

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Benson offered the following:

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3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Section 408.064, Florida Statutes, is created
6 to read:

7 408.064 Florida Health Information Network Act; purpose;
8 duties.--

9 (1) This section may be cited as the "Florida Health
10 Information Network Act."

11 (2) It is the intent of the Legislature that the state
12 shall promote the establishment of a privacy-protected and
13 secure integrated statewide network for the communication of
14 electronic health information among authorized parties and to
15 foster a coordinated public-private initiative for the
16 development and operation of Florida's health information
17 infrastructure.

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18 (3) The agency is responsible for promoting the
19 development of a health information network as a public-private
20 partnership among the state's providers, payors, consumers,
21 employers, public health officials, medical researchers, and
22 other health care stakeholders. The agency shall develop a plan
23 and performance standards for the formation and operation of a
24 health information network and shall contract with the Florida
25 Health Information Network, Inc., for the purpose of
26 implementing the plan, consistent with the performance standards
27 for the period July 1, 2006, through June 30, 2008.

28 (4) There is created a not-for-profit corporation, to be
29 known as the "Florida Health Information Network, Inc.," which
30 shall be registered, incorporated, organized, and operated in
31 compliance with chapter 617. The affairs of the not-for-profit
32 corporation shall be managed by a board of directors who shall
33 serve without compensation. The board of directors shall consist
34 of the following members:

35 (a) The Secretary of Health Care Administration or the
36 secretary's designee.

37 (b) The Secretary of Health or the secretary's designee.

38 (c) The Secretary of Elderly Affairs or the secretary's
39 designee.

40 (d) Twelve members from the private or public sector,
41 seven of whom shall be appointed by the Governor, two of whom
42 shall be appointed by the President of the Senate, two of whom
43 shall be appointed by the Speaker of the House of
44 Representatives, and one member who shall be appointed by the
45 Chief Financial Officer. Vacancies on the board shall be filled
46 by appointment by the Governor, the President of the Senate, the

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47 Speaker of the House of Representatives, or the Chief Financial
48 Officer, respectively, depending on who appointed the member
49 whose vacancy is to be filled or whose term has expired. Members
50 shall be appointed for terms of 4 years. Any member is eligible
51 for reappointment. A vacancy on the board of directors shall be
52 filled for the remainder of the unexpired term.

53 (5) The Florida Health Information Network, Inc., shall:

54 (a) Institute a statewide health information network in
55 the state by:

56 1. Devising and implementing a strategic plan for
57 infrastructure development and periodically evaluating and
58 modifying that plan.

59 2. Developing and maintaining the technical infrastructure
60 necessary to perform the functions of the network consistent
61 with the strategic plan.

62 3. Promoting an integrated approach to efforts to create a
63 secure network for communication of electronic health
64 information in the state.

65 4. Marketing the network to promote widespread use of the
66 network.

67 5. Assisting in the development and expansion of existing
68 local or regional health information networks and the creation
69 of new networks.

70 (b) Develop and implement specific programs or strategies
71 that address the creation, development, and expansion of
72 regional or local health information networks and the
73 recruitment of participants in the network.

74 (c) Specify standards among regional and local health
75 information networks and other participants in the Florida
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76 Health Information Network, Inc., to promote effective statewide
77 and interstate interoperability.

78 (d) Regularly assess the adoption of electronic health
79 records systems and utilization of the statewide network by
80 providers, consumers, public health officers, and other health
81 care stakeholders to identify and regularly reevaluate the
82 state's health information infrastructure strengths and
83 weaknesses, assess opportunities to increase consumer access to
84 the consumer's health records, and incorporate such information
85 into its regular strategic planning process.

86 (e) Develop and enforce privacy, security, operational,
87 and technical standards among regional and local health
88 information networks to ensure effective statewide privacy, data
89 security, efficiency, and interoperability across networks. The
90 network's standards shall be guided by reference to widely
91 adopted standards or standards accepted by recognized national
92 standard-setting organizations.

93 (f) Develop annual budgets that include funding from
94 public and private entities, including user fees.

95 (g) Take commercially reasonable measures to protect its
96 intellectual property, including obtaining patents, trademarks,
97 and copyrights where appropriate.

98 (h) Make recommendations for reform of the state's laws
99 regarding medical records and the collection of medical records
100 data.

101 (6) The agency shall review the data gathered about the
102 Florida Health Information Network, Inc., pursuant to paragraph
103 (5) (d) and make recommendations for its continued development in
104 a report to be submitted to the Governor, the President of the

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105 Senate, and the Speaker of the House of Representatives by June
106 1, 2007.

107 (7) Upon dissolution of the Florida Health Information
108 Network, Inc., all assets shall revert to the state and funds
109 shall revert to the General Revenue Fund.

110 Section 2. The Florida Health Information Network, Inc.,
111 may be funded through the General Appropriations Act and may
112 seek funding through public and private entities to accomplish
113 its goals and duties. Appropriations for the Agency for Health
114 Care Administration's Florida Health Information Network grants
115 program shall not be used to fund the Florida Health Information
116 Network, Inc.

117 Section 3. This act shall take effect July 1, 2006.

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119

120 ===== T I T L E A M E N D M E N T =====

121 Remove the entire title and insert:

122 A bill to be entitled
123 An act relating to the Florida Health Information Network,
124 Inc.;creating s. 408.064, F.S.; providing a short title;
125 providing legislative intent; requiring the Agency for
126 Health Care Administration to develop and implement a plan
127 for the formation and operation of a health information
128 network; requiring the agency to enter into a contract to
129 implement the plan; creating the Florida Health
130 Information Network, Inc., as a not-for-profit
131 corporation; providing for a board of directors; providing
132 for appointment of board members; providing for terms;
133 providing duties and responsibilities of the corporation;

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134 requiring a report to the Governor and Legislature;
135 providing for certain funds and assets to revert to the
136 state upon dissolution of the network; providing
137 conditions for funding of the network; providing an
138 effective date.
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