

By Senator Garcia

37-00346B-22

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1 A bill to be entitled
2 An act relating to public records; amending s. 16.618,
3 F.S.; creating an exemption from public records
4 requirements for personal identifying information of a
5 donor or prospective donor to the direct-support
6 organization of the Statewide Council on Human
7 Trafficking who desires to remain anonymous; providing
8 an exemption from notice requirements for specified
9 meetings; providing for future legislative review and
10 repeal of the exemption under the Open Government
11 Sunset Review Act; providing a statement of public
12 necessity; providing an effective date.

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

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16 Section 1. Present subsections (11) and (12) of section
17 16.618, Florida Statutes, are redesignated as subsections (12)
18 and (13), respectively, and a new subsection (11) is added to
19 that section, to read:

20 16.618 Direct-support organization.—

21 (11) (a) Any personal identifying information of a donor or
22 prospective donor to the direct-support organization who desires
23 to remain anonymous is confidential and exempt from s. 119.07(1)
24 and s. 24(a), Art. I of the State Constitution.

25 (b) Portions of meetings of the direct-support organization
26 during which personal identifying information of a donor or
27 prospective donor, which is confidential and exempt pursuant to
28 paragraph (a), is discussed are exempt from s. 286.011 and s.
29 24(b), Art. I of the State Constitution.

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30 (c) Meetings with prospective donors, meetings to discuss
31 prospective donors, and meetings to discuss fundraising
32 activities once a scheduled event is voted on by the board of
33 the direct-support organization are exempt from s. 120.525.

34 (d) This subsection is subject to the Open Government
35 Sunset Review Act in accordance with s. 119.15 and shall stand
36 repealed on October 2, 2027, unless reviewed and saved from
37 repeal through reenactment by the Legislature.

38 Section 2. The Legislature finds that it is a public
39 necessity that personal identifying information that would
40 identify a donor or prospective donor of a donation made to
41 benefit the direct-support organization of the Statewide Council
42 on Human Trafficking be made confidential and exempt from public
43 records requirements if such donor or prospective donor desires
44 to remain anonymous. In order to encourage private support for
45 the direct-support organization, it is a public necessity to
46 promote the giving of private gifts to, and the raising of
47 private funds for the services provided by, the council. An
48 essential element of an effective plan for promoting the giving
49 of private gifts and the raising of private funds is the
50 protection of the identities of prospective and actual donors
51 who desire to remain anonymous. If the identities of prospective
52 and actual donors who desire to remain anonymous are subject to
53 disclosure, there would be a chilling effect on donations
54 because donors are concerned about disclosure of personal
55 information potentially leading to theft and, in particular,
56 identity theft. Further, the Legislature finds that it is a
57 public necessity to exempt from public meetings requirements
58 that portion of a meeting at which personal identifying

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59 information of a donor or prospective donor is discussed. The
60 failure to close that portion of a meeting at which such
61 information is discussed would defeat the purpose of the public
62 records exemption and could result in the release of the
63 identity of a donor or prospective donor, leading to a reduction
64 in donations and the subsequent hindrance of the effective and
65 efficient operation of this governmental program. Therefore, the
66 Legislature finds that it is a public necessity to make
67 confidential and exempt from public records requirements
68 personal identifying information that would identify a donor or
69 prospective donor of a donation made for the benefit of the
70 direct-support organization.

71 Section 3. This act shall take effect October 1, 2022.