

hbd-08

Bill No. CS/HB 3605

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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Representative(s) Fasano offered the following:

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Amendment (with title amendment)

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On page 4, line 4, through page 5, line 31,
remove from the bill: all of said lines

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and insert in lieu thereof:

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(7) A public hospital may not approve a binding agreement to sell, lease, merge, or consolidate the hospital at any closed meeting of the board. Any such approval must be made at a meeting open to the public and noticed in accordance with s. 286.011.

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(8) If the governing board of the entity that owns the hospital or other health care facility closes a portion of any board meeting pursuant to subsection (4) of this section, then, prior to placing the strategic plan or any discrete component of the strategic plan into operations, the governing board must notice and conduct a meeting in accordance with s. 286.011. The notice of such meeting shall be given not less than 15 days in advance of the meeting and shall specify that the implementation of all or a part of a strategic plan will

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1 be discussed at the meeting. The written materials which are
2 furnished to the board in preparation for the noticed meeting
3 which describe or support the proposed actions of the board
4 will be furnished to any member of the public, upon request,
5 at least 7 days prior to the meeting.

6 Section 2. (1) The Legislature finds that it is a
7 public necessity that portions of a public hospital's
8 governing board meetings be closed when strategic plans that
9 are exempt from the Public Records Law are discussed. If such
10 meetings are not closed, information contained in confidential
11 strategic plans would be revealed. The disclosure of any such
12 confidential plans would make it exceptionally difficult, if
13 not impossible, for a public hospital to effectively compete
14 in the marketplace against private hospitals, whose records
15 and meetings are not required to be open to the public.

16 (2) It is also a public necessity that any records
17 generated at closed public hospital board meetings, such as
18 tape recordings, notes, and minutes, memorializing the
19 discussions regarding such confidential strategic plans,
20 including marketing plans, also be held confidential for a
21 limited time as provided; otherwise, confidential proprietary
22 and trade secret information would become public and impair a
23 public hospital's ability to effectively and efficiently
24 compete in the marketplace.

25 (3) The necessity for the strategic planning exemption
26 from public records and public meeting laws is critical to the
27 survival of Florida's public hospital delivery system, which
28 is often the last safety net for our less advantaged citizens
29 and visitors. Disclosure of information contained in a
30 strategic plan, as defined in this act, would place a public
31 hospital at a competitive disadvantage with respect to its

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1 privately owned competitors and could allow those competitors
 2 to disrupt the implementation of any strategic plan or
 3 marketing plan.

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6 ===== T I T L E A M E N D M E N T =====

7 And the title is amended as follows:

8 On page 1, line 10, after the semicolon

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10 insert:

11 prohibiting public hospitals from taking
 12 certain specified actions at closed meetings;

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