

HB 0317

2004

A bill to be entitled

An act relating to public records; amending s. 119.07, F.S.; creating an exemption from public records requirements for building plans, blueprints, schematic drawings, and diagrams held by a public agency and relating to specified facilities, developments, and structures; providing retroactive application of the exemption; providing exceptions; providing definitions; providing for legislative review and repeal; providing a statement of public necessity; providing an effective date.

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

Section 1. Paragraphs (ff) and (gg) of subsection (3) of section 119.07, Florida Statutes, are redesignated as paragraphs (gg) and (hh), respectively, and a new paragraph (ff) is added to said subsection, to read:

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

(3)

(ff) Building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, which depict the internal or external layout or structural elements of an attractions and recreation facility, entertainment/resort complex, industrial complex, retail and service development, office development, or hotel or motel development, which documents are held by an agency as defined in s. 119.011, are exempt from the provisions of subsection (1) and s. 24(a), Art.

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30 I of the State Constitution. This exemption applies to any such  
 31 documents held either permanently or temporarily by an agency  
 32 before or after the effective date of this act. Information made  
 33 exempt by this paragraph may be disclosed to another  
 34 governmental entity if disclosure is necessary for the receiving  
 35 entity to perform its duties and responsibilities; to the owner  
 36 or owners of the structure in question or the owner's legal  
 37 representative; or upon a showing of good cause before a court  
 38 of competent jurisdiction. As used in this paragraph, the term:

39 1. "Attractions and recreation facility" means any sports,  
 40 entertainment, amusement, or recreation facility, including, but  
 41 not limited to, a sports arena, stadium, racetrack, tourist  
 42 attraction, amusement park, or pari-mutuel facility, that:

43 a. For single-performance facilities:

44 (I) Provides single-performance facilities; or

45 (II) Provides more than 10,000 permanent seats for  
 46 spectators.

47 b. For serial-performance facilities:

48 (I) Provides parking spaces for more than 1,000 motor  
 49 vehicles; or

50 (II) Provides more than 4,000 permanent seats for  
 51 spectators.

52 2. "Entertainment/resort complex" means a theme park that  
 53 is comprised of at least 25 acres of land with permanent  
 54 exhibitions and a variety of recreational activities and that  
 55 has at least 1 million visitors annually who pay admission fees  
 56 thereto, together with any lodging, dining, and recreational  
 57 facilities located adjacent to, contiguous to, or in close  
 58 proximity to the theme park as long as the owners or operators

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59 of the theme park, or a parent or related company or subsidiary  
 60 thereof, have an equity interest in the lodging, dining, or  
 61 recreational facilities or are in privity therewith. Close  
 62 proximity includes an area within a 5-mile radius of the theme  
 63 park complex.

64 3. "Industrial complex" means any industrial,  
 65 manufacturing, processing, distribution, warehousing, or  
 66 wholesale facility or plant, as well as accessory uses and  
 67 structures, under common ownership which:

68 a. Provides onsite parking for more than 250 motor  
 69 vehicles;

70 b. Encompasses 500,000 square feet or more of gross floor  
 71 area; or

72 c. Occupies a site of 100 acres or more, excluding  
 73 wholesale facilities or plants that primarily serve or deal  
 74 onsite with the general public.

75 4. "Retail and service development" means any retail,  
 76 service, or wholesale business establishment or group of  
 77 establishments which deals primarily with the general public  
 78 onsite and is operated under one common property ownership,  
 79 development plan, or management that:

80 a. Encompasses more than 400,000 square feet of gross  
 81 floor area; or

82 b. Provides parking spaces for more than 2,500 motor  
 83 vehicles.

84 5. "Office development" means any office building or park  
 85 operated under common ownership, development plan, or management  
 86 that encompasses 300,000 or more square feet of gross floor  
 87 area.

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88 6. "Hotel or motel development" means any hotel or motel  
 89 development that is comprised of 350 or more units.

90 Section 2. Paragraph (ff) of subsection (3) of section  
 91 119.07, Florida Statutes, is subject to the Open Government  
 92 Sunset Review Act of 1995, in accordance with s. 119.15, Florida  
 93 Statutes, and shall stand repealed on October 2, 2009, unless  
 94 reviewed and saved from repeal through reenactment by the  
 95 Legislature.

96 Section 3. The Legislature finds that the public records  
 97 exemption created by this act is a public necessity in order to  
 98 ensure the safety of an attractions and recreation facility,  
 99 entertainment/resort complex, industrial complex, retail and  
 100 service development, office development, or hotel or motel  
 101 development and to ensure public safety. Such information is a  
 102 vital component of public safety, and if the building plans,  
 103 blueprints, schematic drawings, and diagrams of such facilities,  
 104 developments, or structures were made publicly available, the  
 105 ability of persons who desire to harm individuals located in or  
 106 using those facilities, developments, or structures would be  
 107 increased. In addition, terrorists would have easy access to the  
 108 information and could use the information to inflict harm on the  
 109 public. Although skill would be required to use such information  
 110 to further an act of terrorism, ample evidence exists of the  
 111 capabilities of terrorists to conduct complicated acts of  
 112 terrorism. The attack on the World Trade Center and the Pentagon  
 113 on September 11, 2001, and the intentional spread of anthrax in  
 114 this country and state provide evidence that such capabilities  
 115 exist. These events also show the crippling effect that  
 116 terrorist acts can have not only on the lives of persons in a

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117 community affected by terrorism, but also on the economy of the  
118 community, the state, and the nation. Consequently, the  
119 Legislature finds that the public records exemption created by  
120 this act is a public necessity.

121 Section 4. This act shall take effect upon becoming a law.