

House Bill No. 459

An act relating to public records; amending s. 744.7082, F.S.; creating an exemption from public records requirements for identifying information of persons making a donation of funds or property to the direct-support organization of the Statewide Public Guardianship Office; providing for review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity; providing a contingent effective date.

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

Section 1. Subsections (6) and (7) of section 744.7082, Florida Statutes, are renumbered as subsections (7) and (8), respectively, and a new subsection (6) is added to that section to read:

744.7082 Direct-support organization; definition; use of property; board of directors; audit; dissolution.—

(6) PUBLIC RECORDS.—The identity of a donor or prospective donor of funds or property to the direct-support organization who desires to remain anonymous, and all information identifying the donor or prospective donor, is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, and that anonymity must be maintained in any publication concerning the direct-support organization.

Section 2. Subsection (6) of s. 744.7082, Florida Statutes, is subject to the Open Government Sunset Review Act in accordance with s. 119.15, Florida Statutes, and shall stand repealed on October 2, 2011, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 3. The Legislature finds that it is a public necessity that the name and other identifying information of a donor or prospective donor to the direct-support organization of the Statewide Public Guardianship Office be held confidential and exempt from public disclosure because the disclosure of this information would adversely impact the efforts of the direct-support organization to collect funding or gifts of property to support the statewide office. The sole purpose of the direct-support organization is to raise funds for the statewide office, and donor contributions are a key element in the ability of the organization to achieve its goals. Some individuals who desire to donate to the direct-support organization wish to remain anonymous. The direct-support organization would be adversely affected if identifying information of a donor is released to the public. Therefore, the Legislature finds that any benefit derived from public disclosure of identifying information of a donor is outweighed by the necessity to keep the information confidential.

Section 4. This act shall take effect July 1, 2006, if House Bill 457, or similar legislation revising provisions relating to the Statewide Public Guardianship Office, is adopted in the same legislative session or an extension thereof and becomes law.

Approved by the Governor June 12, 2006.

Filed in Office Secretary of State June 12, 2006.