

1 A bill to be entitled

2 An act relating to government data practices; amending  
3 s. 257.36, F.S.; requiring the Division of Library and  
4 Information Services of the Department of State to  
5 adopt rules providing procedures for an agency to  
6 establish schedules for the physical destruction or  
7 other disposal of records containing personal  
8 identification information; creating part IV of ch.  
9 282, F.S., consisting of s. 282.801, F.S.; providing  
10 definitions; requiring an agency that collects and  
11 maintains personal identification information to post  
12 a privacy policy on its website; prescribing minimum  
13 requirements for a privacy policy; providing  
14 requirements and exceptions regarding an agency's use  
15 of cookies on its website; requiring that privacy  
16 policy requirements be specified in a contract between  
17 a public agency and a contractor; specifying that a  
18 violation does not create a civil cause of action;  
19 requiring the Office of Program Policy Analysis and  
20 Government Accountability to submit a report to the  
21 Legislature by a specified date; providing report  
22 requirements; requiring the Agency for Health Care  
23 Administration to provide specified data on assisted  
24 living facilities by a certain date; providing minimum  
25 requirements for such data; authorizing the agency to  
26 create a comment webpage regarding assisted living

27 facilities; providing minimum requirements;  
28 authorizing the agency to provide links to certain  
29 third-party websites; authorizing the agency to adopt  
30 rules; amending s. 408.05, F.S.; dissolving the Center  
31 for Health Information and Policy Analysis within the  
32 Agency for Health Care Administration; requiring the  
33 agency to coordinate a system to promote access to  
34 certain data and information; requiring that certain  
35 health-related data be included within the system;  
36 assigning duties to the agency relating to the  
37 collection and dissemination of data; establishing  
38 conditions for the funding of the system; requiring  
39 the Office of Program Policy Analysis and Government  
40 Accountability to monitor the agency's implementation  
41 of the health information system; requiring the Office  
42 of Program Policy Analysis and Government  
43 Accountability to submit a report to the Legislature  
44 after completion of the implementation; providing  
45 report requirements; reenacting s. 120.54(8), F.S.,  
46 relating to rulemaking, to incorporate the amendment  
47 made to s. 257.36, F.S., in a reference thereto;  
48 amending ss. 20.42, 381.026, 395.301, 395.602,  
49 395.6025, 408.07, 408.18, 465.0244, 627.6499, and  
50 641.54, F.S.; conforming provisions to changes made by  
51 the act; providing an effective date.  
52

53 Be It Enacted by the Legislature of the State of Florida:

54

55 Section 1. Subsection (6) of section 257.36, Florida  
56 Statutes, is amended to read:

57 257.36 Records and information management.—

58 (6) A public record may be destroyed or otherwise disposed  
59 of only in accordance with retention schedules established by  
60 the division. The division shall adopt ~~reasonable~~ rules  
61 consistent not inconsistent with this chapter which are ~~shall be~~  
62 binding on all agencies relating to the destruction and  
63 disposition of records. Such rules shall include ~~provide~~, but  
64 need not be limited to:

65 (a) Procedures for complying and submitting to the  
66 division records-retention schedules.

67 (b) Procedures for the physical destruction or other  
68 disposal of records.

69 (c) Procedures for establishing schedules for the physical  
70 destruction or other disposal of records held by an agency which  
71 contain personal identification information, as defined in s.  
72 282.801, after meeting retention requirements. Unless otherwise  
73 required by law, an agency may indefinitely retain records  
74 containing information that is not identifiable as related to a  
75 unique individual.

76 (d) ~~(e)~~ Standards for the reproduction of records for  
77 security or with a view to the disposal of the original record.

78 Section 2. Part IV of chapter 282, Florida Statutes,

79 consisting of section 282.801, Florida Statutes, is created to  
 80 read:

81 PART IV

82 GOVERNMENT DATA COLLECTION PRACTICES

83 282.801 Government data practices.-

84 (1) For purposes of this part, the term:

85 (a) "Agency" has the same meaning as in s. 119.011.

86 (b) "Cookie" means data sent from a website which is  
 87 electronically installed on a computer or electronic device of  
 88 an individual who has accessed the website and transmits certain  
 89 information to the server of that website.

90 (c) "Individual" means a human being and does not include  
 91 a corporation, partnership, or other business entity.

92 (d) "Personal identification information" means an item,  
 93 collection, or grouping of information that may be used, alone  
 94 or in conjunction with other information, to identify a unique  
 95 individual, including, but not limited to, the individual's:

96 1. Name.

97 2. Postal or e-mail address.

98 3. Telephone number.

99 4. Social security number.

100 5. Date of birth.

101 6. Mother's maiden name.

102 7. Official state-issued or United States-issued driver  
 103 license or identification number, alien registration number,  
 104 government passport number, employer or taxpayer identification

105 number, or Medicaid or food assistance account number.

106 8. Bank account number, credit or debit card number, or

107 other number or information that can be used to access an

108 individual's financial resources.

109 9. Education records.

110 10. Medical records.

111 11. License plate number of a registered motor vehicle.

112 12. Images, including facial images.

113 13. Biometric identification information.

114 14. Criminal history.

115 15. Employment history.

116 (2) An agency that collects personal identification

117 information through a website and retains such information shall

118 maintain and conspicuously post a privacy policy on such

119 website. At a minimum, the privacy policy must provide:

120 (a) A description of the services the website provides.

121 (b) A description of the personal identification

122 information that the agency collects and maintains from an

123 individual accessing or using the website.

124 (c) An explanation of whether the agency's data collecting

125 and sharing practices are mandatory or allow a user to opt out

126 of those practices.

127 (d) Available alternatives to using the website.

128 (e) A statement as to how the agency uses the personal

129 identification information, including, but not limited to,

130 whether and under what circumstances the agency discloses such

131 information.

132 (f) Information stating whether any other person, as  
133 defined in s. 671.201, collects personal identification  
134 information through the website.

135 (g) A general description of the security measures in  
136 place to protect personal identification information; however,  
137 such description must not compromise the integrity of the  
138 security measures.

139 (h) An explanation of public records requirements relating  
140 to the personal identification information of an individual  
141 using the website and whether such information may be disclosed  
142 in response to a public records request.

