

HB 1337

2007

1 A bill to be entitled
2 An act relating to a public records and public meetings
3 exemption; creating s. 1004.433, F.S.; providing an
4 exemption from public records requirements for records and
5 information in the possession of Boca Raton Community
6 Hospital, Inc., or a subsidiary thereof, in its capacity
7 as lessee of land from Florida Atlantic University
8 pursuant to an agreement for the implementation of a land
9 lease for the development and operation of a community-
10 university affiliated teaching hospital which will serve
11 as the primary teaching hospital for the regional campus
12 of the University of Miami Miller School of Medicine at
13 Florida Atlantic University; providing an exception to the
14 exemption; providing an exemption from public meetings
15 requirements for meetings or portions of meetings of the
16 board of directors of Boca Raton Community hospital, or a
17 subsidiary thereof, in its capacity as lessee; providing
18 an exception to the exemption; providing an exemption from
19 public records requirements for any records generated
20 during those meetings or portions of meetings of the board
21 of directors of Boca Raton Community Hospital, or a
22 subsidiary thereof, which are closed to the public under
23 the act; providing for review and repeal; providing a
24 statement of public necessity; providing an effective
25 date.

26
27 Be It Enacted by the Legislature of the State of Florida:
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29 Section 1. Section 1004.433, Florida Statutes, is created
30 to read:

31 1004.433 Florida Atlantic University & Boca Raton
32 Community Hospital, Inc., Community-University Affiliated
33 Teaching Hospital; public records exemption; public meetings
34 exemption.--

35 (1) For purposes of this section, "lessee" means the Boca
36 Raton Community Hospital, Inc., pursuant to the agreement signed
37 June 28, 2006, and approved by the Board of Governors of the
38 State University System, in the implementation of a land lease
39 for the development and operation of a community-university
40 affiliated teaching hospital which will serve as the primary
41 teaching hospital for the regional campus of the University of
42 Miami Miller School of Medicine at Florida Atlantic University.

43 (2) All records and information in the possession of Boca
44 Raton Community Hospital, Inc., or a subsidiary thereof, in its
45 capacity as lessee as defined in subsection (1) are confidential
46 and exempt from the provisions of s. 119.07(1) and s. 24(a),
47 Art. I of the State Constitution. This exemption does not apply
48 to any records or information that is solely related to the
49 undergraduate medical and graduate medical programs of the
50 University of Miami Miller School of Medicine at Florida
51 Atlantic University, which shall be public records unless made
52 confidential or exempt by law.

53 (3) A meeting or portion of a meeting of the board of
54 directors of Boca Raton Community Hospital, Inc., or a
55 subsidiary thereof, in its capacity as lessee as defined in
56 subsection (1), at which information is presented or discussed

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57 which is confidential and exempt under subsection (2) is closed
58 to the public and exempt from s. 286.011 and s. 24(b), Art. I of
59 the State Constitution. This exemption does not apply to a
60 meeting or portion of a meeting of the board of directors of
61 Boca Raton Community Hospital, Inc., or a subsidiary thereof, in
62 its capacity as lessee as defined in subsection (1), at which
63 information is presented or discussed that is solely related to
64 the undergraduate medical and graduate medical programs of the
65 University of Miami Miller School of Medicine at Florida
66 Atlantic University, which shall be public meetings unless made
67 exempt from public meetings requirements by law.

68 (4) Any records generated during a meeting or portion of a
69 meeting of the board of directors of Boca Raton Community
70 Hospital, Inc., or a subsidiary thereof, in its capacity as
71 lessee as defined in subsection (1), which are closed to the
72 public under subsection (3), such as minutes, tape recordings,
73 videotapes, transcriptions, or notes, are confidential and
74 exempt from s. 119.07(1) and s. 24, Art. I of the State
75 Constitution.

76 (5) This section is subject to the Open Government Sunset
77 Review Act in accordance with s. 119.15 and shall stand repealed
78 on October 2, 2012, unless reviewed and saved from repeal
79 through reenactment by the Legislature.

80 Section 2. It is the finding of the Legislature that it is
81 a public necessity that records and information in the
82 possession of Boca Raton Community Hospital, Inc., or a
83 subsidiary thereof, in its capacity as the lessee of land on the
84 Boca Raton campus of Florida Atlantic University for the

85 development and operation of a community-university affiliated
86 teaching hospital be held confidential and exempt from public
87 records requirements in order for the teaching hospital to
88 fulfill its mission in medical research and education and to
89 ensure that the lessee and its subsidiaries are not placed at a
90 disadvantage in a competitive health care environment. These
91 exemptions are necessary because these records contain
92 information that, if disclosed, would adversely impact the
93 lessee or its subsidiaries in the competitive health care
94 environment. Disclosure of such records and information would
95 place the lessee and its subsidiaries on an unequal footing in
96 the marketplace as compared with private health care providers
97 that are not required to disclose such confidential and exempt
98 information. The Legislature finds that the disclosure of such
99 confidential and exempt information would adversely impact the
100 lessee and its subsidiaries in fulfilling their mission of
101 medical treatment, research, and education. The Legislature
102 further finds that it is a public necessity that meetings of the
103 board of directors of Boca Raton Community Hospital, Inc., or a
104 subsidiary thereof, in its capacity as lessee be held exempt
105 from public meetings requirements in order to protect the
106 competitive interests of the lessee and to guarantee the ability
107 of the lessee to fulfill its medical research and teaching
108 mission for the benefit of the public. Consequently, the
109 Legislature finds that it is a public necessity that any records
110 generated during those meetings or portions of meetings of the
111 board of directors of Boca Raton Community Hospital, Inc., or a
112 subsidiary thereof, in its capacity as lessee which have been

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113 made exempt from public meetings requirements under this act,
114 such as minutes, tape recordings, videotapes, transcriptions, or
115 notes, be held confidential and exempt from public records
116 requirements, since failure to grant such an exemption would
117 render the exemption from public meetings requirements
118 meaningless.

119 Section 3. This act shall take effect July 1, 2007.