

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Benson offered the following:

2  
3 **Substitute Amendment for Amendment (340487) (with title**  
4 **amendment)**

5 Between lines 792 and 793, insert:

6 Section 17. Section 408.064, Florida Statutes, is created  
7 to read:

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

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

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

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17 development and operation of Florida's health information  
18 infrastructure.

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

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

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

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

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

41 (d) Twelve members from the private or public sector,  
42 seven of whom shall be appointed by the Governor, two of whom  
43 shall be appointed by the President of the Senate, two of whom  
44 shall be appointed by the Speaker of the House of  
45 Representatives, and one member who shall be appointed by the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

102 (6) The agency shall review the data gathered about the  
103 Florida Health Information Network, Inc., pursuant to paragraph  
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104 (5) (d) and make recommendations for its continued development in  
105 a report to be submitted to the Governor, the President of the  
106 Senate, and the Speaker of the House of Representatives by June  
107 1, 2007.

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

111 Section 18. The Florida Health Information Network, Inc.,  
112 may be funded through the General Appropriations Act and may  
113 seek funding through public and private entities to accomplish  
114 its goals and duties. Appropriations for the Agency for Health  
115 Care Administration's Florida Health Information Network grants  
116 program shall not be used to fund the Florida Health Information  
117 Network, Inc.

118 Section 19. This act shall take effect upon becoming a  
119 law.

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

122 Remove line 40 and insert:  
123 creating s. 408.064, F.S.; providing a short title;  
124 providing legislative intent; requiring the Agency for  
125 Health Care Administration to develop and implement a plan  
126 for the formation and operation of a health information  
127 network; requiring the agency to enter into a contract to  
128 implement the plan; creating the Florida Health  
129 Information Network, Inc., as a not-for-profit  
130 corporation; providing for a board of directors; providing  
131 for appointment of board members; providing for terms;  
132 providing duties and responsibilities of the corporation;

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