

FOR CONSIDERATION By the Committee on Military Affairs and Domestic Security

583-00499-09

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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

583-00499-09

20097000__

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

583-00499-09

20097000__

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

583-00499-09

20097000__

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.