

HB 351

2012

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; providing a statement of
11 public necessity; providing an effective date.

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

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15 Section 1. Confidentiality of certain donor information
16 related to a publicly owned performing arts center.-

17 (1) As used in this section, the term "publicly owned
18 performing arts center" means a facility consisting of at least
19 200 seats, owned and operated by a county, municipality, or
20 special district, which is used and occupied to promote
21 development of any or all of the performing, visual, or fine
22 arts or any or all matters relating thereto and to encourage and
23 cultivate public and professional knowledge and appreciation of
24 the arts.

25 (2) If a donor or prospective donor of a donation made for
26 the benefit of a publicly owned performing arts center desires
27 to remain anonymous, information that would identify the name,
28 address, or telephone number of that donor or prospective donor

29 is confidential and exempt from s. 119.07(1), Florida Statutes,
30 and s. 24(a), Article I of the State Constitution.

31 (3) This section is subject to the Open Government Sunset
32 Review Act in accordance with s. 119.15, Florida Statutes, and
33 shall stand repealed on October 2, 2017, unless reviewed and
34 saved from repeal through reenactment by the Legislature.

35 Section 2. The Legislature finds that it is a public
36 necessity that information that would identify the name,
37 address, or telephone number of a donor or prospective donor of
38 a donation made for the benefit of a publicly owned performing
39 arts center be made confidential and exempt from public records
40 requirements if such donor or prospective donor desires to
41 remain anonymous. In order to encourage private support for
42 publicly owned performing arts centers, it is a public necessity
43 to promote the giving of gifts to, and the raising of private
44 funds for, the acquisition, renovation, rehabilitation, and
45 operation of publicly owned performing arts centers. An
46 essential element of an effective plan for promoting the giving
47 of private gifts and the raising of private funds is the need to
48 protect the identity of prospective and actual donors who desire
49 to remain anonymous. If the identity of prospective and actual
50 donors who desire to remain anonymous is subject to disclosure,
51 there is a chilling effect on donations because donors are
52 concerned about disclosure of personal information leading to
53 theft and, in particular, identity theft, including personal
54 safety and security. Therefore, the Legislature finds that it is
55 a public necessity to make confidential and exempt from public
56 records requirements information that would identify a donor or

HB 351

2012

57 prospective donor of a donation made for the benefit of a
58 publicly owned performing arts center if such donor or
59 prospective donor wishes to remain anonymous.

60 Section 3. This act shall take effect October 1, 2012.