

HB 317

2004
CS

CHAMBER ACTION

1 The Committee on State Administration recommends the following:

2
3 **Committee Substitute**

4 Remove the entire bill and insert:

5
6 A bill to be entitled
7 An act relating to public records; amending s. 119.07,
8 F.S.; creating an exemption from public records
9 requirements to include building plans, blueprints,
10 schematic drawings, and diagrams held by a public agency
11 and relating to specified facilities, developments, and
12 structures; providing exceptions; providing for
13 legislative review and repeal; providing definitions;
14 providing a statement of public necessity; providing an
15 effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Present paragraphs (ff) and (gg) of subsection
20 (3) of section 119.07, Florida Statutes, are redesignated as
21 paragraphs (gg) and (hh), respectively, and a new paragraph (ff)
22 is added to said subsection, to read:

HB 317

2004
CS

23 | 119.07 Inspection, examination, and duplication of
24 | records; exemptions.--

25 | (3)

26 | (ff) Building plans, blueprints, schematic drawings, and
27 | diagrams, including draft, preliminary, and final formats, which
28 | depict the internal layout or structural elements of an
29 | attractions and recreation facility, entertainment or resort
30 | complex, industrial complex, retail and service development,
31 | office development, or hotel or motel development, which
32 | documents are held by an agency as defined in s. 119.011, are
33 | exempt from the provisions of subsection (1) and s. 24(a), Art.
34 | I of the State Constitution. This exemption applies to any such
35 | documents held either permanently or temporarily by an agency
36 | before or after the effective date of this act. Information made
37 | exempt by this paragraph may be disclosed to another
38 | governmental entity if disclosure is necessary for the receiving
39 | entity to perform its duties and responsibilities; to the owner
40 | or owners of the structure in question or the owner's legal
41 | representative; or upon a showing of good cause before a court
42 | of competent jurisdiction. As used in this paragraph, the term:

43 | 1. "Attractions and recreation facility" means any sports,
44 | entertainment, amusement, or recreation facility, including, but
45 | not limited to, a sports arena, stadium, racetrack, tourist
46 | attraction, amusement park, or pari-mutuel facility that:

47 | a. For single-performance facilities:

48 | (I) Provides single-performance facilities; or

49 | (II) Provides more than 10,000 permanent seats for
50 | spectators.

HB 317

2004
CS

- 51 b. For serial-performance facilities:
- 52 (I) Provides parking spaces for more than 1,000 motor
- 53 vehicles; or
- 54 (II) Provides more than 4,000 permanent seats for
- 55 spectators.
- 56 2. "Entertainment or resort complex" means a theme park
- 57 comprised of at least 25 acres of land with permanent
- 58 exhibitions and a variety of recreational activities, which has
- 59 at least 1 million visitors annually who pay admission fees
- 60 thereto, together with any lodging, dining, and recreational
- 61 facilities located adjacent to, contiguous to, or in close
- 62 proximity to the theme park, as long as the owners or operators
- 63 of the theme park, or a parent or related company or subsidiary
- 64 thereof, has an equity interest in the lodging, dining, or
- 65 recreational facilities or is in privity therewith. Close
- 66 proximity includes an area within a 5-mile radius of the theme
- 67 park complex.
- 68 3. "Industrial complex" means any industrial,
- 69 manufacturing, processing, distribution, warehousing, or
- 70 wholesale facility or plant, as well as accessory uses and
- 71 structures, under common ownership which:
- 72 a. Provides onsite parking for more than 250 motor
- 73 vehicles;
- 74 b. Encompasses 500,000 square feet or more of gross floor
- 75 area; or
- 76 c. Occupies a site of 100 acres or more, but excluding
- 77 wholesale facilities or plants that primarily serve or deal
- 78 onsite with the general public.

HB 317

2004
CS

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

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

86 b. Provides parking spaces for more than 2,500 motor
 87 vehicles.

88 5. "Office development" means any office building or park
 89 operated under common ownership, development plan, or management
 90 that encompasses 300,000 or more square feet of gross floor
 91 area.

92 6. "Hotel or motel development" means any hotel or motel
 93 development that accommodates 350 or more units.

94
 95 This exemption does not apply to comprehensive plans or site
 96 plans, or amendments thereto, which are submitted for approval
 97 or which have been approved under local land development
 98 regulations, local zoning regulations, or development-of-
 99 regional-impact review.

100 Section 2. Section 119.07(3)(ff), Florida Statutes, is
 101 subject to the Open Government Sunset Review Act of 1995, in
 102 accordance with s. 119.15, Florida Statutes, and shall stand
 103 repealed on October 2, 2009, unless reviewed and reenacted by
 104 the Legislature.

105 Section 3. The Legislature finds that the public records
 106 exemption created by this act is a public necessity in order to

HB 317

2004
CS

107 ensure the safety of an attractions and recreation facility,
108 entertainment or resort complex, industrial complex, retail and
109 service development, office development, or hotel or motel
110 development and to ensure public safety. Such exempt information
111 is a vital component of public safety and, if the building
112 plans, blueprints, schematic drawings, and diagrams were made
113 publicly available, the ability of persons who desire to harm
114 individuals located in or using those structures would be
115 increased. In addition, terrorists would have easy access to the
116 exempt information and could use the information to inflict harm
117 on the public. Although skill would be required to use such
118 information to further an act of terrorism, ample evidence
119 exists of the capabilities of terrorists to conduct complicated
120 acts of terrorism. The attack on the World Trade Center and the
121 Pentagon on September 11, 2001, as well as the intentional
122 spread of anthrax in this country and state, provide evidence
123 that such capabilities exist. These events also show the
124 crippling effect that terrorist acts can have, not only on the
125 lives of persons in a community affected by terrorism, but also
126 on the economy of the community, the state, and the nation.
127 Consequently, the Legislature finds that the public records
128 exemption created by this act is a public necessity.

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