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A bill to be entitled
 An act relating to public records and meetings;
 creating s. 395.3027, F.S.; providing an exemption
 from public records requirements for certain
 confidential information held by in-hospital medical
 staff committees of public hospitals; providing an
 exemption from public meetings requirements for
 portions of meetings held by such medical staff
 committees wherein such confidential information is
 discussed; requiring the recording and transcription
 of exempt portions of such meetings; providing an
 exemption from public records requirements for such
 recordings and transcripts; providing for future
 legislative review and repeal of the exemptions;
 providing a statement of public necessity; providing
 an effective date.

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

Section 1. Section 395.3027, Florida Statutes, is created
 to read:

395.3027 Confidentiality of in-hospital medical staff
 committee records and meetings.-

(1) The records held by an in-hospital medical staff
 committee including, but not limited to, any medical executive

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26 committee or credentialing committee, or agent thereof, of a
27 public hospital which contain any of the following information
28 are confidential and exempt from s. 119.07(1) and s. 24(a), Art.
29 I of the State Constitution:

30 (a) Individually identifiable health information protected
31 under the Health Insurance Portability and Accountability Act of
32 1996, or its implementing regulations.

33 (b) Personal identifying information of hospital
34 personnel.

35 (c) Information relating to:

36 1. Pending legal matters, including, but not limited to,
37 litigation strategy.

38 2. Contract negotiations.

39 3. Personnel matters.

40 4. Peer review procedures.

41 5. Trade secrets, as defined in s. 688.002.

42 (2) Any portion of an in-hospital medical staff committee
43 meeting at which information that is confidential and exempt
44 pursuant to subsection (1) is discussed is exempt from s.
45 286.011 and s. 24(b), Art. I of the State Constitution. A
46 complete recording and transcript must be made of any portion of
47 a meeting which is closed pursuant to this subsection, and any
48 closed portion of such meeting may not be held off the record.
49 The recordings and transcripts of the closed portion of a
50 meeting are exempt from s. 119.07(1) and s. 24(a), Art. I of the

51 State Constitution.

52 (3) This section is subject to the Open Government Sunset
53 Review Act in accordance with s. 119.15 and shall stand repealed
54 on October 2, 2027, unless reviewed and saved from repeal
55 through reenactment by the Legislature.

56 Section 2. (1) The Legislature finds that it is a public
57 necessity that the records held by in-hospital medical staff
58 committees including, but not limited to, medical executive
59 committees and credentialing committees, or agents thereof, of
60 public hospitals which contain individually identifiable health
61 information; the personal identifying information of hospital
62 personnel; and information relating to pending legal matters,
63 contract negotiations, personnel matters, peer review
64 procedures, and trade secrets be made confidential and exempt
65 from disclosure under s. 119.07(1), Florida Statutes, and s.
66 24(a), Article I of the State Constitution. The Legislature also
67 finds that subjecting the records of these in-hospital medical
68 staff committees to the public records requirements could cause
69 unnecessary harm to individuals whose personal identifying
70 information and confidential health information are revealed and
71 would impair public hospitals from effectively competing in the
72 marketplace against private hospitals whose records are not
73 required to be open to the public.

74 (2) The Legislature finds that it is a public necessity
75 that any portion of meetings held by in-hospital medical staff

76 committees of public hospitals at which the confidential and
77 exempt information described in subsection (1) is discussed be
78 made exempt from s. 286.011, Florida Statutes, and s. 24(b),
79 Article I of the State Constitution, and that the recordings and
80 transcripts of such meetings be made exempt from s. 119.07(1),
81 Florida Statutes, and s. 24(a), Article I of the State
82 Constitution. Such meetings are designed to encourage the free
83 discussion and exchange of ideas between health care
84 practitioners and other hospital personnel, which could be
85 blunted if such confidential and sensitive information were
86 subject to disclosure. The Legislature also finds that
87 subjecting these in-hospital medical staff committees to the
88 public meetings requirements is duplicative since the final
89 decisions made by medical staff committees are subsequently
90 presented to a public body at publicly noticed meetings.
91 Furthermore, the failure to exempt the recordings and
92 transcripts of such meetings would defeat the purpose of the
93 public meeting exemption. Therefore, the Legislature finds that
94 the public and private harm in disclosing the confidential
95 information and records outweighs any public benefit derived
96 from the disclosure of such information.

97 Section 3. This act shall take effect October 1, 2022.