

**FOR CONSIDERATION** By the Committee on Governmental Oversight and Accountability

585-01730-23

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1                                   A bill to be entitled  
2           An act relating to public records; amending s.  
3           119.071, F.S., which provides an exemption from public  
4           records for building plans, blueprints, schematic  
5           drawings, and diagrams, including draft, preliminary,  
6           and final formats, which depict the internal layout or  
7           structural elements of an attractions and recreation  
8           facility, entertainment or resort complex, industrial  
9           complex, retail and service development, office  
10          development, health care facility, or hotel or motel  
11          development; removing a provision authorizing  
12          disclosure of exempt information under certain  
13          circumstances; removing the scheduled repeal of the  
14          exemption; providing an effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

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18           Section 1. Paragraph (c) of subsection (3) of section  
19           119.071, Florida Statutes, is amended to read:

20           119.071 General exemptions from inspection or copying of  
21           public records.—

22           (3) SECURITY AND FIRESAFETY.—

23           (c)1. Building plans, blueprints, schematic drawings, and  
24           diagrams, including draft, preliminary, and final formats, which  
25           depict the internal layout or structural elements of an  
26           attractions and recreation facility, entertainment or resort  
27           complex, industrial complex, retail and service development,  
28           office development, health care facility, or hotel or motel  
29           development, which records are held by an agency are exempt from

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30 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

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

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

44 ~~4.5.~~ As used in this paragraph, the term:

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

49 (I) For single-performance facilities:

50 (A) Provides single-performance facilities; or

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

53 (II) For serial-performance facilities:

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

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

58 b. "Entertainment or resort complex" means a theme park

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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. "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:

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

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

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

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

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

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

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

94 f. "Health care facility" means a hospital, ambulatory  
95 surgical center, nursing home, hospice, or intermediate care  
96 facility for the developmentally disabled.

97 g. "Hotel or motel development" means any hotel or motel  
98 development that accommodates 350 or more units.

99 ~~6. This paragraph is subject to the Open Government Sunset  
100 Review Act in accordance with s. 119.15 and shall stand repealed  
101 on October 2, 2023, unless reviewed and saved from repeal  
102 through reenactment by the Legislature.~~

103 Section 2. This act shall take effect October 1, 2023.