

By Senator Young

18-01051-18

2018906__

1 A bill to be entitled
2 An act relating to public records; amending s.
3 119.071, F.S.; providing an exemption from public
4 records requirements for building plans, blueprints,
5 schematic drawings, and diagrams held by an agency
6 which depict the internal layout or structural
7 elements of certain health care facilities; providing
8 for future legislative review and repeal of the
9 exemption; providing a statement of public necessity;
10 providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Paragraph (c) of subsection (3) of section
15 119.071, Florida Statutes, is amended to read:

16 119.071 General exemptions from inspection or copying of
17 public records.—

18 (3) SECURITY.—

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

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

29 3. Information made exempt by this paragraph may be

18-01051-18

2018906__

30 disclosed to another governmental entity if disclosure is
31 necessary for the receiving entity to perform its duties and
32 responsibilities; to the owner or owners of the structure in
33 question or the owner's legal representative; or upon a showing
34 of good cause before a court of competent jurisdiction.

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

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

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

45 (I) For single-performance facilities:

46 (A) Provides single-performance facilities; or

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

49 (II) For serial-performance facilities:

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

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

54 b. "Entertainment or resort complex" means a theme park
55 comprised of at least 25 acres of land with permanent
56 exhibitions and a variety of recreational activities, which has
57 at least 1 million visitors annually who pay admission fees
58 thereto, together with any lodging, dining, and recreational

18-01051-18

2018906__

59 facilities located adjacent to, contiguous to, or in close
60 proximity to the theme park, as long as the owners or operators
61 of the theme park, or a parent or related company or subsidiary
62 thereof, has an equity interest in the lodging, dining, or
63 recreational facilities or is in privity therewith. Close
64 proximity includes an area within a 5-mile radius of the theme
65 park complex.

66 c. "Industrial complex" means any industrial,
67 manufacturing, processing, distribution, warehousing, or
68 wholesale facility or plant, as well as accessory uses and
69 structures, under common ownership that:

70 (I) Provides onsite parking for more than 250 motor
71 vehicles;

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

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

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

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

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

86 e. "Office development" means any office building or park
87 operated under common ownership, development plan, or management

18-01051-18

2018906__

88 that encompasses 300,000 or more square feet of gross floor
89 area.

90 f. "Health care facility" means a hospital, ambulatory
91 surgical center, nursing home, hospice, or intermediate care
92 facility for the developmentally disabled.

93 g. ~~f.~~ "Hotel or motel development" means any hotel or motel
94 development that accommodates 350 or more units.

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

99 Section 2. The Legislature finds that it is a public
100 necessity that the building plans, blueprints, schematic
101 drawings, and diagrams of a health care facility should remain
102 confidential to ensure the safety of the health care facility's
103 staff, patients, and visitors. The Agency for Health Care
104 Administration reviews the building plans of proposed health
105 care facility construction to ensure compliance with health care
106 rules, codes, and standards in order to protect the public
107 health and safety. Schematics, preliminary plans, and
108 construction documents received by the agency and other
109 governmental agencies for hospitals, ambulatory surgical
110 centers, nursing homes, hospices, and intermediate care
111 facilities for the developmentally disabled are currently
112 subject to release as public records and subject to release upon
113 request. These plans include building floor plans, communication
114 systems, medical gas systems, electrical systems, emergency
115 generators, and other physical plant and security details.
116 Recent security threats have been shared by state and federal

18-01051-18

2018906__

117 security and emergency preparedness officials which describe the
118 targeting of health care facilities by terrorists. Because
119 architectural and engineering plans reviewed and held by
120 governmental agencies include information regarding emergency
121 egress, locking arrangements, critical life safety systems, and
122 restricted areas, these plans could be used by criminals or
123 terrorists to examine the physical plant for vulnerabilities.
124 Information contained in these documents could aid in the
125 planning of, training for, and execution of criminal actions
126 including infant abduction, cybercrime, arson, and terrorism.
127 Consequently, the Legislature finds that the public records
128 exemption created by this act is a public necessity to reduce
129 exposure to security threats and protect the public.

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