

## Council Substitute for House Bill No. 863

An act relating to public records and meetings; amending s. 292.055, F.S.; providing an exemption from public records requirements for information concerning certain donors and prospective donors to the direct-support organization of the Department of Veterans' Affairs; providing an exemption from public meeting requirements for portions of meetings of the direct-support organization at which the identity of donors and prospective donors is discussed; providing for future legislative review and repeal of the exemption 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 292.055, Florida Statutes, as created by HB 861, 2008 Regular Session, to read:

292.055 Direct-support organization.—

(9) CONFIDENTIALITY OF DONORS.—

(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.

(b) Portions of meetings of the direct-support organization during which the identity of donors or prospective donors is discussed are exempt from the provisions of s. 286.011 and s. 24(b), Art. I of the State Constitution.

(c) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2013, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity to exempt from public records requirements the identity of donors and prospective donors to the direct-support organization authorized to assist the Department of Veterans' Affairs in carrying out its function to serve the military veterans of this state. The ability to protect the identity of donors and prospective donors will enable the direct-support organization to effectively and efficiently administer the promotion and public-education efforts of the direct-support organization related to the goal of assisting veterans who return from recent conflicts. The purpose of the exemption is to honor the request for anonymity of donors or prospective donors to the not-for-profit corporation, thereby encouraging 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 for fear of 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 education and rehabilitation activities to promote and advance a veteran's reintegration into the community through both public-sector and private-sector funding. Further, the Legislature finds that it is a public necessity to exempt from public meeting requirements that portion of a meeting of the direct-support organization at which the identity of a donor or prospective donor is discussed. The failure to close that portion of a meeting at which such information is discussed would defeat the purpose of the public records exemption and could result in the release of the identity of a donor or prospective donor, thus leading to a reduction in donations and the subsequent hindrance of the effective and efficient operation of this governmental program.

Section 3. This act shall take effect July 1, 2008, if House Bill 861, or similar legislation establishing a direct-support organization for the Department of Veterans' Affairs, is adopted in the same legislative session or an extension thereof and becomes law.

Approved by the Governor May 28, 2008.

Filed in Office Secretary of State May 28, 2008.