

19  
20   Be It Enacted by the Legislature of the State of Florida:

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22           Section 1. Confidentiality of certain donor information  
23 related to a publicly owned performing arts center.—

24           (1) As used in this section, the term “publicly owned  
25 performing arts center” means a facility consisting of at least  
26 200 seats, owned and operated by a county or municipality, which  
27 is used and occupied to promote development of any or all of the  
28 performing, visual, or fine arts or any or all matters relating  
29 thereto and to encourage and cultivate public and professional

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30 knowledge and appreciation of the arts.

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

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39 shall stand repealed on October 2, 2015, unless reviewed and  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

41 Section 2. Subsection (7) is added to section 272.136,  
42 Florida Statutes, to read:

43 272.136 Direct-support organization.—The Legislative  
44 Research Center and Museum at the Historic Capitol and the  
45 Capitol Curator may establish a direct-support organization to  
46 provide assistance and promotional support through fundraising  
47 for the Florida Historic Capitol and the Legislative Research  
48 Center and Museum, including, but not limited to, their  
49 educational programs and initiatives.

50 (7) (a) The identity of a donor or prospective donor to the  
51 direct-support organization who desires to remain anonymous and  
52 all information identifying such donor or prospective donor is  
53 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
54 of the State Constitution. Such anonymity shall be maintained in  
55 any auditor's report created pursuant to the annual financial  
56 audits required under subsection (5).

57 (b) This subsection is subject to the Open Government  
58 Sunset Review Act in accordance with s. 119.15 and shall stand

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59 repealed on October 2, 2015, unless reviewed and saved from  
60 repeal through reenactment by the Legislature.

61 Section 3. The Legislature finds that it is a public  
62 necessity that information that would identify the name,  
63 address, or telephone number of a donor or prospective donor of  
64 a donation made for the benefit of a publicly owned performing  
65 arts center be made confidential and exempt from public-records  
66 requirements if such donor or prospective donor desires to  
67 remain anonymous. The Legislature further finds that it is a  
68 public necessity that information identifying a donor or  
69 prospective donor to the direct-support organization for the  
70 Florida Historic Capitol and the Legislative Research Center and  
71 Museum be made confidential and exempt from public-records  
72 requirements if such donor or prospective donor desires to  
73 remain anonymous. In order to encourage private support for  
74 publicly owned performing arts centers and the direct-support  
75 organization, it is a public necessity to promote the giving of  
76 gifts to, and the raising of private funds for, the acquisition,  
77 renovation, rehabilitation, and operation of publicly owned  
78 performing arts centers and the programming and preservation of  
79 the Florida Historic Capitol and the Legislative Research Center  
80 and Museum. An essential element of an effective plan for  
81 promoting the giving of private gifts and the raising of private  
82 funds is the need to protect the identity of prospective and  
83 actual donors who desire to remain anonymous. If the identity of  
84 prospective and actual donors who desire to remain anonymous is  
85 subject to disclosure, there is a chilling effect on donations  
86 because donors are concerned about disclosure of personal  
87 information leading to theft and, in particular, identity theft,

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88 including personal safety and security. Therefore, the  
89 Legislature finds that it is a public necessity to make  
90 confidential and exempt from public-records requirements  
91 information that would identify a donor or prospective donor of  
92 a donation made for the benefit of a publicly owned performing  
93 arts center or a donor or prospective donor to the direct-  
94 support organization for the Florida Historic Capitol and the  
95 Legislative Research Center and Museum if such donor or  
96 prospective donor wishes to remain anonymous.

97 Section 4. This act shall take effect July 1, 2010.