

By the Committee on Military Affairs and Domestic Security

583-01135-09

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1                   A bill to be entitled  
2           An act relating to a review under the Open Government  
3           Sunset Review Act; amending s. 119.071, F.S.;  
4           clarifying the exemption from public-record  
5           requirements which is provided for building plans,  
6           blueprints, schematic drawings, and diagrams held by  
7           an agency; repealing s. 2, ch. 2004-9, Laws of  
8           Florida, relating to provisions that provide for  
9           repeal of the exemption; providing an effective date.

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

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13           Section 1. Paragraph (c) of subsection (3) of section  
14           119.071, Florida Statutes, is amended to read:

15           119.071 General exemptions from inspection or copying of  
16           public records.—

17           (3) SECURITY.—

18           (c)1. Building plans, blueprints, schematic drawings, and  
19           diagrams, including draft, preliminary, and final formats, which  
20           depict the internal layout or structural elements of an  
21           attractions and recreation facility, entertainment or resort  
22           complex, industrial complex, retail and service development,  
23           office development, or hotel or motel development, which  
24           documents are held by an agency are exempt from s. 119.07(1) and  
25           s. 24(a), Art. I of the State Constitution. This exemption  
26           applies to any such documents held by an agency before, on, or  
27           after the effective date of this act. Information made exempt by  
28           this paragraph may be disclosed to another governmental entity  
29           if disclosure is necessary for the receiving entity to perform

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30 its duties and responsibilities; to the owner or owners of the  
 31 structure in question or the owner's legal representative; or  
 32 upon a showing of good cause before a court of competent  
 33 jurisdiction.

34 2. This paragraph does not apply to comprehensive plans,  
 35 site plans, or amendments that are submitted for approval or  
 36 that have been approved under local land development  
 37 regulations, local zoning regulations, or development-of-  
 38 regional-impact review.

39 3. As used in this paragraph, the term:

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

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

46 (A)(I) Provides single-performance facilities; or

47 (B)(II) Provides more than 10,000 permanent seats for  
 48 spectators.

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

50 (A)(I) Provides parking spaces for more than 1,000 motor  
 51 vehicles; or

52 (B)(II) Provides more than 4,000 permanent seats for  
 53 spectators.

54 b.2. "Entertainment or resort complex" means a theme park  
 55 comprised of at least 25 acres of land with permanent  
 56 exhibitions and a variety of recreational activities, which has  
 57 at least 1 million visitors annually who pay admission fees  
 58 thereto, together with any lodging, dining, and recreational

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

66 c.3. "Industrial complex" means any industrial,  
67 manufacturing, processing, distribution, warehousing, or  
68 wholesale facility or plant, as well as accessory uses and  
69 structures, under common ownership which:

70 (I)a. Provides onsite parking for more than 250 motor  
71 vehicles;

72 (II)b. Encompasses 500,000 square feet or more of gross  
73 floor area; or

74 (III)e. Occupies a site of 100 acres or more, but excluding  
75 wholesale facilities or plants that primarily serve or deal  
76 onsite with the general public.

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

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

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

86 e.5. "Office development" means any office building or park  
87 operated under common ownership, development plan, or management

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88 that encompasses 300,000 or more square feet of gross floor  
89 area.

90 ~~f.6.~~ "Hotel or motel development" means any hotel or motel  
91 development that accommodates 350 or more units.

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

98 Section 2. Section 2 of chapter 2004-9, Laws of Florida, is  
99 repealed.

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