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1
2 An act relating to a review under the Open Government
3 Sunset Review Act; amending s. 119.071, F.S., which
4 provides an exemption from public records for building
5 plans, blueprints, schematic drawings, and diagrams,
6 including draft, preliminary, and final formats, which
7 depict the internal layout or structural elements of
8 an attractions and recreation facility, entertainment
9 or resort complex, industrial complex, retail and
10 service development, office development, health care
11 facility, or hotel or motel development; removing a
12 provision authorizing disclosure of exempt information
13 under certain circumstances; removing the scheduled
14 repeal of the exemption; providing an effective date.
15

16 Be It Enacted by the Legislature of the State of Florida:
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18 Section 1. Paragraph (c) of subsection (3) of section
19 119.071, Florida Statutes, is amended to read:

20 119.071 General exemptions from inspection or copying of
21 public records.—

22 (3) SECURITY AND FIRESAFETY.—

23 (c)1. Building plans, blueprints, schematic drawings, and
24 diagrams, including draft, preliminary, and final formats, which
25 depict the internal layout or structural elements of an
26 attractions and recreation facility, entertainment or resort
27 complex, industrial complex, retail and service development,
28 office development, health care facility, or hotel or motel
29 development, which records are held by an agency are exempt from

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30 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

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

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

44 ~~4.5.~~ As used in this paragraph, the term:

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

49 (I) For single-performance facilities:

50 (A) Provides single-performance facilities; or

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

53 (II) For serial-performance facilities:

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

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

58 b. "Entertainment or resort complex" means a theme park

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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. "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:

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

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

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

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

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

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

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

94 f. "Health care facility" means a hospital, ambulatory
95 surgical center, nursing home, hospice, or intermediate care
96 facility for the developmentally disabled.

97 g. "Hotel or motel development" means any hotel or motel
98 development that accommodates 350 or more units.

99 ~~6. This paragraph is subject to the Open Government Sunset~~
100 ~~Review Act in accordance with s. 119.15 and shall stand repealed~~
101 ~~on October 2, 2023, unless reviewed and saved from repeal~~
102 ~~through reenactment by the Legislature.~~

103 Section 2. This act shall take effect October 1, 2023.