

By the Council for Smarter Government and Committee on Security, Select and Representatives Gelber, Ball, Green, Cantens, Bense, Hart, Macheck and Pickens

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 119.07, F.S.; creating an exemption from public
 4 records requirements for building plans,
 5 blueprints, schematic drawings, and diagrams of
 6 specified facilities and structures owned or
 7 operated by an agency; providing for
 8 retroactive application of the exemption;
 9 providing exceptions to the exemption;
 10 providing for future review and repeal;
 11 providing an effective date.

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

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 15 Section 1. Paragraph (ee) of subsection (3) of section
 16 119.07, Florida Statutes, as amended by section 1 of chapter
 17 2001-364, Laws of Florida, is created to read:

18 119.07 Inspection, examination, and duplication of
 19 records; exemptions.--

20 (3)

21 (ee) Building plans, blueprints, schematic drawings,
 22 and diagrams, including draft, preliminary, and final formats,
 23 which depict the internal layout and structural elements of a
 24 building, arena, stadium, water treatment facility, or other
 25 structure owned or operated by an agency as defined in s.
 26 119.011 are exempt from the provisions of subsection (1) and
 27 s. 24(a), Art. I of the State Constitution. This exemption
 28 applies to building plans, blueprints, schematic drawings, and
 29 diagrams, including draft, preliminary, and final formats,
 30 which depict the internal layout and structural elements of a
 31 building, arena, stadium, water treatment facility, or other

1 structure owned or operated by an agency before, on, or after
2 the effective date of this act. Information made exempt by
3 this paragraph may be disclosed to another governmental entity
4 if disclosure is necessary for the receiving entity to perform
5 its duties and responsibilities; to a licensed architect,
6 engineer, or contractor who is performing work on or related
7 to the building, arena, stadium, water treatment facility, or
8 other structure owned or operated by an agency; or upon a
9 showing of good cause before a court of competent
10 jurisdiction. The entities or persons receiving such
11 information shall maintain the exempt status of the
12 information. This paragraph is subject to the Open Government
13 Sunset Review Act of 1995 in accordance with s. 119.15, and
14 shall stand repealed on October 2, 2007, unless reviewed and
15 reenacted by the Legislature.

16 Section 2. The Legislature finds that the public
17 records exemption created by this act is a public necessity in
18 order to ensure the safety of government infrastructures and
19 to ensure public safety. Such exempt information is a vital
20 component of public safety and if it were made publicly
21 available, the ability of persons who desire to harm
22 individuals located in or using those structures, the building
23 plans, blueprints, schematic drawings, and diagrams of which
24 are made exempt by this act, would be increased. In addition,
25 terrorists would have easy access to the exempt information
26 and use the information to inflict harm on the public.
27 Although skill would be required to use such information to
28 further an act of terrorism, ample evidence exists of the
29 capabilities of terrorists to conduct complicated acts of
30 terrorism. The September 11, 2001, attack on the World Trade
31 Center and the Pentagon, as well as the intentional spread of

1 anthrax in this country and state, provides evidence that such
2 capabilities exist. These events also show the crippling
3 effect that terrorist acts can have, not only on the lives of
4 persons in a community affected by terrorist acts but also on
5 the economy of the community, the state, and the nation.
6 Consequently, the Legislature finds that the public records
7 exemption created by this act is a public necessity.

8 Section 3. This act shall take effect upon becoming a
9 law.

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