

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Benson offered the following:

2  
3 **Amendment (with title amendment)**

4 Remove lines 793 and 794 and insert:

5 Section 17. Effective July 1, 2006, section 408.064,  
6 Florida Statutes, is created 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) The purpose of this section is to promote the  
12 establishment of a privacy-protected and secure integrated  
13 statewide network for the communication of electronic health  
14 information among authorized parties and to foster a coordinated  
15 public-private initiative for the development and operation of  
16 Florida's health information infrastructure.

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17       (3) The agency is responsible for promoting the  
18 development of a health information network as a public-private  
19 partnership among the state's providers, payors, consumers,  
20 employers, public health officials, medical researchers, and  
21 other health care stakeholders. The agency shall develop and  
22 implement a plan for the formation and operation of a health  
23 information network and shall contract with the Florida Health  
24 Information Network, Inc., for the purpose of implementing the  
25 plan, in conformity with the legislative intent expressed in  
26 this section, for the period July 1, 2006, through June 30,  
27 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, and which shall not be a unit or  
32 agency of state government. The affairs of the not-for-profit  
33 corporation shall be managed by a board of directors who shall  
34 serve without compensation. The initial board of directors shall  
35 be the Governor's Health Information Infrastructure Advisory  
36 Board which shall serve a term of 18 months. Upon expiration of  
37 the terms of the initial members, members shall be appointed to  
38 4-year staggered terms in accordance with s. 20.052 by majority  
39 vote as provided in the bylaws of the corporation. Any vacancy  
40 in office shall be filled for the remainder of the term by  
41 majority vote of the members. Any member may be reappointed.

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

43       (a) Institute a statewide health information network in  
44 the state by:

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45 1. Devising and implementing a strategic plan for  
46 infrastructure development and periodically evaluating and  
47 modifying that plan.

48 2. Developing, operating, and maintaining the technical  
49 infrastructure necessary to perform the functions of the network  
50 consistent with the strategic plan.

51 3. Promoting an integrated approach to efforts to create a  
52 secure network for communication of electronic health  
53 information in the state.

54 4. Marketing the network to promote widespread use of the  
55 network.

56 5. Assisting in the development and expansion of existing  
57 local or regional health information networks and the creation  
58 of new networks.

59 (b) Develop and implement specific programs or strategies  
60 that address the creation, development, and expansion of  
61 regional or local health information networks and the  
62 recruitment of participants in the network.

63 (c) Specify standards among regional and local health  
64 information networks and other participants in the Florida  
65 Health Information Network, Inc., to promote effective statewide  
66 and interstate interoperability.

67 (d) Regularly assess the adoption of electronic health  
68 records systems and utilization of the statewide network by  
69 providers, consumers, public health officers, and other health  
70 care stakeholders to identify and regularly reevaluate the  
71 state's health information infrastructure strengths and  
72 weaknesses, assess opportunities to increase consumer access to

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73 the consumer's health records, and incorporate such information  
74 into its regular strategic planning process.

75 (e) Develop and enforce privacy, security, operational,  
76 and technical standards among regional and local health  
77 information networks to ensure effective statewide privacy, data  
78 security, efficiency, and interoperability across the network.  
79 The network's standards shall be guided by reference to widely  
80 adopted standards or standards accepted by recognized national  
81 standard-setting organizations.

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

84 (g) Take commercially reasonable measures to protect its  
85 intellectual property, including obtaining patents, trademarks,  
86 and copyrights where appropriate.

87 (h) Make recommendations for reform of the state's laws  
88 regarding medical records.

89 (6) The agency shall review the data gathered about the  
90 Florida Health Information Network, Inc., pursuant to paragraph  
91 (5)(d) and make recommendations for its continued development in  
92 a report to be submitted to the Governor, the President of the  
93 Senate, and the Speaker of the House of Representatives by June  
94 1, 2007.

95 Section 18. The Florida Health Information Network, Inc.,  
96 may be funded through the General Appropriations Act and may  
97 seek funding through public and private entities to accomplish  
98 its goals and duties. Appropriations for the Agency for Health  
99 Care Administration's Florida Health Information Network, Inc.,  
100 grants program shall not be used to fund the Florida Health  
101 Information Network, Inc.

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102 Section 19. Except as otherwise expressly provided in this  
103 act, this act shall take effect upon becoming a law.

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

105 Remove line 40 and insert:  
106 creating s. 408.064, F.S.; providing a short title and  
107 purpose; requiring the Agency for Health Care  
108 Administration to develop and implement a plan for the  
109 formation and operation of a health information network;  
110 requiring the agency to enter into a contract to implement  
111 the plan; creating the Florida Health Information Network,  
112 Inc., as a not-for-profit corporation; providing for a  
113 board of directors and for terms thereof; providing duties  
114 and responsibilities of the corporation; requiring a  
115 report to the Governor and Legislature; providing  
116 conditions for funding of the network; providing effective  
117 dates.