By Senator Diaz

	36-01222-22 20221350
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 protected31under the Health Insurance Portability and Accountability Act of321996, or its implementing regulations.33(b) Personal identifying information of hospital personnel.34(c) Information relating to:351. Pending legal matters, including, but not limited to,36litigation strategy.372. Contract negotiations.383. Personnel matters.394. Peer review procedures.405. Trade secrets as defined in s. 688.002.41(2) Any portion of an in-hospital medical staff committee42meeting during which information that is confidential and exempt43pursuant to subsection (1) is discussed is exempt from s.44286.011 and s. 24(b), Art. I of the State Constitution. A45complete recording and transcript must be made of any portion of49meeting which is closed pursuant to this subsection, and any41closed portion of such meeting may not be held off the record.42The recordings and transcripts of the closed portion of a43meeting are exempt from s. 119.07(1) and s. 24(a), Art. I of the44State Constitution.55Section 2. (1) The Legislature.56Section 2. (1) The Legislature58committees, including, but not limited to, medical executive58committees and credentialing committees, or agents thereof, of		36-01222-22 20221350
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36-01222-22 20221350 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 these 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 Constitution. Such meetings are designed to encourage the free 81 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 these 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, 2022.