

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

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Present paragraphs (ff) and (gg) of subsection
15 (3) of section 119.07, Florida Statutes, are redesignated as
16 paragraphs (gg) and (hh), respectively, and a new paragraph (ff)
17 is added to said subsection, to read:

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

20 (3)

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

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

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

42 a. For single-performance facilities:

43 (I) Provides single-performance facilities; or

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

46 b. For serial-performance facilities:

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

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

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

57 | proximity to the theme park, as long as the owners or operators
 58 | of the theme park, or a parent or related company or subsidiary
 59 | thereof, has an equity interest in the lodging, dining, or
 60 | recreational facilities or is in privity therewith. Close
 61 | proximity includes an area within a 5-mile radius of the theme
 62 | park complex.

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

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

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

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

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

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

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

83 | 5. "Office development" means any office building or park
 84 | operated under common ownership, development plan, or management

85 that encompasses 300,000 or more square feet of gross floor
 86 area.

87 6. "Hotel or motel development" means any hotel or motel
 88 development that accommodates 350 or more units.

89
 90 This exemption does not apply to comprehensive plans or site
 91 plans, or amendments thereto, which are submitted for approval
 92 or which have been approved under local land development
 93 regulations, local zoning regulations, or development-of-
 94 regional-impact review.

95 Section 2. Section 119.07(3)(ff), Florida Statutes, is
 96 subject to the Open Government Sunset Review Act of 1995, in
 97 accordance with s. 119.15, Florida Statutes, and shall stand
 98 repealed on October 2, 2009, unless reviewed and reenacted by
 99 the Legislature.

100 Section 3. The Legislature finds that the public records
 101 exemption created by this act is a public necessity in order to
 102 ensure the safety of an attractions and recreation facility,
 103 entertainment or resort complex, industrial complex, retail and
 104 service development, office development, or hotel or motel
 105 development and to ensure public safety. Such exempt information
 106 is a vital component of public safety and, if the building
 107 plans, blueprints, schematic drawings, and diagrams were made
 108 publicly available, the ability of persons who desire to harm
 109 individuals located in or using those structures would be
 110 increased. In addition, terrorists would have easy access to the
 111 exempt information and could use the information to inflict harm
 112 on the public. Although skill would be required to use such

113 information to further an act of terrorism, ample evidence
114 exists of the capabilities of terrorists to conduct complicated
115 acts of terrorism. The attack on the World Trade Center and the
116 Pentagon on September 11, 2001, as well as the intentional
117 spread of anthrax in this country and state, provide evidence
118 that such capabilities exist. These events also show the
119 crippling effect that terrorist acts can have, not only on the
120 lives of persons in a community affected by terrorism, but also
121 on the economy of the community, the state, and the nation.
122 Consequently, the Legislature finds that the public records
123 exemption created by this act is a public necessity.

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