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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

Representative(s) Fasano offered the following:

**Amendment (with directory language and title amendments)**

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

and insert in lieu thereof:

(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.

(8) The governing board of a public hospital, in developing a strategic plan that may result in a substantial reduction or termination of a health service, may conduct studies and engage in other fact-finding activities and may discuss such studies and fact-finding reports, as provided in subsection (4). However, prior to the governing board adopting any proposal that would result in the termination or a substantial reduction of a health service that is not

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1 available from any other provider within 30-minutes driving  
2 time, the governing board must present all proposals under  
3 consideration relating to the health service to the public at  
4 a public meeting noticed and conducted in accordance with  
5 chapter 286. The public may comment on all proposed  
6 alternatives. The governing board may not adopt any proposal  
7 other than a proposal or any combination of proposals  
8 presented to the public as required under this subsection.

9 (9) If the governing board of the entity that owns the  
10 hospital or other health care facility closes a portion of any  
11 board meeting pursuant to subsection (4), then, prior to  
12 placing the strategic plan or any discrete component of the  
13 strategic plan into operations, the governing board must  
14 notice and conduct a meeting in accordance with s. 286.011.  
15 The notice of such meeting shall be given not less than 15  
16 days in advance of the meeting and shall specify that the  
17 implementation of all or a part of a strategic plan will be  
18 discussed at the meeting. The written materials which are  
19 furnished to the board in preparation for the noticed meeting  
20 which describe or support the proposed actions of the board  
21 will be furnished to any member of the public, upon request,  
22 at least 7 days prior to the meeting.

23 Section 1. (1) The Legislature finds that it is a  
24 public necessity that portions of a public hospital's  
25 governing board meetings be closed when strategic plans that  
26 are exempt from the Public Records Law are discussed. If such  
27 meetings are not closed, information contained in confidential  
28 strategic plans would be revealed. The disclosure of any such  
29 confidential plans would make it exceptionally difficult, if  
30 not impossible, for a public hospital to effectively compete  
31 in the marketplace against private hospitals, whose records

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1 and meetings are not required to be open to the public.  
2 (2) It is also a public necessity that any records  
3 generated at closed public hospital board meetings, such as  
4 tape recordings, notes, and minutes, memorializing the  
5 discussions regarding such confidential strategic plans,  
6 including marketing plans, also be held confidential for a  
7 limited time as provided; otherwise, confidential proprietary  
8 and trade secret information would become public and impair a  
9 public hospital's ability to effectively and efficiently  
10 compete in the marketplace.  
11 (3) The necessity for the strategic planning exemption  
12 from public records and public meeting laws is critical to the  
13 survival of Florida's public hospital delivery system, which  
14 is often the last safety net for our less advantaged citizens  
15 and visitors. Disclosure of information contained in a  
16 strategic plan, as defined in this act, would place a public  
17 hospital at a competitive disadvantage with respect to its  
18 privately owned competitors and could allow those competitors  
19 to disrupt the implementation of any strategic plan or  
20 marketing plan.

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23 == D I R E C T O R Y L A N G U A G E A M E N D M E N T ==

24 And the directory language is amended as follows:

25 On page 1, line 22,  
26 remove: all of said line

27  
28 and insert in lieu thereof: subsection (10), and new  
29 subsections (6), (7), (8), and (9) are added to  
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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 On page 1, line 10, after the semicolon,

4

5 insert:

6 prohibiting public hospitals from taking  
7 certain specified actions at closed meetings;  
8 authorizing the governing board of a public  
9 hospital to study issues relating to reduction  
10 or termination of a health service; requiring a  
11 public meeting for presentation of proposals;  
12 providing for public comment; restricting  
13 governing board adoption to proposals  
14 presented;

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