

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)

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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34 repealed on October 2, 2027, unless reviewed and saved from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

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

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

69 Section 3. This act shall take effect on the same date
70 that HB 615 or similar legislation takes effect, if such
71 legislation is adopted in the same legislative session or an
72 extension thereof and becomes a law.