

By Senator Ring

32-00617-12

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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,

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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33 shall stand repealed on October 2, 2017, unless reviewed and  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  
57 prospective donor of a donation made for the benefit of a  
58 publicly owned performing arts center if such donor or

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59 prospective donor wishes to remain anonymous.

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