

House Bill No. 7017

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

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

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

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

(3) SECURITY.—

(c)1. Building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, which depict the internal layout or structural elements of an attractions and recreation facility, entertainment or resort complex, industrial complex, retail and service development, office development, or hotel or motel development, which records documents are held by an agency are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

3. 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 the owner or owners of the structure in question or the owner's legal representative; or upon a showing of good cause before a court of competent jurisdiction.

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

5. As used in this paragraph, the term:

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

(I)a. For single-performance facilities:

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

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

(II)b. For serial-performance facilities:

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

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

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

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

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

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

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

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

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

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

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

f.6. “Hotel or motel development” means any hotel or motel development that accommodates 350 or more units.

~~This exemption does not apply to comprehensive plans or site plans, or amendments thereto, which are submitted for approval or which have been~~

~~approved under local land development regulations, local zoning regulations, or development of regional impact review.~~

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

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

Approved by the Governor June 24, 2009.

Filed in Office Secretary of State June 24, 2009.