

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, diagrams, and other construction
6 documents received and held by certain agencies which
7 depict the internal layout or structural elements of
8 certain health care facilities; providing for future
9 legislative review and repeal of the exemption;
10 providing a statement of public necessity; providing
11 an effective date.

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

14
15 Section 1. Paragraph (c) of subsection (3) of section
16 119.071, Florida Statutes, is amended to read:

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

19 (3) SECURITY.—

20 (c)1. Building plans, blueprints, schematic drawings, and
21 diagrams, including draft, preliminary, and final formats, which
22 depict the internal layout or structural elements of an
23 attractions and recreation facility, entertainment or resort
24 complex, industrial complex, retail and service development,
25 office development, health care facility, or hotel or motel

26 | development, which records are held by an agency are exempt from
27 | s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

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

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

41 | 5. As used in this paragraph, the term:

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

46 | (I) For single-performance facilities:

47 | (A) Provides single-performance facilities; or

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

50 | (II) For serial-performance facilities:

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

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

55 b. "Entertainment or resort complex" means a theme park
56 comprised of at least 25 acres of land with permanent
57 exhibitions and a variety of recreational activities, which has
58 at least 1 million visitors annually who pay admission fees
59 thereto, together with any lodging, dining, and recreational
60 facilities located adjacent to, contiguous to, or in close
61 proximity to the theme park, as long as the owners or operators
62 of the theme park, or a parent or related company or subsidiary
63 thereof, has an equity interest in the lodging, dining, or
64 recreational facilities or is in privity therewith. Close
65 proximity includes an area within a 5-mile radius of the theme
66 park complex.

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

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

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

75 (III) Occupies a site of 100 acres or more, but excluding

76 wholesale facilities or plants that primarily serve or deal
 77 onsite with the general public.

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

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

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

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

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

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

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

100 Section 2. The Legislature finds that it is a public

101 necessity that the building plans, blueprints, schematic
102 drawings, diagrams, including draft, preliminary, and final
103 formats, and other construction documents of a health care
104 facility should be made exempt from s. 119.07(1), Florida
105 Statutes, and s. 24(a), Article I of the State Constitution to
106 ensure the safety of the health care facility's staff, patients,
107 and visitors. Building plans, blueprints, schematic drawings,
108 diagrams, including draft, preliminary, and final formats, and
109 other construction documents received and held by the Agency for
110 Health Care Administration and other governmental agencies which
111 depict the internal layout or structural elements of hospitals,
112 ambulatory surgical centers, nursing homes, hospices, and
113 intermediate care facilities for the developmentally disabled
114 are currently subject to release as public records and subject
115 to release upon request. The Agency for Health Care
116 Administration reviews the building plans for proposed health
117 care facility construction to ensure compliance with building
118 codes and agency rules and standards in order to protect the
119 public health and safety. These building plans include diagrams
120 and schematic drawings of building floor plans, communication
121 systems, medical gas systems, electrical systems, and other
122 physical plant and security details which depict the internal
123 layout and structural elements of health care facilities. Recent
124 security threats have been shared by state and federal security
125 and emergency preparedness officials that describe the targeting

126 | of health care facilities by terrorists. Because architectural
127 | and engineering plans reviewed and held by government agencies
128 | include information regarding emergency egress, locking
129 | arrangements, critical life safety systems, and restricted
130 | areas, these plans could be used by criminals or terrorists to
131 | examine the physical plant for vulnerabilities. Information
132 | contained in these documents could aid in the planning,
133 | training, and execution of criminal actions including infant
134 | abduction, cyber-crime, arson, and terrorism. Consequently, the
135 | Legislature finds that the public records exemption created by
136 | this act is a public necessity to reduce exposure to security
137 | threats and protect the public.

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