

By Senator Bennett

21-607-04

1 A bill to be entitled
2 An act relating to public records; amending s.
3 119.07, F.S.; creating an exemption from
4 public-records requirements to include building
5 plans, blueprints, schematic drawings, and
6 diagrams held by a public agency and relating
7 to specified facilities, developments, and
8 structures; providing exceptions; providing for
9 legislative review and repeal; providing
10 definitions; providing a statement of public
11 necessity; 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. Present paragraphs (ff) and (gg) of
16 subsection (3) of section 119.07, Florida Statutes, are
17 redesignated as paragraphs (gg) and (hh), respectively, and a
18 new paragraph (ff) is added to that subsection, to read:

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

21 (3)

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

1 permanently or temporarily by an agency before or after the
2 effective date of this act. Information made exempt by this
3 paragraph may be disclosed to another governmental entity if
4 disclosure is necessary for the receiving entity to perform
5 its duties and responsibilities; to the owner or owners of the
6 structure in question or the owner's legal representative; or
7 upon a showing of good cause before a court of competent
8 jurisdiction. As used in this paragraph, the term:

9 1. "Attractions and recreation facility" means any
10 sports, entertainment, amusement, or recreation facility,
11 including, but not limited to, a sports arena, stadium,
12 racetrack, tourist attraction, amusement park, or pari-mutuel
13 facility that:

14 a. For single-performance facilities:

15 (I) Provides single-performance facilities; or

16 (II) Provides more than 10,000 permanent seats for
17 spectators.

18 b. For serial-performance facilities:

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

21 (II) Provides more than 4,000 permanent seats for
22 spectators.

23 2. "Entertainment/resort complex" means a theme park
24 comprised of at least 25 acres of land with permanent
25 exhibitions and a variety of recreational activities, which
26 has at least 1 million visitors annually who pay admission
27 fees thereto, together with any lodging, dining, and
28 recreational facilities located adjacent to, contiguous to, or
29 in close proximity to the theme park, as long as the owners or
30 operators of the theme park, or a parent or related company or
31 subsidiary thereof, has an equity interest in the lodging,

1 dining, or recreational facilities or is in privity therewith.
2 Close proximity includes an area within a 5-mile radius of the
3 theme park complex.

4 3. "Industrial complex" means any industrial,
5 manufacturing, processing, distribution, warehousing, or
6 wholesale facility or plant, as well as accessory uses and
7 structures, under common ownership which:

8 a. Provides onsite parking for more than 250 motor
9 vehicles;

10 b. Encompasses 500,000 square feet or more of gross
11 floor area; or

12 c. Occupies a site of 100 acres or more, but excluding
13 wholesale facilities or plants that primarily serve or deal
14 onsite with the general public.

15 4. "Retail and service development" means any retail,
16 service, or wholesale business establishment or group of
17 establishments which deals primarily with the general public
18 onsite and is operated under one common property ownership,
19 development plan, or management that:

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

22 b. Provides parking spaces for more than 2,500 motor
23 vehicles.

24 5. "Office development" means any office building or
25 park operated under common ownership, development plan, or
26 management that encompasses 300,000 or more square feet of
27 gross floor area.

28 6. "Hotel or motel development" means any hotel or
29 motel development that accommodates 350 or more units.

30 Section 2. Section 119.07(3)(ff), Florida Statutes, is
31 subject to the Open Government Sunset Review Act of 1995, in

1 accordance with section 119.15, Florida Statutes, and shall
2 stand repealed on October 2, 2009, unless reviewed and
3 reenacted by the Legislature.

4 Section 3. The Legislature finds that the
5 public-records exemption created by this act is a public
6 necessity in order to ensure the safety of an attractions and
7 recreation facility, entertainment/resort complex, industrial
8 complex, retail and service development, office development,
9 or hotel or motel development and to ensure public safety.

10 Such exempt information is a vital component of public safety,
11 and, if the building plans, blueprints, schematic drawings,
12 and diagrams were made publicly available, the ability of
13 persons who desire to harm individuals located in or using
14 those structures would be increased. In addition, terrorists
15 would have easy access to the exempt information and could use
16 the information to inflict harm on the public. Although skill
17 would be required to use such information to further an act of
18 terrorism, ample evidence exists of the capabilities of
19 terrorists to conduct complicated acts of terrorism. The
20 attack on the World Trade Center and the Pentagon on September
21 11, 2001, as well as the intentional spread of anthrax in this
22 country and state, provide evidence that such capabilities
23 exist. These events also show the crippling effect that
24 terrorist acts can have, not only on the lives of persons in a
25 community affected by terrorism, but also on the economy of
26 the community, the state, and the nation. Consequently, the
27 Legislature finds that the public-records exemption created by
28 this act is a public necessity.

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

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SENATE SUMMARY

Provides an exemption from the public records law for building plans, blueprints, schematic drawings, and diagrams that 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 and that are held by a state or governmental agency. Provides for repeal and review under the Open Government Sunset Review Act of 1995. (See bill for details.)