

HB 7017

2009

1                   A bill to be entitled  
 2           An act relating to a review under the Open Government  
 3           Sunset Review Act regarding building plans and blueprints;  
 4           amending s. 119.071, F.S., which provides an exemption  
 5           from public records requirements for building plans,  
 6           blueprints, schematic drawings, and diagrams held by an  
 7           agency which depict the internal layout or structural  
 8           elements of certain facilities, complexes, and  
 9           developments; reorganizing the exemption; making editorial  
 10          changes; repealing s. 2, ch. 2004-9, Laws of Florida,  
 11          which provides for repeal of the exemption; providing an  
 12          effective date.

13  
 14   Be It Enacted by the Legislature of the State of Florida:

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 16           Section 1. Paragraph (c) of subsection (3) of section  
 17   119.071, Florida Statutes, are amended to read:

18           119.071 General exemptions from inspection or copying of  
 19   public records.--

20           (3) SECURITY.--

21           (c)1. 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 records  
 27   ~~documents~~ are held by an agency are exempt from s. 119.07(1) and  
 28   s. 24(a), Art. I of the State Constitution.

29           2. This exemption applies to any such records ~~documents~~  
 30 held by an agency before, on, or after the effective date of  
 31 this act.

32           3. Information made exempt by this paragraph may be  
 33 disclosed to another governmental entity if disclosure is  
 34 necessary for the receiving entity to perform its duties and  
 35 responsibilities; to the owner or owners of the structure in  
 36 question or the owner's legal representative; or upon a showing  
 37 of good cause before a court of competent jurisdiction.

38           4. This paragraph does not apply to comprehensive plans or  
 39 site plans, or amendments thereto, which are submitted for  
 40 approval or which have been approved under local land  
 41 development regulations, local zoning regulations, or  
 42 development-of-regional-impact review.

43           5. As used in this paragraph, the term:

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

49           (I)a. For single-performance facilities:

50           (A)~~(I)~~ Provides single-performance facilities; or

51           (B)~~(II)~~ Provides more than 10,000 permanent seats for  
 52 spectators.

53           (II)b. For serial-performance facilities:

54           (A)~~(I)~~ Provides parking spaces for more than 1,000 motor  
 55 vehicles; or

56            (B) ~~(II)~~ Provides more than 4,000 permanent seats for  
 57 spectators.

58            b.2. "Entertainment or resort complex" means a theme park  
 59 comprised of at least 25 acres of land with permanent  
 60 exhibitions and a variety of recreational activities, which has  
 61 at least 1 million visitors annually who pay admission fees  
 62 thereto, together with any lodging, dining, and recreational  
 63 facilities located adjacent to, contiguous to, or in close  
 64 proximity to the theme park, as long as the owners or operators  
 65 of the theme park, or a parent or related company or subsidiary  
 66 thereof, has an equity interest in the lodging, dining, or  
 67 recreational facilities or is in privity therewith. Close  
 68 proximity includes an area within a 5-mile radius of the theme  
 69 park complex.

70            c.3. "Industrial complex" means any industrial,  
 71 manufacturing, processing, distribution, warehousing, or  
 72 wholesale facility or plant, as well as accessory uses and  
 73 structures, under common ownership that ~~which~~:

74            (I) ~~a.~~ Provides onsite parking for more than 250 motor  
 75 vehicles;

76            (II) ~~b.~~ Encompasses 500,000 square feet or more of gross  
 77 floor area; or

78            (III) ~~c.~~ Occupies a site of 100 acres or more, but  
 79 excluding wholesale facilities or plants that primarily serve or  
 80 deal onsite with the general public.

81            d.4. "Retail and service development" means any retail,  
 82 service, or wholesale business establishment or group of  
 83 establishments which deals primarily with the general public

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84 onsite and is operated under one common property ownership,  
 85 development plan, or management that:

86 (I)a. Encompasses more than 400,000 square feet of gross  
 87 floor area; or

88 (II)b. Provides parking spaces for more than 2,500 motor  
 89 vehicles.

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

94 f.6. "Hotel or motel development" means any hotel or motel  
 95 development that accommodates 350 or more units.

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

102 Section 2. Section 2 of chapter 2004-9, Laws of Florida,  
 103 is repealed.

104 Section 3. This act shall take effect October 1, 2009.