143 (3) (a) An agency that uses a website to install a cookie  
144 on an individual's computer or electronic device shall inform an  
145 individual accessing the website of the use of cookies and  
146 request permission to install the cookies on the individual's  
147 computer.

148 (b) If an individual accessing the website of an agency  
149 declines to have cookies installed, such individual shall still  
150 have access to and use of the website.

151 (c) This subsection does not apply to a cookie temporarily  
152 installed on an individual's computer or electronic device by an  
153 agency if the cookie is installed only in the memory of the  
154 computer or electronic device and is deleted from such memory  
155 when the website browser or website application is closed.

156 (4) Any contract between a public agency, as defined in s.

157 119.0701(1)(b), and a contractor, as defined in s.  
 158 119.0701(1)(a), must specify that the contractor must comply  
 159 with the requirements of subsections (2) and (3).

160 (5) The failure of an agency to comply with this section  
 161 does not create a civil cause of action.

162 Section 3. The Office of Program Policy Analysis and  
 163 Government Accountability shall submit a report to the President  
 164 of the Senate and the Speaker of the House of Representatives by  
 165 July 1, 2015, which:

166 (1) Identifies personal identification information, as  
 167 defined in s. 282.801, Florida Statutes, and the records in  
 168 which such information is contained, held by an agency of the  
 169 executive or legislative branch of state government.

170 (2) Describes the processes by which an individual may  
 171 currently view and verify his or her personal identification  
 172 information held by an agency, including how an individual may  
 173 request the correction of incorrect personal identification  
 174 information.

175 (3) Identifies any obstacles that inhibit an individual's  
 176 access to such records.

177 Section 4. (1) By November 1, 2014, the Agency for Health  
 178 Care Administration shall provide electronic access to data on  
 179 assisted living facilities. Such data must be searchable,  
 180 downloadable, and available in generally accepted formats. At a  
 181 minimum, such data must include:

182 (a) Information on each assisted living facility licensed

183 under part I of chapter 429, Florida Statutes, including:  
 184 1. The name and address of the facility.  
 185 2. The number and type of licensed beds in the facility.  
 186 3. The types of licenses held by the facility.  
 187 4. The facility's license expiration date and status.  
 188 5. Other relevant information that the agency currently  
 189 collects.  
 190 (b) A list of the facility's violations, including, for  
 191 each violation:  
 192 1. A summary of the violation presented in a manner  
 193 understandable by the general public;  
 194 2. Sanctions imposed by final order; and  
 195 3. The date the corrective action was confirmed by the  
 196 agency.  
 197 (c) Links to inspection reports on file with the agency.  
 198 (2) (a) The agency may provide a monitored comment webpage  
 199 that allows members of the public to comment on specific  
 200 assisted living facilities licensed to operate in this state. At  
 201 a minimum, the comment webpage must allow members of the public  
 202 to identify themselves, provide comments on their experiences  
 203 with, or observations of, an assisted living facility, and view  
 204 others' comments.  
 205 (b) The agency shall review comments for profane content  
 206 and redact profane content before posting the comments to the  
 207 webpage. All comments, as originally submitted, shall be  
 208 retained by the agency for inspection by the public without



209 redaction pursuant to chapter 119, Florida Statutes.

210 (c) A controlling interest, as defined in s. 408.803,  
211 Florida Statutes, in an assisted living facility, or an employee  
212 or owner of an assisted living facility, is prohibited from  
213 posting comments on the page. A controlling interest, employee,  
214 or owner may respond to comments on the page, and the agency  
215 shall ensure that such responses are identified as being  
216 submitted by a representative of the facility.

217 (3) The agency may provide links to third-party websites  
218 that use the data published pursuant to this section to assist  
219 consumers in evaluating the quality of care and service in  
220 assisted living facilities.

221 (4) The agency may adopt rules to administer this section.  
222 Section 5. Section 408.05, Florida Statutes, is amended to  
223 read:

224 408.05 Florida Health Information Transparency Initiative  
225 ~~Center for Health Information and Policy Analysis.~~

226 (1) CREATION AND PURPOSE ESTABLISHMENT.—The agency shall  
227 create a comprehensive health information system to promote  
228 accessibility, transparency, and utility of state-collected data  
229 and information about health providers, facilities, services,  
230 and payment sources. The agency is responsible for making state-  
231 collected health data available in a manner that allows for and  
232 encourages multiple and innovative uses of data sets. Subject to  
233 funding by the General Appropriations Act, the agency shall  
234 develop and deploy, through a contract award with one or more

235 vendors or through internal development, new methods of  
236 dissemination and ways to convert data into easily usable  
237 electronic formats ~~establish a Florida Center for Health~~  
238 ~~Information and Policy Analysis. The center shall establish a~~  
239 ~~comprehensive health information system to provide for the~~  
240 ~~collection, compilation, coordination, analysis, indexing,~~  
241 ~~dissemination, and utilization of both purposefully collected~~  
242 ~~and extant health-related data and statistics. The center shall~~  
243 ~~be staffed with public health experts, biostatisticians,~~  
244 ~~information system analysts, health policy experts, economists,~~  
245 ~~and other staff necessary to carry out its functions.~~

246 (2) HEALTH-RELATED DATA.—The comprehensive health  
247 information system must include the following data and  
248 information ~~operated by the Florida Center for Health~~  
249 ~~Information and Policy Analysis shall identify the best~~  
250 ~~available data sources and coordinate the compilation of extant~~  
251 ~~health-related data and statistics and purposefully collect data~~  
252 ~~on:~~

253 (a) ~~The extent and nature of illness and disability of the~~  
254 ~~state population, including life expectancy, the incidence of~~  
255 ~~various acute and chronic illnesses, and infant and maternal~~  
256 ~~morbidity and mortality.~~

257 (b) ~~The impact of illness and disability of the state~~  
258 ~~population on the state economy and on other aspects of the~~  
259 ~~well-being of the people in this state.~~

260 (c) ~~Environmental, social, and other health hazards.~~

261 ~~(d) Health knowledge and practices of the people in this~~  
 262 ~~state and determinants of health and nutritional practices and~~  
 263 ~~status.~~

