

ENROLLED
 HB 7017

2009 Legislature

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

13
 14 Be It Enacted by the Legislature of the State of Florida:

15
 16 Section 1. Paragraph (c) of subsection (3) of section
 17 119.071, Florida Statutes, are amended to read:

18 119.071 General exemptions from inspection or copying of
 19 public records.--

20 (3) SECURITY.--

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

ENROLLED
HB 7017

2009 Legislature

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

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

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

43 5. As used in this paragraph, the term:

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

49 (I)a. For single-performance facilities:

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

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

53 (II)b. For serial-performance facilities:

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

ENROLLED
HB 7017

2009 Legislature

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

58 b.2. "Entertainment or resort complex" means a theme park
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.3. "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 ~~which~~:

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

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

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

81 d.4. "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

ENROLLED
HB 7017

2009 Legislature

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

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

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

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

94 f.6. "Hotel or motel development" means any hotel or motel
95 development that accommodates 350 or more units.

96
97 ~~This exemption does not apply to comprehensive plans or site~~
98 ~~plans, or amendments thereto, which are submitted for approval~~
99 ~~or which have been approved under local land development~~
100 ~~regulations, local zoning regulations, or development of~~
101 ~~regional-impact review.~~

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

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