

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  
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 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 government agencies for hospitals, ambulatory surgical centers,  
110 nursing homes, hospices, and intermediate care facilities for  
111 the developmentally disabled are currently subject to release as  
112 public records and subject to release upon request. These plans  
113 include building floor plans, communication systems, medical gas  
114 systems, electrical systems, emergency generators, and other  
115 physical plant and security details. Recent security threats  
116 have been shared by state and federal security and emergency  
117 preparedness officials that describe the targeting of health  
118 care facilities by terrorists. Because architectural and  
119 engineering plans reviewed and held by government agencies  
120 include information regarding emergency egress, locking  
121 arrangements, critical life safety systems, and restricted  
122 areas, these plans could be used by criminals or terrorists to  
123 examine the physical plant for vulnerabilities. Information  
124 contained in these documents could aid in the planning,  
125 training, and execution of criminal actions including infant

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

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