

House Bill No. 853

An act relating to public records; amending s. 267.1736, F.S.; providing an exemption from public records requirements for certain donor and prospective donor information involving state-owned properties in a historic district in the City of St. Augustine; providing for future legislative 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. Subsection (9) is added to section 267.1736, Florida Statutes, as created by HB 851, 2007 Regular Session, to read:

267.1736 Direct-support organization.—

(9)(a) The identity of a donor or prospective donor to the direct-support organization who desires to remain anonymous, and all information identifying such 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 the auditor's report. The university and the Auditor General shall have access to all records of the direct-support organization upon request.

(b) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2012, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds a public necessity in protecting the identity of donors and prospective donors to the direct-support organization authorized to assist the University of Florida in carrying out its dual historic preservation and historic preservation education purposes and responsibilities for the various state-owned properties within the historic district currently subleased by the Department of State to the City of St. Augustine for management. This protection will enable the direct-support organization to effectively and efficiently administer the promotion, preservation, and public education efforts related to these state-owned properties. The purpose of the exemption is to honor the request for anonymity of donors or prospective donors to the not-for-profit corporation and thereby encourage donations from individuals and entities that might otherwise decline to contribute. Without the exemption, potential donors may be dissuaded from contributing to the direct-support organization because such donors fear being harmed by the release of sensitive financial information. Difficulty in soliciting donations would hamper the ability of the direct-support organization to carry out its marketing, promotion, education, and preservation activities and would hinder fulfillment of the goal of the state in maintaining these state-owned properties and in preserving, promoting, and advancing historic preservation of these properties through funding by both the public sector and the private sector.

Section 3. This act shall take effect on the same date that HB 851 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes law.

Approved by the Governor May 24, 2007.

Filed in Office Secretary of State May 24, 2007.