

1 A bill to be entitled
 2 An act relating to the Florida Health Information Network
 3 Corporation; creating s. 408.064, F.S.; providing a short
 4 title; providing legislative intent; requiring the Agency
 5 for Health Care Administration to develop and implement a
 6 plan for the formation and operation of a health
 7 information network; requiring the agency to contract to
 8 implement the plan; creating the Florida Health
 9 Information Network Corporation, as a not-for-profit
 10 corporation; providing for a board of directors; providing
 11 for appointment of board members; providing for terms;
 12 providing that the corporation and any boards or
 13 committees formed by the corporation are subject to public
 14 records and meetings requirements; providing duties and
 15 responsibilities of the corporation; requiring a report to
 16 the Governor and Legislature; requiring the corporation to
 17 develop a business plan and submit the plan to the
 18 Governor and Legislature; providing conditions for funding
 19 the network; providing an appropriation; providing an
 20 effective date.

21
 22 Be It Enacted by the Legislature of the State of Florida:

23
 24 Section 1. Section 408.064, Florida Statutes, is created
 25 to read:

26 408.064 Florida Health Information Network Act; purpose;
 27 duties.--

28 (1) This section may be cited as the "Florida Health

29 Information Network Act."

30 (2) It is the intent of the Legislature that the state
31 shall promote the establishment of a privacy-protected, secure,
32 and integrated statewide network for the communication of
33 electronic health information among authorized parties through a
34 coordinated public-private initiative that will develop and
35 operate the state's health information infrastructure.

36 (3) The agency is responsible for promoting the
37 development of a health information network as a public-private
38 partnership among the state's providers, payors, consumers,
39 employers, public health officials, medical researchers, and
40 other health care stakeholders. The agency shall develop a plan
41 and performance standards for the formation and operation of a
42 health information network and shall contract with the Florida
43 Health Information Network Corporation to implement the plan,
44 consistent with the performance standards for the period July 1,
45 2007, through June 30, 2010.

46 (4) There is created a not-for-profit corporation, to be
47 known as the "Florida Health Information Network Corporation,"
48 which shall be registered, incorporated, organized, and operated
49 in compliance with chapter 617.

50 (a) The affairs of the corporation shall be managed by a
51 board of directors who shall serve without compensation. The
52 board of directors shall biennially elect one of its members as
53 chairperson. The board of directors shall consist of the
54 following members:

55 1. The Secretary of Health Care Administration or the
56 secretary's designee.

57 2. The Secretary of Health or the secretary's designee.

58 3. The Secretary of Elderly Affairs or the secretary's
 59 designee.

60 4. Twelve members from the private or public sector, three
 61 of whom shall be appointed by the Governor, four of whom shall
 62 be appointed by the President of the Senate, four of whom shall
 63 be appointed by the Speaker of the House of Representatives, and
 64 one member who shall be appointed by the Chief Financial
 65 Officer.

66 (b) Members shall be appointed for terms of 4 years,
 67 except that, for members initially appointed by the Governor,
 68 one shall be appointed for a term of 1 year, one shall be
 69 appointed for a term of 2 years, and one shall be appointed for
 70 a term of 3 years. Any member is eligible for reappointment. A
 71 vacancy on the board of directors shall be filled for the
 72 remainder of the unexpired term.

73 (c) Vacancies on the board shall be filled by appointment
 74 by the Governor, the President of the Senate, the Speaker of the
 75 House of Representatives, or the Chief Financial Officer,
 76 respectively, depending on who appointed the member whose
 77 vacancy is to be filled or whose term has expired.

78 (5) The Legislature specifically declares that the
 79 corporation, and the boards, advisory committees, or similar
 80 groups created by the corporation, are subject to the provisions
 81 of chapter 119, relating to public records, and those provisions
 82 of chapter 286 relating to public meetings and records.

83 (6) The corporation shall:

84 (a) Institute a statewide health information network by:

85 1. Devising, implementing, and regularly revising a
86 strategic plan for infrastructure development.

87 2. Developing and maintaining the technical infrastructure
88 necessary to perform the functions of the network consistent
89 with the strategic plan.

90 3. Promoting an integrated approach to creating a secure
91 network for the communication of electronic health information
92 in the state.

93 4. Implementing a marketing program to promote widespread
94 use of the network.

95 5. Assisting in the development and expansion of existing
96 regional or local health information networks and the creation
97 of new networks.

98 (b) Develop and implement specific programs or strategies
99 that address the creation, development, and expansion of
100 regional or local health information networks and the
101 recruitment of participants in the network.

102 (c) Regularly assess the adoption of electronic health
103 records systems and utilization of the statewide network by
104 providers, consumers, public health officers, and other health
105 care stakeholders to identify and evaluate the strengths and
106 weaknesses of the state's health information infrastructure;
107 promote increased consumer access to consumer health records;
108 and incorporate that information into its regular strategic
109 planning process.

110 (d) Develop and enforce interoperability, operational, and
111 technical standards among regional and local health information
112 networks to ensure effective statewide efficiency and

113 interoperability across networks

114 (e) Develop an annual budget that includes funding from
115 public and private entities, including user fees.

116 (f) Implement commercially reasonable measures to protect
117 the corporation's intellectual property, including obtaining
118 patents, trademarks, and copyrights.

119 (g) Recommend reform of state law to reduce barriers to
120 participation in the network.

121 (h) Develop and maintain the technical infrastructure
122 necessary to perform the functions of the network consistent
123 with the strategic plan, including a record locator service,
124 access control systems, secure communications, audit and
125 reporting functions, and disaster recovery of core functions.

126 (i) Develop and enforce privacy and security standards for
127 participation in the network, including uniform policies and
128 procedures regarding the confidentiality of medical records,
129 authorization requirements for health information exchange
130 within the network, and technical standards for secure data
131 transmission and storage within the network.

132 (j) Ensure the technological standards of the network are
133 in alignment with widely adopted standards or standards accepted
134 by a recognized organization that establishes national standards
135 for electronic information networks.

136 (7) The agency shall review the operation and use of the
137 network and make recommendations for its continued development
138 in a report to be submitted to the Governor and the relevant
139 committees of the Senate and the House of Representatives by
140 June 30, 2009.

141 (8) The corporation must develop a business plan to
142 operate the network without state funding after June 30, 2010.
143 The business plan must be submitted to the Governor and the
144 relevant committees of the Senate and the House of
145 Representatives by January 2, 2009.

146 (9) The corporation must seek funding through public and
147 private entities to accomplish its goals and duties. Funds
148 appropriated for the Florida Health Information Network grants
149 program within the agency shall not be used to directly fund the
150 operation of the corporation.

151 Section 2. The sum of \$5,000,000 in nonrecurring revenue
152 is appropriated from the General Revenue Fund to the Agency for
153 Health Care Administration for the 2007-2008 fiscal year to
154 contract with the Florida Health Information Network Corporation
155 to implement the provisions of this act.

156 Section 3. This act shall take effect July 1, 2007.