264 (a)(e) Health resources, including licensed health  
 265 professionals, licensed health care facilities, managed care  
 266 organizations, and other health services regulated or funded by  
 267 the state ~~physicians, dentists, nurses, and other health~~  
 268 ~~professionals, by specialty and type of practice and acute,~~  
 269 ~~long-term care and other institutional care facility supplies~~  
 270 ~~and specific services provided by hospitals, nursing homes, home~~  
 271 ~~health agencies, and other health care facilities.~~

272 (b)(f) Utilization of health resources ~~care by type of~~  
 273 ~~provider.~~

274 (c)(g) Health care costs and financing, including Medicaid  
 275 claims and encounter data and data from other public and private  
 276 payors ~~trends in health care prices and costs, the sources of~~  
 277 ~~payment for health care services, and federal, state, and local~~  
 278 ~~expenditures for health care.~~

279 ~~(h) Family formation, growth, and dissolution.~~

280 (d)(i) The extent, source, and type of public and private  
 281 health insurance coverage in this state.

282 (e)(j) The data necessary for measuring value and quality  
 283 of care provided by various health care providers, including  
 284 applicable credentials, accreditation status, use, revenues and  
 285 expenses, outcomes, site visits, and other regulatory reports,  
 286 and the results of administrative and civil litigation related

287 to health care.

288 (3) COORDINATION ~~COMPREHENSIVE HEALTH INFORMATION SYSTEM.~~—

289 In order to collect comprehensive ~~produce comparable and uniform~~  
 290 health information and statistics and to disseminate such  
 291 information to for the public, as well as for the development of  
 292 policy recommendations, the agency shall perform the following  
 293 functions:

294 (a) Collect and compile data from all agencies and  
 295 programs that provide, regulate, and pay for health services  
 296 ~~Coordinate the activities of state agencies involved in the~~  
 297 ~~design and implementation of the comprehensive health~~  
 298 ~~information system.~~

299 (b) Promote data sharing through the ~~Undertake research,~~  
 300 development, dissemination, and evaluation of state-collected  
 301 health data and by making such data available, transferable, and  
 302 readily usable ~~respecting the comprehensive health information~~  
 303 ~~system.~~

304 ~~(c) Review the statistical activities of state agencies to~~  
 305 ~~ensure that they are consistent with the comprehensive health~~  
 306 ~~information system.~~

307 (c)(d) Develop written agreements with local, state, and  
 308 federal agencies for the sharing of health-care-related data or  
 309 using the facilities and services of such agencies. State  
 310 agencies, local health councils, and other agencies under state  
 311 contract shall assist the agency center ~~center~~ in obtaining, compiling,  
 312 and transferring health-care-related data maintained by state

313 and local agencies. ~~Written agreements must specify the types,~~  
314 ~~methods, and periodicity of data exchanges and specify the types~~  
315 ~~of data that will be transferred to the center.~~

316 (d)(e) Enable and facilitate the sharing and use of all  
317 state-collected health data to the maximum extent allowed by law  
318 ~~Establish by rule the types of data collected, compiled,~~  
319 ~~processed, used, or shared. Decisions regarding center data sets~~  
320 ~~should be made based on consultation with the State Consumer~~  
321 ~~Health Information and Policy Advisory Council and other public~~  
322 ~~and private users regarding the types of data which should be~~  
323 ~~collected and their uses. The center shall establish~~  
324 ~~standardized means for collecting health information and~~  
325 ~~statistics under laws and rules administered by the agency.~~

326 ~~(f) Establish minimum health-care-related data sets which~~  
327 ~~are necessary on a continuing basis to fulfill the collection~~  
328 ~~requirements of the center and which shall be used by state~~  
329 ~~agencies in collecting and compiling health-care-related data.~~  
330 ~~The agency shall periodically review ongoing health care data~~  
331 ~~collections of the Department of Health and other state agencies~~  
332 ~~to determine if the collections are being conducted in~~  
333 ~~accordance with the established minimum sets of data.~~

334 ~~(g) Establish advisory standards to ensure the quality of~~  
335 ~~health statistical and epidemiological data collection,~~  
336 ~~processing, and analysis by local, state, and private~~  
337 ~~organizations.~~

338 (e)(h) Monitor data collection procedures, test data

339 quality, and take such corrective actions as are necessary to  
340 ensure that data and information disseminated under the  
341 initiative are accurate, valid, reliable, and complete ~~Prescribe~~  
342 ~~standards for the publication of health-care-related data~~  
343 ~~reported pursuant to this section which ensure the reporting of~~  
344 ~~accurate, valid, reliable, complete, and comparable data. Such~~  
345 ~~standards should include advisory warnings to users of the data~~  
346 ~~regarding the status and quality of any data reported by or~~  
347 ~~available from the center.~~

348 (f)-(i) Initiate and maintain activities necessary to  
349 collect, edit, verify, archive, and retrieve data compiled  
350 pursuant to this section ~~Prescribe standards for the maintenance~~  
351 ~~and preservation of the center's data. This should include~~  
352 ~~methods for archiving data, retrieval of archived data, and data~~  
353 ~~editing and verification.~~

354 ~~(j) Ensure that strict quality control measures are~~  
355 ~~maintained for the dissemination of data through publications,~~  
356 ~~studies, or user requests.~~

357 ~~(k) Develop, in conjunction with the State Consumer Health~~  
358 ~~Information and Policy Advisory Council, and implement a long-~~  
359 ~~range plan for making available health care quality measures and~~  
360 ~~financial data that will allow consumers to compare health care~~  
361 ~~services. The health care quality measures and financial data~~  
362 ~~the agency must make available include, but are not limited to,~~  
363 ~~pharmaceuticals, physicians, health care facilities, and health~~  
364 ~~plans and managed care entities. The agency shall update the~~

365 ~~plan and report on the status of its implementation annually.~~  
366 ~~The agency shall also make the plan and status report available~~  
367 ~~to the public on its Internet website. As part of the plan, the~~  
368 ~~agency shall identify the process and timeframes for~~  
369 ~~implementation, barriers to implementation, and recommendations~~  
370 ~~of changes in the law that may be enacted by the Legislature to~~  
371 ~~eliminate the barriers. As preliminary elements of the plan, the~~  
372 ~~agency shall:~~

