

By the Committee on Higher Education; and Senator Atwater

589-2248-07

1 A bill to be entitled  
2 An act relating to public records and public  
3 meetings; creating s. 1004.433, F.S.; providing  
4 an exemption from public-records requirements  
5 for records and information in the possession  
6 of Boca Raton Community Hospital, Inc., or a  
7 subsidiary thereof, in its capacity as lessee  
8 of land from Florida Atlantic University  
9 pursuant to an agreement for the implementation  
10 of a land lease for the development and  
11 operation of a community-university affiliated  
12 teaching hospital which will serve as the  
13 primary teaching hospital for the regional  
14 campus of the University of Miami Miller School  
15 of Medicine at Florida Atlantic University;  
16 providing an exception to the exemption;  
17 providing an exemption from public-meetings  
18 requirements for meetings or portions of  
19 meetings of the board of directors of Boca  
20 Raton Community hospital, or a subsidiary  
21 thereof, in its capacity as lessee; providing  
22 an exception to the exemption; providing an  
23 exemption from public-records requirements for  
24 any records generated during those meetings or  
25 portions of meetings of the board of directors  
26 of Boca Raton Community Hospital, or a  
27 subsidiary thereof, which are closed to the  
28 public under the act; providing for review and  
29 repeal; providing a statement of public  
30 necessity; providing an effective date.  
31

1 Be It Enacted by the Legislature of the State of Florida:

2

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

5 1004.433 Florida Atlantic University & Boca Raton  
6 Community Hospital, Inc., Community-University Affiliated  
7 Teaching Hospital; public-records exemption; public-meetings  
8 exemption.--

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

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

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

1 which is confidential and exempt under subsection (2) is  
2 closed to the public and exempt from s. 286.011 and s. 24(b),  
3 Art. I of the State Constitution. This exemption does not  
4 apply to a meeting or portion of a meeting of the board of  
5 directors of Boca Raton Community Hospital, Inc., or a  
6 subsidiary thereof, in its capacity as lessee as defined in  
7 subsection (1), at which information is presented or discussed  
8 that is solely related to the undergraduate medical and  
9 graduate medical programs of the University of Miami Miller  
10 School of Medicine at Florida Atlantic University, which shall  
11 be public meetings unless made exempt from public-meetings  
12 requirements by law.

13 (4) Any records generated during a meeting or portion  
14 of a meeting of the board of directors of Boca Raton Community  
15 Hospital, Inc., or a subsidiary thereof, in its capacity as  
16 lessee as defined in subsection (1), which are closed to the  
17 public under subsection (3), such as minutes, tape recordings,  
18 videotapes, transcriptions, or notes, are confidential and  
19 exempt from s. 119.07(1) and s. 24, Art. I of the State  
20 Constitution.

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

25 Section 2. It is the finding of the Legislature that  
26 it is a public necessity that records and information in the  
27 possession of Boca Raton Community Hospital, Inc., or a  
28 subsidiary thereof, in its capacity as the lessee of land on  
29 the Boca Raton campus of Florida Atlantic University for the  
30 development and operation of a community-university affiliated  
31 teaching hospital be held confidential and exempt from

1 public-records requirements in order for the teaching hospital  
2 to fulfill its mission in medical research and education and  
3 to ensure that the lessee and its subsidiaries are not placed  
4 at a disadvantage in a competitive health care environment.  
5 These exemptions are necessary because these records contain  
6 information that, if disclosed, would adversely affect the  
7 lessee or its subsidiaries in the competitive health care  
8 environment. Disclosure of such records and information would  
9 place the lessee and its subsidiaries on an unequal footing in  
10 the marketplace as compared with private health care providers  
11 that are not required to disclose such confidential and exempt  
12 information. The Legislature finds that the disclosure of such  
13 confidential and exempt information would adversely affect the  
14 lessee and its subsidiaries in fulfilling their mission of  
15 medical treatment, research, and education. The Legislature  
16 further finds that it is a public necessity that meetings of  
17 the board of directors of Boca Raton Community Hospital, Inc.,  
18 or a subsidiary thereof, in its capacity as lessee be held  
19 exempt from public-meetings requirements in order to protect  
20 the competitive interests of the lessee and to guarantee the  
21 ability of the lessee to fulfill its medical research and  
22 teaching mission for the benefit of the public. Consequently,  
23 the Legislature finds that it is a public necessity that any  
24 records generated during those meetings or portions of  
25 meetings of the board of directors of Boca Raton Community  
26 Hospital, Inc., or a subsidiary thereof, in its capacity as  
27 lessee which have been made exempt from public-meetings  
28 requirements under this act, such as minutes, tape recordings,  
29 videotapes, transcriptions, or notes, be held confidential and  
30 exempt from public-records requirements, since failure to

31

1 grant such an exemption would render the exemption from  
2 public-meetings requirements meaningless.

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

4  
5 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
6 COMMITTEE SUBSTITUTE FOR  
7 SB 2390

8 The Committee Substitute creates public records and meetings  
9 exemptions in the School Code for records and meetings of the  
10 board of directors of Boca Raton Community Hospital, Inc., and  
11 its subsidiaries.

12 Records and information in the possession of the hospital are  
13 confidential and exempt from public records requirements  
14 except those records that pertain to medical education at the  
15 University of Miami Miller School of Medicine at Florida  
16 Atlantic University.

17 Meetings of the hospital board are exempt from public meetings  
18 requirements except those meetings or portions of meetings  
19 where medical education at the University of Miami Miller  
20 School of Medicine at Florida Atlantic University is  
21 discussed.