

1                                   A bill to be entitled  
 2           An act relating to public records and public meetings;  
 3           amending s. 16.618, F.S.; exempting from public  
 4           meetings requirements that portion of the Statewide  
 5           Council on Human Trafficking direct-support  
 6           organization during which personal identifying  
 7           information of a donor or prospective donor is  
 8           discussed; exempting from public records requirements  
 9           personal identifying information of a donor or  
 10          prospective donor to the direct-support organization  
 11          who desires to remain anonymous; providing for  
 12          legislative review and repeal of the exemptions;  
 13          providing a statement of public necessity; providing a  
 14          contingent effective date.

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

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 18           Section 1. Subsections (11) and (12) of section 16.618,  
 19           Florida Statutes, are renumbered as subsections (12) and (13),  
 20           respectively, and a new subsection (11) is added to that  
 21           section, to read:

22           16.618 Direct-support organization.—

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

26 and s. 24(a), Art. I of the State Constitution.

27 (b) Portions of meetings of the direct-support  
28 organization during which personal identifying information of a  
29 donor or prospective donor, which is confidential and exempt  
30 pursuant to paragraph (a), is discussed are exempt from s.  
31 286.011 and s. 24(b), Art. I of the State Constitution.

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

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38 repealed on October 2, 2027, unless reviewed and saved from  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

40 Section 2. The Legislature finds that it is a public  
41 necessity that personal identifying information that would  
42 identify a donor or prospective donor of a donation made to  
43 benefit the direct-support organization of the Statewide Council  
44 on Human Trafficking be made confidential and exempt from public  
45 records requirements if such donor or prospective donor desires  
46 to remain anonymous. In order to encourage private support for  
47 the direct-support organization, it is a public necessity to  
48 promote the giving of private gifts to, and the raising of  
49 private funds for the services provided by, the council. An  
50 essential element of an effective plan for promoting the giving

51 of private gifts and the raising of private funds is the  
52 protection of the identities of prospective and actual donors  
53 who desire to remain anonymous. If the identities of prospective  
54 and actual donors who desire to remain anonymous are subject to  
55 disclosure, there would be a chilling effect on donations,  
56 because donors are concerned about disclosure of personal  
57 information potentially leading to theft and, in particular,  
58 identity theft. Further, the Legislature finds that it is a  
59 public necessity to exempt from public meeting requirements that  
60 portion of a meeting at which personal identifying information  
61 of a donor or prospective donor is discussed. The failure to  
62 close that portion of a meeting at which such information is  
63 discussed would defeat the purpose of the public records  
64 exemption and could result in the release of the identity of a  
65 donor or prospective donor, leading to a reduction in donations  
66 and the subsequent hindrance of the effective and efficient  
67 operation of this governmental program. Therefore, the  
68 Legislature finds that it is a public necessity to make  
69 confidential and exempt from public records requirements  
70 personal identifying information that would identify a donor or  
71 prospective donor of a donation made for the benefit of the  
72 direct-support organization.

73 Section 3. This act shall take effect on the same date  
74 that HB 615 or similar legislation takes effect, if such  
75 legislation is adopted in the same legislative session or an

HB617

2022

76 | extension thereof and becomes a law.