373 ~~1. Make available patient-safety indicators, inpatient~~  
374 ~~quality indicators, and performance outcome and patient charge~~  
375 ~~data collected from health care facilities pursuant to s.~~  
376 ~~408.061(1) (a) and (2). The terms "patient-safety indicators" and~~  
377 ~~"inpatient quality indicators" have the same meaning as that~~  
378 ~~ascribed by the Centers for Medicare and Medicaid Services, an~~  
379 ~~accrediting organization whose standards incorporate comparable~~  
380 ~~regulations required by this state, or a national entity that~~  
381 ~~establishes standards to measure the performance of health care~~  
382 ~~providers, or by other states. The agency shall determine which~~  
383 ~~conditions, procedures, health care quality measures, and~~  
384 ~~patient charge data to disclose based upon input from the~~  
385 ~~council. When determining which conditions and procedures are to~~  
386 ~~be disclosed, the council and the agency shall consider~~  
387 ~~variation in costs, variation in outcomes, and magnitude of~~  
388 ~~variations and other relevant information. When determining~~  
389 ~~which health care quality measures to disclose, the agency:~~

390 ~~a. Shall consider such factors as volume of cases; average~~

391 ~~patient charges; average length of stay; complication rates;~~  
392 ~~mortality rates; and infection rates, among others, which shall~~  
393 ~~be adjusted for case mix and severity, if applicable.~~

394 ~~b. May consider such additional measures that are adopted~~  
395 ~~by the Centers for Medicare and Medicaid Studies, an accrediting~~  
396 ~~organization whose standards incorporate comparable regulations~~  
397 ~~required by this state, the National Quality Forum, the Joint~~  
398 ~~Commission on Accreditation of Healthcare Organizations, the~~  
399 ~~Agency for Healthcare Research and Quality, the Centers for~~  
400 ~~Disease Control and Prevention, or a similar national entity~~  
401 ~~that establishes standards to measure the performance of health~~  
402 ~~care providers, or by other states.~~

403  
404 ~~When determining which patient charge data to disclose, the~~  
405 ~~agency shall include such measures as the average of~~  
406 ~~undiscounted charges on frequently performed procedures and~~  
407 ~~preventive diagnostic procedures, the range of procedure charges~~  
408 ~~from highest to lowest, average net revenue per adjusted patient~~  
409 ~~day, average cost per adjusted patient day, and average cost per~~  
410 ~~admission, among others.~~

411 ~~2. Make available performance measures, benefit design,~~  
412 ~~and premium cost data from health plans licensed pursuant to~~  
413 ~~chapter 627 or chapter 641. The agency shall determine which~~  
414 ~~health care quality measures and member and subscriber cost data~~  
415 ~~to disclose, based upon input from the council. When determining~~  
416 ~~which data to disclose, the agency shall consider information~~



417 ~~that may be required by either individual or group purchasers to~~  
418 ~~assess the value of the product, which may include membership~~  
419 ~~satisfaction, quality of care, current enrollment or membership,~~  
420 ~~coverage areas, accreditation status, premium costs, plan costs,~~  
421 ~~premium increases, range of benefits, copayments and~~  
422 ~~deductibles, accuracy and speed of claims payment, credentials~~  
423 ~~of physicians, number of providers, names of network providers,~~  
424 ~~and hospitals in the network. Health plans shall make available~~  
425 ~~to the agency such data or information that is not currently~~  
426 ~~reported to the agency or the office.~~

427 ~~3. Determine the method and format for public disclosure~~  
428 ~~of data reported pursuant to this paragraph. The agency shall~~  
429 ~~make its determination based upon input from the State Consumer~~  
430 ~~Health Information and Policy Advisory Council. At a minimum,~~  
431 ~~the data shall be made available on the agency's Internet~~  
432 ~~website in a manner that allows consumers to conduct an~~  
433 ~~interactive search that allows them to view and compare the~~  
434 ~~information for specific providers. The website must include~~  
435 ~~such additional information as is determined necessary to ensure~~  
436 ~~that the website enhances informed decisionmaking among~~  
437 ~~consumers and health care purchasers, which shall include, at a~~  
438 ~~minimum, appropriate guidance on how to use the data and an~~  
439 ~~explanation of why the data may vary from provider to provider.~~

440 ~~4. Publish on its website undiscounted charges for no~~  
441 ~~fewer than 150 of the most commonly performed adult and~~  
442 ~~pediatric procedures, including outpatient, inpatient,~~

443 ~~diagnostic, and preventative procedures.~~

444 ~~(4) TECHNICAL ASSISTANCE.~~

445 ~~(a) The center shall provide technical assistance to~~  
446 ~~persons or organizations engaged in health planning activities~~  
447 ~~in the effective use of statistics collected and compiled by the~~  
448 ~~center. The center shall also provide the following additional~~  
449 ~~technical assistance services:~~

450 ~~1. Establish procedures identifying the circumstances~~  
451 ~~under which, the places at which, the persons from whom, and the~~  
452 ~~methods by which a person may secure data from the center,~~  
453 ~~including procedures governing requests, the ordering of~~  
454 ~~requests, timeframes for handling requests, and other procedures~~  
455 ~~necessary to facilitate the use of the center's data. To the~~  
456 ~~extent possible, the center should provide current data timely~~  
457 ~~in response to requests from public or private agencies.~~

458 ~~2. Provide assistance to data sources and users in the~~  
459 ~~areas of database design, survey design, sampling procedures,~~  
460 ~~statistical interpretation, and data access to promote improved~~  
461 ~~health-care-related data sets.~~

462 ~~3. Identify health care data gaps and provide technical~~  
463 ~~assistance to other public or private organizations for meeting~~  
464 ~~documented health care data needs.~~

465 ~~4. Assist other organizations in developing statistical~~  
466 ~~abstracts of their data sets that could be used by the center.~~

467 ~~5. Provide statistical support to state agencies with~~  
468 ~~regard to the use of databases maintained by the center.~~

469 ~~6. To the extent possible, respond to multiple requests~~  
470 ~~for information not currently collected by the center or~~  
471 ~~available from other sources by initiating data collection.~~

