

## CHAPTER 2018-53

### Committee Substitute for Committee Substitute for House Bill No. 551

An act relating to public records; amending s. 119.071, F.S.; providing an exemption from public records requirements for building plans, blueprints, schematic drawings, diagrams, and other construction documents received and held by certain agencies which depict the internal layout or structural elements of certain health care facilities; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

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

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

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

(3) SECURITY.—

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

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

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

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

5. As used in this paragraph, the term:

a. "Attractions and recreation facility" means any sports, entertainment, amusement, or recreation facility, including, but not limited to, a sports

arena, stadium, racetrack, tourist attraction, amusement park, or pari-mutuel facility that:

- (I) For single-performance facilities:
  - (A) Provides single-performance facilities; or
  - (B) Provides more than 10,000 permanent seats for spectators.
- (II) For serial-performance facilities:
  - (A) Provides parking spaces for more than 1,000 motor vehicles; or
  - (B) Provides more than 4,000 permanent seats for spectators.

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

c. “Industrial complex” means any industrial, manufacturing, processing, distribution, warehousing, or wholesale facility or plant, as well as accessory uses and structures, under common ownership that:

- (I) Provides onsite parking for more than 250 motor vehicles;
- (II) Encompasses 500,000 square feet or more of gross floor area; or
- (III) Occupies a site of 100 acres or more, but excluding wholesale facilities or plants that primarily serve or deal onsite with the general public.

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

- (I) Encompasses more than 400,000 square feet of gross floor area; or
- (II) Provides parking spaces for more than 2,500 motor vehicles.

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

f. “Health care facility” means a hospital, ambulatory surgical center, nursing home, hospice, or intermediate care facility for the developmentally disabled.

g.f. “Hotel or motel development” means any hotel or motel development that accommodates 350 or more units.

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

Section 2. The Legislature finds that it is a public necessity that the building plans, blueprints, schematic drawings, diagrams, including draft, preliminary, and final formats, and other construction documents of a health care facility should be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution to ensure the safety of the health care facility’s staff, patients, and visitors. Building plans, blueprints, schematic drawings, diagrams, including draft, preliminary, and final formats, and other construction documents received and held by the Agency for Health Care Administration and other governmental agencies which depict the internal layout or structural elements of hospitals, ambulatory surgical centers, nursing homes, hospices, and intermediate care facilities for the developmentally disabled are currently subject to release as public records and subject to release upon request. The Agency for Health Care Administration reviews the building plans for proposed health care facility construction to ensure compliance with building codes and agency rules and standards in order to protect the public health and safety. These building plans include diagrams and schematic drawings of building floor plans, communication systems, medical gas systems, electrical systems, and other physical plant and security details which depict the internal layout and structural elements of health care facilities. Recent security threats have been shared by state and federal security and emergency preparedness officials that describe the targeting of health care facilities by terrorists. Because architectural and engineering plans reviewed and held by government agencies include information regarding emergency egress, locking arrangements, critical life safety systems, and restricted areas, these plans could be used by criminals or terrorists to examine the physical plant for vulnerabilities. Information contained in these documents could aid in the planning, training, and execution of criminal actions including infant abduction, cyber-crime, arson, and terrorism. Consequently, the Legislature finds that the public records exemption created by this act is a public necessity to reduce exposure to security threats and protect the public.

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

Approved by the Governor March 21, 2018.

Filed in Office Secretary of State March 21, 2018.