

1 Art. I of the State Constitution. However, the Auditor
2 General, the Office of Program Policy Analysis and Government
3 Accountability, and the State Board of Education, pursuant to
4 their oversight and auditing functions, must be given access
5 to all proprietary confidential business information upon
6 request and without subpoena and must maintain the
7 confidentiality of the information so received. As used in
8 this section, the term "proprietary confidential business
9 information" means information, regardless of its form or
10 characteristics, which is owned or controlled by the lessee or
11 its subsidiaries as private and the disclosure of which would
12 harm the business operations of the lessee or its
13 subsidiaries; has not been intentionally disclosed by the
14 lessee or its subsidiaries unless pursuant to law, an order of
15 a court or administrative body, a legislative proceeding
16 pursuant to s. 5, Art. III of the State Constitution, or a
17 private agreement that provides that the information may be
18 released to the public; and is information concerning:
19 (a) Internal auditing controls and reports of internal
20 auditors;
21 (b) Matters reasonably encompassed in privileged
22 attorney-client communications;
23 (c) Contracts for managed-care arrangements, including
24 preferred provider organization contracts, health maintenance
25 organization contracts, and exclusive provider organization
26 contracts and any documents directly relating to the
27 negotiation, performance, and implementation of any such
28 contracts for managed-care arrangements;
29 (d) Bids or other contractual data, banking records,
30 and credit agreements the disclosure of which would impair the
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1 efforts of the lessee or its subsidiaries to contract for
2 goods or services on favorable terms;

3 (e) Information relating to private contractual data,
4 the disclosure of which would impair the competitive interest
5 of the provider of the information;

6 (f) Corporate officer and employee personnel
7 information;

8 (g) Information relating to the proceedings and
9 records of credentialing panels and committees and of the
10 governing board of the lessee or its subsidiaries relating to
11 credentialing;

12 (h) Minutes of meetings of the governing board of the
13 lessee and its subsidiaries, except minutes of meetings open
14 to the public pursuant to subsection (2);

15 (i) Information that reveals plans for marketing
16 services that the lessee or its subsidiaries reasonably expect
17 to be provided by competitors;

18 (j) Trade secrets as defined in s. 688.002, Florida
19 Statutes, including:

20 1. Information relating to methods of manufacture or
21 production, potential trade secrets, potentially patentable
22 materials, or proprietary information received, generated,
23 ascertained, or discovered during the course of research
24 conducted by the lessee or its subsidiaries; and

25 2. Reimbursement methodologies or rates;

26 (k) The identity of donors or prospective donors of
27 property who wish to remain anonymous or any information
28 identifying such donors or prospective donors. The anonymity
29 of these donors or prospective donors must be maintained in
30 the auditor's report; or

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1 (1) Any information received by the lessee or its
2 subsidiaries from an agency in this or another state or nation
3 or the Federal Government which is otherwise exempt or
4 confidential pursuant to the laws of this or another state or
5 nation or pursuant to federal law.

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7 As used in this subsection, the term "managed care" means
8 systems or techniques generally used by third-party payors or
9 their agents to affect access to and control payment for
10 health care services. Managed-care techniques most often
11 include one or more of the following: prior, concurrent, and
12 retrospective review of the medical necessity and
13 appropriateness of services or site of services; contracts
14 with selected health care providers; financial incentives or
15 disincentives related to the use of specific providers,
16 services, or service sites; controlled access to and
17 coordination of services by a case manager; and payor efforts
18 to identify treatment alternatives and modify benefit
19 restrictions for high-cost patient care.

20 (2) Notwithstanding anything to the contrary, the
21 appointment of the President or Chief Executive Officer of
22 Florida Atlantic University to the board of directors of Boca
23 Raton Community Hospital, Inc., does not subject the meetings
24 of the board of directors to s. 24, Art. I of the State
25 Constitution and s. 286.011, Florida Statutes. The portion of
26 a meeting of the board of directors of the lessee and of any
27 meetings of the subsidiaries of the lessee at which
28 information is presented or discussed which is confidential
29 and exempt under subsection (1) or which relates exclusively
30 to the operation and funding of the hospital, exclusive of the
31 academic medical programs, is closed to the public and exempt

1 from s. 24(b), Art. I of the State Constitution and s.
2 286.011, Florida Statutes. Any records generated during those
3 portions of the board meetings which are closed to the public
4 under this subsection, such as minutes, tape recordings,
5 videotapes, transcriptions, or notes, are confidential and
6 exempt from s. 24, Art. I of the State Constitution and s.
7 119.07(1), Florida Statutes. The lessee of a hospital, under
8 this section or any special act of the Legislature, operating
9 under a lease shall not be construed to be "acting on behalf
10 of" the lessor as that term is used in statute unless the
11 lease document expressly provides to the contrary.

12 (3) This section is subject to the Open Government
13 Sunset Review Act in accordance with s. 119.15, Florida
14 Statutes, and shall stand repealed on October 2, 2012, unless
15 reviewed and saved from repeal through reenactment by the
16 Legislature.

17 Section 2. The Legislature finds that it is a public
18 necessity that information relating to the business activities
19 of Boca Raton Community Hospital, Inc., be made exempt from
20 public-records requirements and that the proceeds of meetings
21 of the hospital board of directors be made exempt from
22 public-meetings requirements. Notwithstanding the facts that
23 the hospital facility to be constructed and operated by the
24 lessee hospital is intended as a teaching hospital for an
25 academic medical program of the university and that Boca Raton
26 Community Hospital, Inc., is a not-for-profit entity,
27 proprietary information should remain confidential to keep
28 from placing the hospital at a competitive disadvantage with
29 respect to other hospitals operating in the same geographical
30 area.

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1 Section 3. This act shall take effect July 1, 2007, if
2 Senate Bill _____ or similar legislation requiring the
3 sublease of lands located at the Boca Raton campus of Florida
4 Atlantic University to Boca Raton Community Hospital, Inc.,
5 for construction of a community-university affiliated teaching
6 hospital is adopted at the same session, or an extension
7 thereof, and becomes law.

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SENATE SUMMARY

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