472 ~~7. Maintain detailed information on data maintained by~~  
473 ~~other local, state, federal, and private agencies in order to~~  
474 ~~advise those who use the center of potential sources of data~~  
475 ~~which are requested but which are not available from the center.~~

476 ~~8. Respond to requests for data which are not available in~~  
477 ~~published form by initiating special computer runs on data sets~~  
478 ~~available to the center.~~

479 ~~9. Monitor innovations in health information technology,~~  
480 ~~informatics, and the exchange of health information and maintain~~  
481 ~~a repository of technical resources to support the development~~  
482 ~~of a health information network.~~

483 ~~(b) The agency shall administer, manage, and monitor~~  
484 ~~grants to not-for-profit organizations, regional health~~  
485 ~~information organizations, public health departments, or state~~  
486 ~~agencies that submit proposals for planning, implementation, or~~  
487 ~~training projects to advance the development of a health~~  
488 ~~information network. Any grant contract shall be evaluated to~~  
489 ~~ensure the effective outcome of the health information project.~~

490 ~~(c) The agency shall initiate, oversee, manage, and~~  
491 ~~evaluate the integration of health care data from each state~~  
492 ~~agency that collects, stores, and reports on health care issues~~  
493 ~~and make that data available to any health care practitioner~~  
494 ~~through a state health information network.~~

495 ~~(5) PUBLICATIONS; REPORTS; SPECIAL STUDIES. The center~~  
 496 ~~shall provide for the widespread dissemination of data which it~~  
 497 ~~collects and analyzes. The center shall have the following~~  
 498 ~~publication, reporting, and special study functions:~~

499 ~~(a) The center shall publish and make available~~  
 500 ~~periodically to agencies and individuals health statistics~~  
 501 ~~publications of general interest, including health plan consumer~~  
 502 ~~reports and health maintenance organization member satisfaction~~  
 503 ~~surveys; publications providing health statistics on topical~~  
 504 ~~health policy issues; publications that provide health status~~  
 505 ~~profiles of the people in this state; and other topical health~~  
 506 ~~statistics publications.~~

507 ~~(b) The center shall publish, make available, and~~  
 508 ~~disseminate, promptly and as widely as practicable, the results~~  
 509 ~~of special health surveys, health care research, and health care~~  
 510 ~~evaluations conducted or supported under this section. Any~~  
 511 ~~publication by the center must include a statement of the~~  
 512 ~~limitations on the quality, accuracy, and completeness of the~~  
 513 ~~data.~~

514 ~~(c) The center shall provide indexing, abstracting,~~  
 515 ~~translation, publication, and other services leading to a more~~  
 516 ~~effective and timely dissemination of health care statistics.~~

517 ~~(d) The center shall be responsible for publishing and~~  
 518 ~~disseminating an annual report on the center's activities.~~

519 ~~(e) The center shall be responsible, to the extent~~  
 520 ~~resources are available, for conducting a variety of special~~

521 ~~studies and surveys to expand the health care information and~~  
522 ~~statistics available for health policy analyses, particularly~~  
523 ~~for the review of public policy issues. The center shall develop~~  
524 ~~a process by which users of the center's data are periodically~~  
525 ~~surveyed regarding critical data needs and the results of the~~  
526 ~~survey considered in determining which special surveys or~~  
527 ~~studies will be conducted. The center shall select problems in~~  
528 ~~health care for research, policy analyses, or special data~~  
529 ~~collections on the basis of their local, regional, or state~~  
530 ~~importance; the unique potential for definitive research on the~~  
531 ~~problem; and opportunities for application of the study~~  
532 ~~findings.~~

533 (4)~~(6)~~ PROVIDER DATA REPORTING.—This section does not  
534 confer on the agency the power to demand or require that a  
535 health care provider or professional furnish information,  
536 records of interviews, written reports, statements, notes,  
537 memoranda, or data other than as expressly required by law.

538 (5)~~(7)~~ HEALTH INFORMATION ENTERPRISE BUDGET; FEES.—

539 (a) The agency shall implement the comprehensive health  
540 information system in a manner that recognizes state-collected  
541 data as an asset and rewards taxpayer investment in information  
542 collection and management ~~Legislature intends that funding for~~  
543 ~~the Florida Center for Health Information and Policy Analysis be~~  
544 ~~appropriated from the General Revenue Fund.~~

545 (b) The agency ~~Florida Center for Health Information and~~  
546 ~~Policy Analysis~~ may apply for, and receive, and accept grants,

547 gifts, and other payments, including property and services, from  
 548 a any governmental or other public or private entity or person  
 549 and make arrangements for ~~as to~~ the use of such funds ~~same~~,  
 550 including the undertaking of special studies and other projects  
 551 relating to health-care-related topics. ~~Funds obtained pursuant~~  
 552 ~~to this paragraph may not be used to offset annual~~  
 553 ~~appropriations from the General Revenue Fund.~~

554 (c) The agency shall ensure that a vendor who enters into  
 555 a contract with the state under this section does not inhibit or  
 556 impede public access to state-collected health data and  
 557 information ~~center may charge such reasonable fees for services~~  
 558 ~~as the agency prescribes by rule. The established fees may not~~  
 559 ~~exceed the reasonable cost for such services. Fees collected may~~  
 560 ~~not be used to offset annual appropriations from the General~~  
 561 ~~Revenue Fund.~~

562 ~~(8) STATE CONSUMER HEALTH INFORMATION AND POLICY ADVISORY~~  
 563 ~~COUNCIL.—~~

564 ~~(a) There is established in the agency the State Consumer~~  
 565 ~~Health Information and Policy Advisory Council to assist the~~  
 566 ~~center in reviewing the comprehensive health information system,~~  
 567 ~~including the identification, collection, standardization,~~  
 568 ~~sharing, and coordination of health-related data, fraud and~~  
 569 ~~abuse data, and professional and facility licensing data among~~  
 570 ~~federal, state, local, and private entities and to recommend~~  
 571 ~~improvements for purposes of public health, policy analysis, and~~  
 572 ~~transparency of consumer health care information. The council~~

573 ~~shall consist of the following members:~~

574 ~~1. An employee of the Executive Office of the Governor, to~~  
575 ~~be appointed by the Governor.~~

