4-693-98

A bill to be entitled 1 2 An act relating to private corporations; amending s. 155.40, F.S.; providing that a 3 4 private corporation that leases a public 5 hospital or public health care facility is not 6 a person acting on behalf of such entity and 7 subject to the open records and meetings law under certain circumstances; providing a 8 9 finding of public purpose; providing future 10 repeal; providing an effective date. 11 12 Be It Enacted by the Legislature of the State of Florida: 13 Section 1. Subsection (6) is added to section 155.40, 14 Florida Statutes, to read: 15 16 155.40 Sale or lease of county, district, or municipal 17 hospital.--(6)(a) A private corporation that leases a public 18 19 hospital or other public health care facility is not a "person 20 acting on behalf of "the public hospital or other public 21 health care facility as that term is used in Sections 24(a) 22 and (b) of Article I of the State Constitution, unless: 23 1. The public hospital or other public health care 24 facility was the incorporator of the private company, and 25 2. A majority of the members of the governing board of the private corporation are also members of the governing 26 27 board of the public entity that owns the public hospital or 28 the other public health care facility. 29 The exemption provided in this subsection expires 30 July 1, 2003, and must be reviewed by the Legislature in accordance with s. 119.15 before that date.

1 Section 2. The Legislature finds that it is in the 2 public interest to provide affordable quality medical services 3 to the public. The Legislature also finds that private 4 corporations that lease a public hospital or other public health care facility provide an essential service that allows 5 6 such institutions to function in a financially sound 7 environment and to continue to provide medical services to the public. The Legislature finds that records and information 8 9 relating to a private corporation's business affairs, as well 10 as conversations at meetings of the corporation, might damage 11 the corporation and put it at a disadvantage with its 12 competitors. Making such information and meetings public could substantially affect the corporation's solvency. The 13 14 Legislature reaffirms its action in enacting section 155.40, 15 Florida Statutes, to treat private corporations that lease a public hospital or public health care facility differently 16 from other corporations or other public institutions. 17 Section 3. This act shall take effect July 1, 1998. 18 19 20 SENATE SUMMARY 21 Provides that a private corporation that leases a public hospital or other public health care facility is not a person acting on behalf of such institution for purposes of the public records and meetings law unless such public institution was the incorporator of the private corporation and a majority of the members of the governing board of the private corporation are also members of the governing board of the public entity that owns the public hospital or the other public health care facility. Provides a finding of public purpose. Provides for future repeal. 22 23 24 25 26 27 for future repeal. 2.8 29 30 31