

By the Committee on Health Policy; and Senator Young

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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:

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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

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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

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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

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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. Building
105 plans, blueprints, schematic drawings, diagrams, preliminary
106 plans, and construction documents the Agency for Health Care
107 Administration and other governmental agencies receive which
108 depict the internal layout or structural elements of hospitals,
109 ambulatory surgical centers, nursing homes, hospices, and
110 intermediate care facilities for the developmentally disabled
111 are currently public records and are subject to release upon
112 request. The Agency for Health Care Administration reviews the
113 building plans for proposed health care facility construction to
114 ensure compliance with building codes and agency rules and
115 standards in order to protect the public health and safety.
116 These building plans include diagrams and schematics of building

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

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