576 ~~2. An employee of the Office of Insurance Regulation, to~~  
577 ~~be appointed by the director of the office.~~

578 ~~3. An employee of the Department of Education, to be~~  
579 ~~appointed by the Commissioner of Education.~~

580 ~~4. Ten persons, to be appointed by the Secretary of Health~~  
581 ~~Care Administration, representing other state and local~~  
582 ~~agencies, state universities, business and health coalitions,~~  
583 ~~local health councils, professional health-care-related~~  
584 ~~associations, consumers, and purchasers.~~

585 ~~(b) Each member of the council shall be appointed to serve~~  
586 ~~for a term of 2 years following the date of appointment, except~~  
587 ~~the term of appointment shall end 3 years following the date of~~  
588 ~~appointment for members appointed in 2003, 2004, and 2005. A~~  
589 ~~vacancy shall be filled by appointment for the remainder of the~~  
590 ~~term, and each appointing authority retains the right to~~  
591 ~~reappoint members whose terms of appointment have expired.~~

592 ~~(c) The council may meet at the call of its chair, at the~~  
593 ~~request of the agency, or at the request of a majority of its~~  
594 ~~membership, but the council must meet at least quarterly.~~

595 ~~(d) Members shall elect a chair and vice chair annually.~~

596 ~~(e) A majority of the members constitutes a quorum, and~~  
597 ~~the affirmative vote of a majority of a quorum is necessary to~~  
598 ~~take action.~~

599 ~~(f) The council shall maintain minutes of each meeting and~~  
600 ~~shall make such minutes available to any person.~~

601 ~~(g) Members of the council shall serve without~~  
602 ~~compensation but shall be entitled to receive reimbursement for~~  
603 ~~per diem and travel expenses as provided in s. 112.061.~~

604 ~~(h) The council's duties and responsibilities include, but~~  
605 ~~are not limited to, the following:~~

606 ~~1. To develop a mission statement, goals, and a plan of~~  
607 ~~action for the identification, collection, standardization,~~  
608 ~~sharing, and coordination of health-related data across federal,~~  
609 ~~state, and local government and private sector entities.~~

610 ~~2. To develop a review process to ensure cooperative~~  
611 ~~planning among agencies that collect or maintain health-related~~  
612 ~~data.~~

613 ~~3. To create ad hoc issue-oriented technical workgroups on~~  
614 ~~an as-needed basis to make recommendations to the council.~~

615 ~~(9) APPLICATION TO OTHER AGENCIES. Nothing in this section~~  
616 ~~shall limit, restrict, affect, or control the collection,~~  
617 ~~analysis, release, or publication of data by any state agency~~  
618 ~~pursuant to its statutory authority, duties, or~~  
619 ~~responsibilities.~~

620 Section 6. The Office of Program Policy Analysis and  
621 Government Accountability (OPPAGA) shall monitor the Agency for  
622 Health Care Administration's implementation of s. 408.05,  
623 Florida Statutes, as amended by this act. No later than 1 year  
624 after the agency completes implementation, OPPAGA shall provide



625 a report to the President of the Senate and the Speaker of the  
 626 House of Representatives containing recommendations regarding  
 627 the application of data practices made pursuant to s. 408.05,  
 628 Florida Statutes, to other executive branch agencies.

629 Section 7. For the purpose of incorporating the amendment  
 630 made by this act to section 257.36, Florida Statutes, in a  
 631 reference thereto, subsection (8) of section 120.54, Florida  
 632 Statutes, is reenacted to read:

633 120.54 Rulemaking.—

634 (8) RULEMAKING RECORD.—In all rulemaking proceedings the  
 635 agency shall compile a rulemaking record. The record shall  
 636 include, if applicable, copies of:

637 (a) All notices given for the proposed rule.

638 (b) Any statement of estimated regulatory costs for the  
 639 rule.

640 (c) A written summary of hearings on the proposed rule.

641 (d) The written comments and responses to written comments  
 642 as required by this section and s. 120.541.

643 (e) All notices and findings made under subsection (4).

644 (f) All materials filed by the agency with the committee  
 645 under subsection (3).

646 (g) All materials filed with the Department of State under  
 647 subsection (3).

648 (h) All written inquiries from standing committees of the  
 649 Legislature concerning the rule.

650

651 Each state agency shall retain the record of rulemaking as long  
 652 as the rule is in effect. When a rule is no longer in effect,  
 653 the record may be destroyed pursuant to the records-retention  
 654 schedule developed under s. 257.36(6).

655 Section 8. Subsection (3) of section 20.42, Florida  
 656 Statutes, is amended to read:

657 20.42 Agency for Health Care Administration.—

658 (3) The department is ~~shall be~~ the chief health policy and  
 659 planning entity for the state. The department is responsible for  
 660 health facility licensure, inspection, and regulatory  
 661 enforcement; investigation of consumer complaints related to  
 662 health care facilities and managed care plans; the  
 663 implementation of the certificate of need program; ~~the operation~~  
 664 ~~of the Florida Center for Health Information and Policy~~  
 665 ~~Analysis~~; the administration of the Medicaid program; the  
 666 administration of the contracts with the Florida Healthy Kids  
 667 Corporation; the certification of health maintenance  
 668 organizations and prepaid health clinics as set forth in part  
 669 III of chapter 641; and any other duties prescribed by statute  
 670 or agreement.

671 Section 9. Paragraph (c) of subsection (4) of section  
 672 381.026, Florida Statutes, is amended to read:

673 381.026 Florida Patient's Bill of Rights and  
 674 Responsibilities.—

675 (4) RIGHTS OF PATIENTS.—Each health care facility or  
 676 provider shall observe the following standards:

677 (c) *Financial information and disclosure.*—

678 1. A patient has the right to be given, upon request, by  
679 the responsible provider, his or her designee, or a  
680 representative of the health care facility full information and  
681 necessary counseling on the availability of known financial  
682 resources for the patient's health care.

683 2. A health care provider or a health care facility shall,  
684 upon request, disclose to each patient who is eligible for  
685 Medicare, before treatment, whether the health care provider or  
686 the health care facility in which the patient is receiving  
687 medical services accepts assignment under Medicare reimbursement  
688 as payment in full for medical services and treatment rendered  
689 in the health care provider's office or health care facility.

