

By the Committee on Home Defense, Public Security, and Ports;
and Senator Bennett

318-1955-03

1 A bill to be entitled
2 An act relating to public records; amending s.
3 119.07, F.S.; creating an exemption from
4 public-records requirements to include building
5 plans, blueprints, schematic drawings, and
6 diagrams held by a public agency and relating
7 to specified facilities and structures;
8 providing exceptions; providing for legislative
9 review and repeal; providing a statement of
10 public necessity; providing an effective date.

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

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14 Section 1. Present paragraph (ff) of subsection (3) of
15 section 119.07, Florida Statutes, is redesignated as paragraph
16 (gg), and a new paragraph (ff) is added to that subsection, to
17 read:

18 119.07 Inspection, examination, and duplication of
19 records; exemptions.--

20 (3)

21 (ff) Building plans, blueprints, schematic drawings,
22 and diagrams, including draft, preliminary, and final formats,
23 which depict the internal or external layout or structural
24 elements of a privately owned building, arena, stadium, water
25 treatment facility, entertainment/resort complex as defined in
26 s. 561.01, tourist attraction, or industrial complex, which
27 documents are held by an agency as defined in s. 119.011, are
28 exempt from the provisions of subsection (1) and s. 24(a),
29 Art. I of the State Constitution. This exemption applies to
30 any such documents held either permanently or temporarily by
31 an agency before or after the effective date of this act.

1 Information made exempt by this paragraph may be disclosed to
2 another governmental entity if disclosure is necessary for the
3 receiving entity to perform its duties and responsibilities;
4 to the owner or owners of the structure in question; or upon a
5 showing of good cause before a court of competent
6 jurisdiction. Any entity or person that is not the owner or
7 owners of the structure in question receiving such information
8 shall maintain the exempt status of the information. This
9 paragraph is subject to the Open Government Sunset Review Act
10 of 1995, in accordance with s. 119.15, and shall stand
11 repealed on October 2, 2008, unless reviewed and reenacted by
12 the Legislature.

13 Section 2. The Legislature finds that the
14 public-records exemption created by this act is a public
15 necessity in order to ensure the safety of privately-owned
16 arenas, stadiums, water treatment facilities,
17 entertainment/resort complexes, tourist attractions, and
18 industrial complexes and to ensure public safety. Such exempt
19 information is a vital component of public safety, and, if it
20 were made publicly available, the ability of persons who
21 desire to harm individuals located in or using those
22 structures, the building plans, blueprints, schematic
23 drawings, and diagrams that are made exempt by this act, would
24 be increased. In addition, terrorists would have easy access
25 to the exempt information and use the information to inflict
26 harm on the public. Although skill would be required to use
27 such information to further an act of terrorism, ample
28 evidence exists of the capabilities of terrorists to conduct
29 complicated acts of terrorism. The attack on the World Trade
30 Center and the Pentagon on September 11, 2001, as well as the
31 intentional spread of anthrax in this country and state,

1 provide evidence that such capabilities exist. These events
2 also show the crippling effect that terrorist acts can have,
3 not only on the lives of persons in a community affected by
4 terrorism but also on the economy of the community, the state,
5 and the nation. Consequently, the Legislature finds that the
6 public-records exemption created by this act is a public
7 necessity.

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

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11 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
12 COMMITTEE SUBSTITUTE FOR
13 Senate Bill 1362

14 Provide a public records exemption for building plans,
15 blueprints, schematic drawings, and diagrams, including draft,
16 preliminary, and final formats which depict the internal or
17 external layout or structural elements of a privately owned
18 building, arena, stadium, water treatment facility,
19 entertainment/resort complex, tourist attraction or industrial
20 complex which documents held either permanently or temporarily
21 by an agency before or after the effective date of the bill.

22 Provides exceptions to the public records exemption to allow
23 the disclosure of exempt information to: another governmental
24 entity if disclosure is necessary for the receiving entity to
25 perform its duties and responsibilities; the owners of the
26 structure in question; or upon a showing of good cause before
27 a court of competent jurisdiction.

28 Provides that any entity or person that is not the owner or
29 owners of a structure in question receiving such information
30 shall maintain the exempt status of the information.
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