



PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION

POLICY AND PROCEDURES

FROM: Jon MacGillis, ASLA, Zoning Director
SUBJECT: Procedures for Confidential Zoning Application Files and Plans
PPM #: ZO-O-072

<u>ISSUE DATE</u>	<u>EFFECTIVE DATE</u>
5/17/2021	5/17/2021

PURPOSE:

To establish procedures for identifying and maintaining zoning application documents that are deemed exempt from public records (*shall be kept confidential*) and to establish procedures for releasing such information in accordance with Florida State Statutes (FS) 119.071 and 286.113.

AUTHORITY:

Public Records [F.S. 119.071\(3\)](#), and Public Business [F.S. 286.0113.4\(a\)](#) as amended, provides state regulations and exemptions from inspection and copying of records, related directly to the "...physical security or fire safety of the facility or systems..., or information" regarding specific types of developments and information. Note: Staff should read the current statutes to confirm any changes to these provisions. The statutes apply to all current and future applications. The following categories of developments and information (as identified in the statutes) shall be reviewed relative to Zoning Applications and Plans:

- A. **F.S. 119.071, Section 3.b.1.** - ...Building Plans, blueprints, schematic drawings, and diagrams, including draft, preliminary and final formats, which depict the **internal layout and structural elements** of a building... for the following types of developments:
 - Arena, Stadium, Water Treatment Facility, or other structure owned and operated by an Agency are exempt...
- B. **F.S. 119.071, Section 3.d.1.** - **Information relating to:**
 - Nationwide Public Safety Broadband Network established pursuant to 47 U.S.C. ss. 1401 et seq. The design, development, construction, deployment, and operation of network facilities; Network coverage including geographical maps; design, features, functions, and capabilities of network devices provided to first responders and other network users. Examples: Cyber Security, network servers, network devices for service for first responders or other network users.
- C. **F.S. 119.071, Section 3.e.1.a and b.** - ... Building Plans, blueprints, schematic drawings, and diagrams, including draft, preliminary and final formats, which depict the **structural elements** of 911, E911 or Public Safety radio communication system infrastructure, including towers, antennae, equipment or other 911, E911, or public safety radio communication structures or facilities, and geographical maps, also video or video tapes of meetings, meetings documents or recordings (FS 286.0113) which would reveal the actual or proposed location of 911, E911, or public safety radio communication system... **owned and operated by an Agency.**

GUIDELINES:

The Zoning Applications submitted with documents that are described in the statutes and in accordance with the following guidelines, shall be deemed "Confidential" and shall not be readily available to the public:

1. **Section A above** - only when the zoning application includes plans or documents that depicts the "internal layout or structural elements" of the development of an Arena, Stadium, or Water Treatment Facility, or other structure owned and operated by an Agency. (Structural elements includes roof, slabs, beams, columns, structural members and connections, internal and exterior of exterior walls, window frames, and other parts of building structure; *lawinsider.com/dictionary*).
2. **Section B above** - any zoning application submitted for the development of a Nationwide Public Safety Broadband communication system as described in B above, shall be deemed confidential;
3. **Section C above** - any zoning application submitted for the development of a 911, E911, or Public Safety radio communication system among 911 public safety answering system as in C above shall be deemed confidential. Public Safety Radio is defined in the statute as ...*a means of communication between and among 911 public safety answering points, dispatchers, and first responders, agencies...*
4. Shall be "owned and operated" by an Agency (means any Local, State, or Federal).

PROCEDURES:

The established procedures below provide direction to staff when handling confidential Zoning Applications and Plans:

A. New Zoning Applications and Plans:

The Owner or Agent submitting an application that falls within the categories listed above shall notify staff of this status at the time of submittal, (*indicate in Request on Form #1 – General Application*).

Staff shall process the application as confidential by following the procedures below:

1. When applications are uploaded in ePZB and it is determined by the Agent or Staff to be a confidential request(s) based on the guidelines above, staff shall notify ISS via email to lock-down the application in ePZB and add note(s) on the ePZB screens, to indicate that the application is considered "Confidential" per Florida Statutes. Remember to copy the CRM and Zoning Director on the email.
2. Indicate in the email the type of lock-down required as zoning applications may be locked in ePZB by the Control Number or by the Application Number.
3. The CRM will add the application information to the Official List of Confidential Applications and Plans, located in this folder: <U:\Zoning\CD\DRO\Confidential ePlans>
4. The CRM will follow-up when the application is approved, that staff has posted the established disclaimer on the web and the approved plans are stamped "confidential" (refer to <PPM ZO-O-054>, [Preparing and Publishing Approved Plans](#), for stamping instructions) and save approved plans in the confidential folder above.

B. Existing Zoning Applications and Plans:

1. The Customer Relations Manager (CRM) shall maintain a list of all "Confidential" applications and plans whether current or new applications for any project as described in Section A, B or C above, in this folder; <U:\Zoning\CD\DRO\Confidential ePlans>
2. The CRM shall review the current list of Confidential Application and Plans to ensure that all applications identified as confidential are locked in ePZB and that the approved final plans are stamped "Confidential" in accordance with <PPM ZO-O-054>, [Preparing and Publishing Approved Plans](#), removed from the Zoning Web page if applicable, and replaced with the "Disclaimer".
3. All approved final plans that are deemed "confidential" shall not be posted to the Zoning Web page and shall be saved in this folder: <U:\Zoning\CD\DRO\Confidential ePlans>

4. All approved 911, E911 Communication Towers shall be added to the Approved Confidential Tower Map (separate tower map for referencing only and for staff use) by sending an email with the tower information to PZBMAP to add new tower to the map. The Confidential Tower Map is maintain in the folder referenced in B.1 above, to be maintained as staff reference only and should not be published or shared with non-county personnel.

C. Release of “Confidential” Documents and Plans:

Zoning applications that are determine “Confidential” shall be released upon written authorization from the Agency/Owner, pursuant with F.S.119, to following:

1. Another government entity, if necessary to perform its duties and responsibilities;
2. A licensed architect, engineer, or contractor who is performing work on the related facility or 911 or E911 tower; *and*,
3. Upon showing of good cause before a court.

Procedures for Release of Confidential Documents and Plans:

1. Request for release shall be submitted in writing to the CRM or the Zoning Director, (emails are acceptable).
2. The CRM will provide the contact information for the person responsible for approving the request for release, as listed below:

Agency Contact information:

- **911, E911, Emergency Communication Towers/Antennas and Facilities:**

Contact Department: FD&O Business & Community Agreements:

Contact Person: Mark Broderick, Manager, 561-233-5252 MBroderick@pbcgov.org

- **Water Treatment, Reclamation or Distribution Plants or Facilities:**

Contact Department: Palm Beach County Water Utilities Department:

Contact Person: John Visconti, JVisconti@pbcwater.com

- **Private Entities:** Written request for confidentiality may be submitted by property Owners to the Zoning Director for individual review and approval. Contact information for each entity shall be maintained in the list referenced above. Example:

Pratt Whitney

Contact Person: Bill Booth, 561-796-5052

william.booth@pw.utc.com

3. The Agency contact person shall provide a response to the CRM and shall include the name of recipient, company name, control number, exhibit number, and list and description of documents or plans authorized to be release.
4. The CMS will release the documents in accordance with the agency authorization, and within the procedures of section C of this PPM.
5. All related correspondences shall be saved in the folder referenced above in A.3.



Director