

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.

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 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 38 shall stand repealed on October 2, 2016, unless reviewed and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

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.