

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.

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

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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
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
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
73 floor 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
 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 be made
102 exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
103 Article I of the State Constitution to ensure the safety of the
104 health care facility's staff, patients, and visitors. The Agency
105 for Health Care Administration reviews the building plans of
106 proposed health care facility construction to ensure compliance
107 with health care rules, codes, and standards in order to protect
108 the public health and safety. Schematics, preliminary plans, and
109 construction documents received by the agency and other
110 government agencies for hospitals, ambulatory surgical centers,
111 nursing homes, hospices, and intermediate care facilities for
112 the developmentally disabled are currently subject to release as
113 public records and subject to release upon request. These plans
114 include building floor plans, communication systems, medical gas
115 systems, electrical systems, emergency generators, and other
116 physical plant and security details. Recent security threats
117 have been shared by state and federal security and emergency
118 preparedness officials that describe the targeting of health
119 care facilities by terrorists. Because architectural and
120 engineering plans reviewed and held by government agencies
121 include information regarding emergency egress, locking
122 arrangements, critical life safety systems, and restricted
123 areas, these plans could be used by criminals or terrorists to
124 examine the physical plant for vulnerabilities. Information
125 contained in these documents could aid in the planning,

126 | training, and execution of criminal actions including infant
127 | abduction, cyber-crime, arson, and terrorism. Consequently, the
128 | Legislature finds that the public records exemption created by
129 | this act is a public necessity to reduce exposure to security
130 | threats and protect the public.

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