

By Senator Detert

23-00442-12

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1                   A bill to be entitled  
2           An act relating to public records; amending s.  
3           272.136, F.S.; exempting from public record  
4           requirements all identifying information of a donor or  
5           prospective donor to the direct-support organization  
6           of the Florida Historic Capitol and the Legislative  
7           Research Center and Museum; providing for future  
8           repeal and legislative review of the exemption under  
9           the Open Government Sunset Review Act; providing a  
10          statement of public necessity; providing an effective  
11          date.

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

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15           Section 1. Subsection (7) is added to section 272.136,  
16 Florida Statutes, to read:

17           272.136 Direct-support organization.—The Legislative  
18           Research Center and Museum at the Historic Capitol and the  
19           Capitol Curator may establish a direct-support organization to  
20           provide assistance and promotional support through fundraising  
21           for the Florida Historic Capitol and the Legislative Research  
22           Center and Museum, including, but not limited to, their  
23           educational programs and initiatives.

24           (7) (a) The identity of a donor or prospective donor to the  
25           direct-support organization who desires to remain anonymous and  
26           all information identifying such donor or prospective donor is  
27           confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
28           of the State Constitution. Such anonymity shall be maintained in  
29           any auditor's report created pursuant to the annual financial

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30 audit required under subsection (5).

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33 repealed on October 2, 2017, unless reviewed and saved from  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

35 Section 2. The Legislature finds that it is a public  
36 necessity that information identifying a donor or prospective  
37 donor to the direct-support organization for the Florida  
38 Historic Capitol and the Legislative Research Center and Museum  
39 be made confidential and exempt from public records requirements  
40 if such donor or prospective donor desires to remain anonymous.  
41 In order to encourage private support for the direct-support  
42 organization, it is a public necessity to promote the giving of  
43 gifts to, and the raising of private funds for, the acquisition,  
44 renovation, rehabilitation, and the programming and preservation  
45 of the Florida Historic Capitol and the Legislative Research  
46 Center and Museum. An essential element of an effective plan for  
47 promoting the giving of private gifts and the raising of private  
48 funds is the need to protect the identity of prospective and  
49 actual donors who desire to remain anonymous. If the identity of  
50 prospective and actual donors who desire to remain anonymous is  
51 subject to disclosure, there is a chilling effect on donations  
52 because donors are concerned about disclosure of personal  
53 information leading to theft and, in particular, identity theft,  
54 including personal safety and security. Therefore, the  
55 Legislature finds that it is a public necessity to make  
56 confidential and exempt from public records requirements  
57 information that would identify a donor or prospective donor to  
58 the direct-support organization for the Florida Historic Capitol

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59 and the Legislative Research Center and Museum if such donor or  
60 prospective donor wishes to remain anonymous.

61 Section 3. This act shall take effect July 1, 2012.