690 3. A primary care provider may publish a schedule of  
691 charges for the medical services that the provider offers to  
692 patients. The schedule must include the prices charged to an  
693 uninsured person paying for such services by cash, check, credit  
694 card, or debit card. The schedule must be posted in a  
695 conspicuous place in the reception area of the provider's office  
696 and must include, but is not limited to, the 50 services most  
697 frequently provided by the primary care provider. The schedule  
698 may group services by three price levels, listing services in  
699 each price level. The posting must be at least 15 square feet in  
700 size. A primary care provider who publishes and maintains a  
701 schedule of charges for medical services is exempt from the  
702 license fee requirements for a single period of renewal of a

703 professional license under chapter 456 for that licensure term  
704 and is exempt from the continuing education requirements of  
705 chapter 456 and the rules implementing those requirements for a  
706 single 2-year period.

707 4. If a primary care provider publishes a schedule of  
708 charges pursuant to subparagraph 3., the provider shall ~~he or~~  
709 ~~she must~~ continually post it at all times for the duration of  
710 active licensure in this state when primary care services are  
711 provided to patients. If a primary care provider fails to post  
712 the schedule of charges in accordance with this subparagraph,  
713 the provider shall ~~be required to~~ pay any license fee and comply  
714 with ~~any~~ continuing education requirements for which an  
715 exemption was received.

716 5. A health care provider or a health care facility shall,  
717 upon request, furnish a person, before the provision of medical  
718 services, a reasonable estimate of charges for such services.  
719 The health care provider or the health care facility shall  
720 provide an uninsured person, before the provision of a planned  
721 nonemergency medical service, a reasonable estimate of charges  
722 for such service and information regarding the provider's or  
723 facility's discount or charity policies for which the uninsured  
724 person may be eligible. Such estimates by a primary care  
725 provider must be consistent with the schedule posted under  
726 subparagraph 3. To the extent possible, estimates shall, ~~to the~~  
727 ~~extent possible,~~ be written in language comprehensible to an  
728 ordinary layperson. Such reasonable estimate does not preclude

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729 the health care provider or health care facility from exceeding  
730 the estimate or making additional charges based on changes in  
731 the patient's condition or treatment needs.

732 6. Each licensed facility not operated by the state shall  
733 make available to the public on its ~~Internet~~ website or by other  
734 electronic means a description of and a link to the performance  
735 outcome and financial data that is published by the agency  
736 ~~pursuant to s. 408.05(3)(k)~~. The facility shall place in its  
737 reception area a notice stating that the ~~in the reception area~~  
738 ~~that such~~ information is available electronically and providing  
739 the facility's website address. The licensed facility may  
740 indicate that the pricing information is based on a compilation  
741 of charges for the average patient and that each patient's bill  
742 may vary from the average depending upon the severity of illness  
743 and individual resources consumed. The licensed facility may  
744 also indicate that the price of service is negotiable for  
745 eligible patients based upon the patient's ability to pay.

746 7. A patient has the right to receive a copy of an  
747 itemized bill and upon request. ~~A patient has a right to be~~  
748 ~~given~~ an explanation of charges upon request.

749 Section 10. Subsection (11) of section 395.301, Florida  
750 Statutes, is amended to read:

751 395.301 Itemized patient bill; form and content prescribed  
752 by the agency.—

753 (11) Each licensed facility shall make available on its  
754 ~~Internet~~ website a link to the performance outcome and financial

755 data that is published by the Agency for Health Care  
 756 Administration ~~pursuant to s. 408.05(3)(k)~~. The facility shall  
 757 place in its reception area a notice stating ~~in the reception~~  
 758 ~~area~~ that the information is available electronically and  
 759 providing the facility's ~~Internet~~ website address.

760 Section 11. Paragraph (e) of subsection (2) of section  
 761 395.602, Florida Statutes, is amended to read:

762 395.602 Rural hospitals.—

763 (2) DEFINITIONS.—As used in this part:

764 (e) "Rural hospital" means an acute care hospital licensed  
 765 under this chapter, having 100 or fewer licensed beds and an  
 766 emergency room, which is:

767 1. The sole provider within a county with a population  
 768 density of no greater than 100 persons per square mile;

769 2. An acute care hospital, in a county with a population  
 770 density of no greater than 100 persons per square mile, which is  
 771 at least 30 minutes of travel time, on normally traveled roads  
 772 under normal traffic conditions, from any other acute care  
 773 hospital within the same county;

774 3. A hospital supported by a tax district or subdistrict  
 775 whose boundaries encompass a population of 100 persons or fewer  
 776 per square mile;

777 4. A hospital in a constitutional charter county with a  
 778 population of more than ~~over~~ 1 million persons that has imposed  
 779 a local option health service tax pursuant to law and in an area  
 780 that was directly impacted by a catastrophic event on August 24,

781 1992, for which the Governor of Florida declared a state of  
 782 emergency pursuant to chapter 125, and has 120 beds or less that  
 783 serves an agricultural community with an emergency room  
 784 utilization of no less than 20,000 visits and a Medicaid  
 785 inpatient utilization rate greater than 15 percent;

786 5. A hospital with a service area that has a population of  
 787 100 persons or fewer per square mile. As used in this  
 788 subparagraph, the term "service area" means the fewest number of  
 789 zip codes that account for 75 percent of the hospital's  
 790 discharges for the most recent 5-year period, based on  
 791 information available from the agency's hospital inpatient  
 792 discharge database ~~in the Florida Center for Health Information~~  
 793 ~~and Policy Analysis at the agency;~~ or

794 6. A hospital designated as a critical access hospital, as  
 795 defined in s. 408.07.

796  
 797 Population densities used in this paragraph must be based upon  
 798 the most recently completed United States census. A hospital  
 799 that received funds under s. 409.9116 for a quarter beginning no  
 800 later than July 1, 2002, is deemed to have been and shall  
 801 continue to be a rural hospital from that date through June 30,  
 802 2015, if the hospital continues to have 100 or fewer licensed  
 803 beds and an emergency room, or meets the criteria of  
 804 subparagraph 4. An acute care hospital that has not previously  
 805 been designated as a rural hospital and that meets the criteria  
 806 of this paragraph shall be granted such designation upon

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807 application, including supporting documentation, to the agency.  
808 A hospital that was licensed as a rural hospital during the  
809 2010-2011 or 2011-2012 fiscal year shall continue to be a rural  
810 hospital from the date of designation through June 30, 2015, if  
811 the hospital continues to have 100 or fewer licensed beds and an  
812 emergency room.

