

By the Committee on Governmental Oversight and Accountability;
and Senator Ring

585-03930-11

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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:

21
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, municipality, or
27 special district, which is used and occupied to promote
28 development of any or all of the performing, visual, or fine
29 arts or any or all matters relating thereto and to encourage and

585-03930-11

2011106c1

30 cultivate public and professional knowledge and appreciation of
31 the arts.

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

38 (3) This section is subject to the Open Government Sunset
39 Review Act in accordance with s. 119.15, Florida Statutes, and
40 shall stand repealed on October 2, 2016, unless reviewed and
41 saved from repeal through reenactment by the Legislature.

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

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

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

58 (b) This subsection is subject to the Open Government

585-03930-11

2011106c1

59 Sunset Review Act in accordance with s. 119.15 and shall stand
60 repealed on October 2, 2016, unless reviewed and saved from
61 repeal through reenactment by the Legislature.

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

585-03930-11

2011106c1

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

98 Section 4. This act shall take effect October 1, 2011.