

By the Committee on Governmental Oversight and Productivity;  
and Senator Bennett

302-1337-04

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

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

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

Section 1. Present 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 that 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 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. I of the State Constitution. This exemption applies to  
any such documents held either permanently or temporarily by

1 an agency before or after the effective date of this act.  
2 Information made exempt by this paragraph may be disclosed to  
3 another governmental entity if disclosure is necessary for the  
4 receiving entity to perform its duties and responsibilities;  
5 to the owner or owners of the structure in question or the  
6 owner's legal representative; or upon a showing of good cause  
7 before a court of competent jurisdiction. As used in this  
8 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  
31

1 This exemption does not apply to comprehensive plans or site  
2 plans, or amendments thereto, which are submitted for approval  
3 or which have been approved under local land development  
4 regulations, local zoning regulations, or  
5 development-of-regional-impact review.

6 Section 2. Section 119.07(3)(ff), Florida Statutes, is  
7 subject to the Open Government Sunset Review Act of 1995, in  
8 accordance with section 119.15, Florida Statutes, and shall  
9 stand repealed on October 2, 2009, unless reviewed and  
10 reenacted by the Legislature.

11 Section 3. The Legislature finds that the  
12 public-records exemption created by this act is a public  
13 necessity in order to ensure the safety of an attractions and  
14 recreation facility, entertainment/resort complex, industrial  
15 complex, retail and service development, office development,  
16 or hotel or motel development and to ensure public safety.  
17 Such exempt information is a vital component of public safety,  
18 and, if the building plans, blueprints, schematic drawings,  
19 and diagrams were made publicly available, the ability of  
20 persons who desire to harm individuals located in or using  
21 those structures would be increased. In addition, terrorists  
22 would have easy access to the exempt information and could use  
23 the information to inflict harm on the public. Although skill  
24 would be required to use such information to further an act of  
25 terrorism, ample evidence exists of the capabilities of  
26 terrorists to conduct complicated acts of terrorism. The  
27 attack on the World Trade Center and the Pentagon on September  
28 11, 2001, as well as the intentional spread of anthrax in this  
29 country and state, provide evidence that such capabilities  
30 exist. These events also show the crippling effect that  
31 terrorist acts can have, not only on the lives of persons in a

1 community affected by terrorism, but also on the economy of  
2 the community, the state, and the nation. Consequently, the  
3 Legislature finds that the public-records exemption created by  
4 this act is a public necessity.

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

7  
8 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
9 COMMITTEE SUBSTITUTE FOR  
10 Senate Bill 410

11 Removes documents showing external layouts from the bill.

12 Makes explicit that the exemption does not apply to  
13 comprehensive plans or site plans, or amendments to them under  
14 local land development regulations, local zoning regulations,  
15 or development-of-regional impact review.

16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31