

Bill No. SB 2390

Barcode 902662

CHAMBER ACTION

Senate

House

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The Committee on Higher Education (Ring) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Section 1004.433, Florida Statutes, is created to read:

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

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

Bill No. SB 2390

Barcode 902662

1 Florida Atlantic University.

2 (2) All records and information in the possession of
3 Boca Raton Community Hospital, Inc., or a subsidiary thereof,
4 in its capacity as lessee as defined in subsection (1) are
5 confidential and exempt from the provisions of s. 119.07(1)
6 and s. 24(a), Art. I of the State Constitution. This exemption
7 does not apply to any records or information that is solely
8 related to the undergraduate medical and graduate medical
9 programs of the University of Miami Miller School of Medicine
10 at Florida Atlantic University, which shall be public records
11 unless made confidential or exempt by law.

12 (3) A meeting or portion of a meeting of the board of
13 directors of Boca Raton Community Hospital, Inc., or a
14 subsidiary thereof, in its capacity as lessee as defined in
15 subsection (1), at which information is presented or discussed
16 which is confidential and exempt under subsection (2) is
17 closed to the public and exempt from s. 286.011 and s. 24(b),
18 Art. I of the State Constitution. This exemption does not
19 apply to a meeting or portion of a meeting of the board of
20 directors of Boca Raton Community Hospital, Inc., or a
21 subsidiary thereof, in its capacity as lessee as defined in
22 subsection (1), at which information is presented or discussed
23 that is solely related to the undergraduate medical and
24 graduate medical programs of the University of Miami Miller
25 School of Medicine at Florida Atlantic University, which shall
26 be public-meetings unless made exempt from public meetings
27 requirements by law.

28 (4) Any records generated during a meeting or portion
29 of a meeting of the board of directors of Boca Raton Community
30 Hospital, Inc., or a subsidiary thereof, in its capacity as
31 lessee as defined in subsection (1), which are closed to the

Bill No. SB 2390

Barcode 902662

1 public under subsection (3), such as minutes, tape recordings,
 2 videotapes, transcriptions, or notes, are confidential and
 3 exempt from s. 119.07(1) and s. 24, Art. I of the State
 4 Constitution.

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

9 Section 2. It is the finding of the Legislature that
 10 it is a public necessity that records and information in the
 11 possession of Boca Raton Community Hospital, Inc., or a
 12 subsidiary thereof, in its capacity as the lessee of land on
 13 the Boca Raton campus of Florida Atlantic University for the
 14 development and operation of a community-university affiliated
 15 teaching hospital be held confidential and exempt from
 16 public-records requirements in order for the teaching hospital
 17 to fulfill its mission in medical research and education and
 18 to ensure that the lessee and its subsidiaries are not placed
 19 at a disadvantage in a competitive health care environment.
 20 These exemptions are necessary because these records contain
 21 information that, if disclosed, would adversely affect the
 22 lessee or its subsidiaries in the competitive health care
 23 environment. Disclosure of such records and information would
 24 place the lessee and its subsidiaries on an unequal footing in
 25 the marketplace as compared with private health care providers
 26 that are not required to disclose such confidential and exempt
 27 information. The Legislature finds that the disclosure of such
 28 confidential and exempt information would adversely affect the
 29 lessee and its subsidiaries in fulfilling their mission of
 30 medical treatment, research, and education. The Legislature
 31 further finds that it is a public necessity that meetings of

Bill No. SB 2390

Barcode 902662

1 the board of directors of Boca Raton Community Hospital, Inc.,
2 or a subsidiary thereof, in its capacity as lessee be held
3 exempt from public-meetings requirements in order to protect
4 the competitive interests of the lessee and to guarantee the
5 ability of the lessee to fulfill its medical research and
6 teaching mission for the benefit of the public. Consequently,
7 the Legislature finds that it is a public necessity that any
8 records generated during those meetings or portions of
9 meetings of the board of directors of Boca Raton Community
10 Hospital, Inc., or a subsidiary thereof, in its capacity as
11 lessee which have been made exempt from public-meetings
12 requirements under this act, such as minutes, tape recordings,
13 videotapes, transcriptions, or notes, be held confidential and
14 exempt from public-records requirements, since failure to
15 grant such an exemption would render the exemption from
16 public-meetings requirements meaningless.

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

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

And the title is amended as follows:

Delete everything before the enacting clause

and insert:

A bill to be entitled

An act relating to public records and public
meetings; creating s. 1004.433, F.S.; providing
an exemption from public-records requirements
for records and information in the possession
of Boca Raton Community Hospital, Inc., or a
subsidiary thereof, in its capacity as lessee

Bill No. SB 2390

Barcode 902662

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

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