

Committee Substitute for House Bill No. 735

An act relating to public records; amending s. 119.07, F.S.; creating an exemption from public records requirements for building plans, blueprints, schematic drawings, and diagrams of specified facilities and structures owned or operated by an agency; providing for retro-active application of the exemption; providing exceptions to the exemption; providing for future review and repeal; providing an effective date.

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

Section 1. Paragraph (ee) of subsection (3) of section 119.07, Florida Statutes, as amended by section 1 of chapter 2001-364, Laws of Florida, is created to read:

119.07 Inspection, examination, and duplication of records; exemptions.—

(3)

(ee) Building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, which depict the internal layout and structural elements of a building, arena, stadium, water treatment facility, or other structure owned or operated 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 building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, which depict the internal layout and structural elements of a building, arena, stadium, water treatment facility, or other structure owned or operated by an agency before, on, or after the effective date of this act. Information made exempt by this paragraph may be disclosed to another governmental entity if disclosure is necessary for the receiving entity to perform its duties and responsibilities; to a licensed architect, engineer, or contractor who is performing work on or related to the building, arena, stadium, water treatment facility, or other structure owned or operated by an agency; or upon a showing of good cause before a court of competent jurisdiction. The entities or persons receiving such information shall maintain the exempt status of the information. This paragraph is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2007, unless reviewed and reenacted by the Legislature.

Section 2. The Legislature finds that the public records exemption created by this act is a public necessity in order to ensure the safety of government infrastructures and to ensure public safety. Such exempt information is a vital component of public safety and if it were made publicly available, the ability of persons who desire to harm individuals located in or using those structures, the building plans, blueprints, schematic drawings, and diagrams of which are made exempt by this act, would be increased. In

addition, terrorists would have easy access to the exempt information and use the information to inflict harm on the public. Although skill would be required to use such information to further an act of terrorism, ample evidence exists of the capabilities of terrorists to conduct complicated acts of terrorism. The September 11, 2001, attack on the World Trade Center and the Pentagon, as well as the intentional spread of anthrax in this country and state, provides evidence that such capabilities exist. These events also show the crippling effect that terrorist acts can have, not only on the lives of persons in a community affected by terrorist acts but also on the economy of the community, the state, and the nation. Consequently, the Legislature finds that the public records exemption created by this act is a public necessity.

Section 3. This act shall take effect upon becoming a law.

Approved by the Governor April 22, 2002.

Filed in Office Secretary of State April 22, 2002.