813 Section 12. Section 395.6025, Florida Statutes, is amended  
814 to read:

815 395.6025 Rural hospital replacement facilities.-  
816 Notwithstanding ~~the provisions of~~ s. 408.036, a hospital defined  
817 as a statutory rural hospital in accordance with s. 395.602, or  
818 a not-for-profit operator of rural hospitals, is not required to  
819 obtain a certificate of need for the construction of a new  
820 hospital located in a county with a population of at least  
821 15,000 but no more than 18,000 and a density of less than 30  
822 persons per square mile, or a replacement facility, if provided  
823 ~~that~~ the replacement, or new, facility is located within 10  
824 miles of the site of the currently licensed rural hospital and  
825 within the current primary service area. As used in this  
826 section, the term "service area" means the fewest number of zip  
827 codes that account for 75 percent of the hospital's discharges  
828 for the most recent 5-year period, based on information  
829 available from the Agency for Health Care Administration's  
830 hospital inpatient discharge database ~~in the Florida Center for~~  
831 ~~Health Information and Policy Analysis at the Agency for Health~~  
832 ~~Care Administration.~~



833 Section 13. Subsection (43) of section 408.07, Florida  
 834 Statutes, is amended to read:

835 408.07 Definitions.—As used in this chapter, with the  
 836 exception of ss. 408.031-408.045, the term:

837 (43) "Rural hospital" means an acute care hospital  
 838 licensed under chapter 395, having 100 or fewer licensed beds  
 839 and an emergency room, and which is:

840 (a) The sole provider within a county with a population  
 841 density of no greater than 100 persons per square mile;

842 (b) An acute care hospital, in a county with a population  
 843 density of no greater than 100 persons per square mile, which is  
 844 at least 30 minutes of travel time, on normally traveled roads  
 845 under normal traffic conditions, from another acute care  
 846 hospital within the same county;

847 (c) A hospital supported by a tax district or subdistrict  
 848 whose boundaries encompass a population of 100 persons or fewer  
 849 per square mile;

850 (d) A hospital with a service area that has a population  
 851 of 100 persons or fewer per square mile. As used in this  
 852 paragraph, the term "service area" means the fewest number of  
 853 zip codes that account for 75 percent of the hospital's  
 854 discharges for the most recent 5-year period, based on  
 855 information available from the Agency for Health Care  
 856 Administration's hospital inpatient discharge database ~~in the~~  
 857 ~~Florida Center for Health Information and Policy Analysis at the~~  
 858 ~~Agency for Health Care Administration; or~~

859 (e) A critical access hospital.

860

861 Population densities used in this subsection must be based upon  
 862 the most recently completed United States census. A hospital  
 863 that received funds under s. 409.9116 for a quarter beginning no  
 864 later than July 1, 2002, is deemed to have been and shall  
 865 continue to be a rural hospital from that date through June 30,  
 866 2015, if the hospital continues to have 100 or fewer licensed  
 867 beds and an emergency room, or meets the criteria of s.

868 395.602(2)(e)4. An acute care hospital that has not previously  
 869 been designated as a rural hospital and that meets the criteria  
 870 of this subsection shall be granted such designation upon  
 871 application, including supporting documentation, to the Agency  
 872 for Health Care Administration.

873 Section 14. Paragraph (a) of subsection (4) of section  
 874 408.18, Florida Statutes, is amended to read:

875 408.18 Health Care Community Antitrust Guidance Act;  
 876 antitrust no-action letter; market-information collection and  
 877 education.—

878 (4) (a) Members of the health care community who seek  
 879 antitrust guidance may request a review of their proposed  
 880 business activity by the Attorney General's office. In  
 881 conducting its review, the Attorney General's office may seek  
 882 whatever documentation, data, or other material it deems  
 883 necessary from the Agency for Health Care Administration, ~~the~~  
 884 ~~Florida Center for Health Information and Policy Analysis,~~ and

885 the Office of Insurance Regulation of the Financial Services  
 886 Commission.

887 Section 15. Section 465.0244, Florida Statutes, is amended  
 888 to read:

889 465.0244 Information disclosure.—Every pharmacy shall make  
 890 available on its ~~Internet~~ website a link to the performance  
 891 outcome and financial data that is published by the Agency for  
 892 Health Care Administration ~~pursuant to s. 408.05(3)(k)~~ and shall  
 893 place in the area where customers receive filled prescriptions  
 894 notice that such information is available electronically and the  
 895 address of its ~~Internet~~ website.

896 Section 16. Subsection (2) of section 627.6499, Florida  
 897 Statutes, is amended to read:

898 627.6499 Reporting by insurers and third-party  
 899 administrators.—

900 (2) Each health insurance issuer shall make available on  
 901 its ~~Internet~~ website a link to the performance outcome and  
 902 financial data that is published by the Agency for Health Care  
 903 Administration ~~pursuant to s. 408.05(3)(k)~~ and shall include in  
 904 every policy delivered or issued for delivery to any person in  
 905 the state or any materials provided as required by s. 627.64725  
 906 notice that such information is available electronically and the  
 907 address of its ~~Internet~~ website.

908 Section 17. Subsection (7) of section 641.54, Florida  
 909 Statutes, is amended to read:

910 641.54 Information disclosure.—

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911 (7) Each health maintenance organization shall make  
912 available on its ~~Internet~~ website a link to the performance  
913 outcome and financial data that is published by the Agency for  
914 Health Care Administration ~~pursuant to s. 408.05(3)(k)~~ and shall  
915 include in every policy delivered or issued for delivery to any  
916 person in the state or ~~any~~ materials provided as required by s.  
917 627.64725 notice that such information is available  
918 electronically and the address of its ~~Internet~~ website.

919 Section 18. This act shall take effect July 1, 2014.