

By Senator Ring

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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39 shall stand repealed on October 2, 2016, unless reviewed and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, 2016, 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 October 1, 2011.