

By Senator Calatayud

38-00801-23

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1                   A bill to be entitled  
2       An act relating to public records and meetings;  
3       creating s. 395.3027, F.S.; providing an exemption  
4       from public records requirements for certain  
5       confidential information held by in-hospital medical  
6       staff committees of public hospitals; providing an  
7       exemption from public meetings requirements for  
8       portions of meetings held by such medical staff  
9       committees during which such confidential information  
10      is discussed; requiring the recording and  
11      transcription of exempt portions of such meetings;  
12      providing an exemption from public records  
13      requirements for such recordings and transcripts;  
14      providing for future legislative review and repeal of  
15      the exemptions; providing a statement of public  
16      necessity; providing an effective date.

17  
18 Be It Enacted by the Legislature of the State of Florida:

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

22       395.3027 Confidentiality of in-hospital medical staff  
23 committee records and meetings.-

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

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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 personnel.

34 (c) Information relating to:

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

37 2. Contract negotiations.

38 3. Personnel matters.

39 4. Peer review procedures.

40 5. Trade secrets as defined in s. 688.002.

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

51 (3) This section is subject to the Open Government Sunset  
52 Review Act in accordance with s. 119.15 and shall stand repealed  
53 on October 2, 2028, unless reviewed and saved from repeal  
54 through reenactment by the Legislature.

55 Section 2. (1) The Legislature finds that it is a public  
56 necessity that the records held by in-hospital medical staff  
57 committees, including, but not limited to, medical executive  
58 committees and credentialing committees, or agents thereof, of

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

73 (2) The Legislature finds that it is a public necessity  
74 that any portion of meetings held by in-hospital medical staff  
75 committees of public hospitals during which the confidential and  
76 exempt information described in subsection (1) is discussed be  
77 made exempt from s. 286.011, Florida Statutes, and s. 24(b),  
78 Article I of the State Constitution and that the recordings and  
79 transcripts of such meetings be made exempt from s. 119.07(1),  
80 Florida Statutes, and s. 24(a), Article I of the State  
81 Constitution. Such meetings are designed to encourage the free  
82 discussion and exchange of ideas between health care  
83 practitioners and other hospital personnel, which could be  
84 blunted if such confidential and sensitive information were  
85 subject to disclosure. The Legislature also finds that  
86 subjecting such in-hospital medical staff committees to the  
87 public meetings requirements is duplicative since the final

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88 decisions made by medical staff committees are subsequently  
89 presented to a public body at publicly noticed meetings.  
90 Furthermore, the failure to exempt the recordings and  
91 transcripts of such meetings would defeat the purpose of the  
92 public meetings exemption. Therefore, the Legislature finds that  
93 the public and private harm in disclosing the confidential  
94 information and records outweighs any public benefit derived  
95 from the disclosure of such information.

96 Section 3. This act shall take effect October 1, 2023.