

By Senator Fasano

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1 A bill to be entitled
 2 An act relating to public records and meetings;
 3 amending s. 430.82, F.S.; providing an exemption from
 4 public-records requirements for information concerning
 5 certain donors and prospective donors to the direct-
 6 support organization of the Department of Elderly
 7 Affairs; providing an exemption from public-meetings
 8 requirements for portions of meetings of the direct-
 9 support organization at which the identity of donors
 10 and prospective donors is discussed; providing for
 11 future legislative review and repeal of the exemption
 12 under the Open Government Sunset Review Act; providing
 13 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. Subsection (9) is added to section 430.82,
 19 Florida Statutes, as created by SB _____, to read:

20 430.82 Direct-support organization.—

21 (9) CONFIDENTIALITY OF DONORS.—

22 (a) The identity of a donor or prospective donor to the
 23 direct-support organization who desires to remain anonymous, and
 24 all information identifying such donor or prospective donor, is
 25 confidential and exempt from the provisions of s. 119.07(1) and
 26 s. 24(a), Art. I of the State Constitution.

27 (b) Portions of meetings of the direct-support organization
 28 during which the identity of donors or prospective donors is
 29 discussed are exempt from the provisions of s. 286.011 and s.

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30 24(b), Art. I of the State Constitution.

31 (c) 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33 repealed on October 2, 2014, unless reviewed and saved from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 to exempt from public-records requirements the
37 identity of donors and prospective donors to the direct-support
38 organization authorized to assist the Department of Elderly
39 Affairs in carrying out its function to serve persons in this
40 state who are 60 years of age or older. The ability to protect
41 the identity of donors and prospective donors will enable the
42 direct-support organization to effectively and efficiently
43 administer the promotion and public-education efforts of the
44 direct-support organization. The purpose of the exemption is to
45 honor the request for anonymity of donors or prospective donors
46 to the not-for-profit corporation, thereby encouraging donations
47 from individuals and entities that might otherwise decline to
48 contribute. Without the exemption, potential donors may be
49 dissuaded from contributing to the direct-support organization
50 for fear of being harmed by the release of sensitive financial
51 information. Difficulty in soliciting donations would hamper the
52 ability of the direct-support organization to carry out its goal
53 of providing assistance, funding, and support for the department
54 in carrying out its mission. Further, the Legislature finds that
55 it is a public necessity to exempt from public-meeting
56 requirements that portion of a meeting of the direct-support
57 organization at which the identity of a donor or prospective
58 donor is discussed. The failure to close that portion of a

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59 meeting at which such information is discussed would defeat the
60 purpose of the public-records exemption and could result in the
61 disclosure of the identity of a donor or prospective donor, thus
62 leading to a reduction in donations and the subsequent hindrance
63 of the effective and efficient operation of this governmental
64 program.

65 Section 3. This act shall take effect July 1, 2009, if
66 Senate Bill ____, or similar legislation establishing a direct-
67 support organization for the Department of Elderly Affairs, is
68 adopted in the same legislative session or an extension thereof
69 and becomes law.