

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

2

3 Section 1. Paragraph (e) is added to subsection (2) of
4 section 395.3035, Florida Statutes, subsection (5) is
5 renumbered as subsection (6) and amended, subsections (6)
6 through (9) are renumbered as subsections (7) through (10),
7 respectively, and a new subsection (5) is added to that
8 section, to read:

9 395.3035 Confidentiality of hospital records and
10 meetings.--

11 (2) The following records and information of any
12 hospital that is subject to chapter 119 and s. 24(a), Art. I
13 of the State Constitution are confidential and exempt from the
14 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
15 Constitution:

16 (e) The name of a candidate or nominee for the
17 position of chief executive officer or designated corporate
18 officer of a public hospital in the possession of a search
19 committee appointed by the governing board of a public
20 hospital for the purpose of selecting such candidates or
21 nominees and any records or information in the possession of
22 the search committee that would reveal the identity of such
23 candidate or nominee are confidential and exempt from the
24 provisions of s. 119.071(1) and s. 24(a), Art. I of the State
25 Constitution until the list of candidates or nominees is
26 transmitted to the hospital governing board. This paragraph is
27 subject to the Open Government Sunset Review Act in accordance
28 with s. 119.15 and shall stand repealed on October 2, 2012,
29 unless reviewed and saved from repeal through reenactment by
30 the Legislature.

31

1 (5) Any meeting or portion of a meeting of a search
2 committee appointed by the governing board of a public
3 hospital for the purpose of selecting candidates or nominees
4 for the position of chief executive officer or designated
5 corporate officer of the hospital at which information is
6 presented or discussed which is confidential and exempt under
7 paragraph (2)(e) is closed to the public and exempt from s.
8 286.011 and s. 24(b), Art. I of the State Constitution. This
9 subsection is subject to the Open Government Sunset Review Act
10 in accordance with s. 119.15 and shall stand repealed on
11 October 2, 2012, unless reviewed and saved from repeal through
12 reenactment by the Legislature.

13 ~~(6)(5)~~ Any public records, such as tape recordings,
14 minutes, and notes, generated at any governing board meeting,
15 ~~or~~ portion of a governing board meeting, search committee
16 meeting pursuant to subsection (5), or portion of a search
17 committee meeting which is closed to the public pursuant to
18 this section are confidential and exempt from the provisions
19 of s. 119.07(1) and s. 24(a), Art. I of the State
20 Constitution. All ~~such~~ records of a governing board meeting
21 shall be retained and shall cease to be exempt at the same
22 time as the transcript of the meeting becomes available to the
23 public. All records of a search committee meeting shall be
24 retained and shall be exempt until the search committee's list
25 of candidates or nominees is transmitted to the governing
26 board. This subsection is subject to the Open Government
27 Sunset Review Act in accordance with s. 119.15 and shall stand
28 repealed on October 2, 2012, unless reviewed and saved from
29 repeal through reenactment by the Legislature.

30 Section 2. The Legislature finds that it is a public
31 necessity that the name of a candidate or nominee for the

1 position of chief executive officer or designated corporate
2 officer of a public hospital in the possession of a search
3 committee appointed by the governing board of a public
4 hospital for the purpose of selecting such candidates or
5 nominees and any records or information in the possession of
6 the search committee that would reveal the identity of a
7 candidate or nominee be made confidential and exempt from
8 public-records requirements until the list of candidates or
9 nominees is transmitted to the hospital governing board.
10 Public hospitals are placed at a competitive disadvantage with
11 private hospitals, both within the state and nationally, with
12 respect to the selection and hiring of potential chief
13 executive officers or designated corporate officers because
14 public records laws require that the identities of candidates
15 or nominees for such positions be made public. Because of the
16 state's open records laws, many qualified applicants are
17 sometimes hesitant to apply for these positions out of concern
18 that their current employment may be adversely affected or
19 even jeopardized if it is made known that they are seeking or
20 being considered for employment elsewhere. Consequently, the
21 Legislature further finds that it is a public necessity that a
22 meeting or portion of a meeting of a search committee
23 appointed by the board of trustees of a public hospital for
24 the purpose of selecting such candidates or nominees at which
25 information is presented or discussed which is confidential
26 and exempt from public-records requirements be made
27 confidential and exempt from public-meetings requirements. The
28 Legislature further finds that it is a public necessity that
29 any records generated at those meetings or portions of
30 meetings which are closed to the public, such as tape
31 recordings, minutes, or notes, be made confidential and exempt

1 from public-records requirements until the list of candidates
2 or nominees is transmitted to the hospital governing board.
3 Failure to extend the public-records exemption to the records
4 generated at a search committee meeting would render
5 meaningless the exemption from public-meetings requirements
6 for a public hospital search committee.

7 Section 3. This act shall take effect October 1, 2007.
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31