

By Senator Negrón

28-01433-12

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1                   A bill to be entitled  
 2           An act relating to public records; amending s.  
 3           626.9895, F.S., as created by Senate Bill \_\_\_\_;  
 4           exempting from public record requirements all  
 5           identifying information of a donor or prospective  
 6           donor to the motor vehicle insurance fraud direct-  
 7           support organization of the Division of Insurance  
 8           Fraud; providing for future repeal and legislative  
 9           review of the exemption under the Open Government  
 10          Sunset Review Act; providing a statement of public  
 11          necessity; providing a contingent effective date.

12  
 13 Be It Enacted by the Legislature of the State of Florida:

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 15           Section 1. Subsection (9) is added to section 626.9895,  
 16           Florida Statutes, as created by Senate Bill \_\_\_\_, to read:  
 17           626.9895 Motor vehicle insurance fraud direct-support  
 18           organization.—

19           (9) DONOR CONFIDENTIALITY.—

20           (a) The identity of a donor or prospective donor to the  
 21           organization who desires to remain anonymous and all other  
 22           information identifying such donor or prospective donor are  
 23           confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
 24           of the State Constitution. Such anonymity shall be maintained in  
 25           the annual financial audit created pursuant to subsection (2).

26           (b) This subsection is subject to the Open Government  
 27           Sunset Review Act in accordance with s. 119.15 and shall stand  
 28           repealed on October 2, 2017, unless reviewed and saved from  
 29           repeal through reenactment by the Legislature.

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30           Section 2. The Legislature finds that it is a public  
31 necessity that information identifying a donor or prospective  
32 donor to the Automobile Insurance Fraud Strike Force direct-  
33 support organization of the Division of Insurance Fraud be made  
34 confidential and exempt from public records requirements if such  
35 donor or prospective donor desires to remain anonymous.  
36 Fraudulent activity in the personal injury protection insurance  
37 system in this state has reached unprecedented levels. The  
38 direct-support organization is created for the purpose of  
39 supporting efforts by the Division of Insurance Fraud to  
40 investigate, prosecute, and prevent motor vehicle insurance  
41 fraud. In order to obtain support for the organization and its  
42 mission, it is necessary to promote the raising of private funds  
43 for these anti-fraud efforts. An essential element of such  
44 support is the need to protect the identity of prospective and  
45 actual donors who desire to remain anonymous. There is a  
46 chilling effect on donations when the identity of individual  
47 donors is subject to disclosure because donors are concerned  
48 about the disclosure of sensitive personal information, which  
49 can lead to theft, including identity theft, and jeopardize the  
50 personal safety and security of such individuals. The disclosure  
51 of the identity of an entity that is a prospective or actual  
52 donor can also provide competitors in the marketplace with  
53 insights into the finances of that entity and thereby cause  
54 injury to the entity. The chilling effect on donations would, in  
55 turn, impede the efforts of the state to combat motor vehicle  
56 insurance fraud. Therefore, the Legislature finds that it is a  
57 public necessity to make confidential and exempt from public  
58 records requirements information that would identify a donor or

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59 prospective donor to the motor vehicle insurance fraud direct-  
60 support organization if such donor or prospective donor wishes  
61 to remain anonymous.

62 Section 3. This act shall take effect on the same date that  
63 Senate Bill \_\_\_ or similar legislation takes effect, if such  
64 legislation is adopted in the same legislative session, or an  
65 extension thereof, and becomes law.