

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 Between lines 827 and 828, insert:

5 Section 18. 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 19. 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  
118 ===== T I T L E A M E N D M E N T =====

119 Remove line 41 and insert:

120 facility; creating s. 408.064, F.S.; providing a short  
121 title; providing legislative intent; requiring the Agency  
122 for Health Care Administration to develop and implement a  
123 plan for the formation and operation of a health  
124 information network; requiring the agency to enter into a  
125 contract to implement the plan; creating the Florida  
126 Health Information Network, Inc., as a not-for-profit  
127 corporation; providing for a board of directors; providing  
128 for appointment of board members; providing for terms;  
129 providing duties and responsibilities of the corporation;  
130 requiring a report to the Governor and Legislature;  
131 providing for certain funds and assets to revert to the  
132 state upon dissolution of the network; providing

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133 | conditions for funding of the network; providing an  
134 | effective date.