

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 information  
 5           that identifies a donor or prospective donor of a donation  
 6           made for the benefit of a publicly owned performing arts  
 7           center if the donor desires to remain anonymous; providing  
 8           for future legislative review and repeal of the exemption  
 9           under the Open Government Sunset Review Act; amending s.  
 10          272.136, F.S.; creating an exemption from public records  
 11          requirements for information identifying a donor or  
 12          prospective donor to the direct-support organization of  
 13          the Legislative Research Center and Museum at the Historic  
 14          Capitol; providing for future legislative review and  
 15          repeal of the exemption under the Open Government Sunset  
 16          Review Act; providing a statement of public necessity;  
 17          providing an effective date.

18  
 19   Be It Enacted by the Legislature of the State of Florida:

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

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

29 knowledge and appreciation of the arts.

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

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 38 shall stand repealed on October 2, 2016, unless reviewed and  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

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

42 272.136 Direct-support organization.—The Legislative  
 43 Research Center and Museum at the Historic Capitol and the  
 44 Capitol Curator may establish a direct-support organization to  
 45 provide assistance and promotional support through fundraising  
 46 for the Florida Historic Capitol and the Legislative Research  
 47 Center and Museum, including, but not limited to, their  
 48 educational programs and initiatives.

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

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

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

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

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

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