

1 A bill to be entitled
 2 An act relating to electronic health records; amending
 3 s. 408.051, F.S.; requiring a contracted vendor to
 4 release certain electronic health care records to
 5 another vendor selected by the health care provider
 6 within a specified timeframe; providing for the
 7 assessment of liquidated damages; providing an
 8 effective date.

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

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 12 Section 1. Subsection (5) of section 408.051, Florida
 13 Statutes, is renumbered as subsection (6) and amended, and a new
 14 subsection (5) is added to that section, to read:

15 408.051 Florida Electronic Health Records Exchange Act.—

16 (5) TRANSFER OF ELECTRONIC HEALTH RECORDS BETWEEN
 17 VENDORS.—A contracted vendor responsible for the storage and
 18 maintenance of electronic health records for a health care
 19 provider must release those records to another vendor selected
 20 by the health care provider within 30 days after termination of
 21 the contract. A contract between a vendor and a health care
 22 provider shall contain a provision for payment of liquidated
 23 damages of no less than 20 percent of the annual payment to the
 24 vendor for noncompliance with this subsection.

25 (6) ~~(5)~~ PENALTIES.—

26 (a) A person who does any of the following may be liable
27 to the patient or a health care provider that has released an
28 identifiable health record in reliance on an authorization form
29 presented to the health care provider by the person for
30 compensatory damages caused by an unauthorized release, plus
31 reasonable attorney's fees and costs:

32 1.~~(a)~~ Forges a signature on an authorization form or
33 materially alters the authorization form of another person
34 without the person's authorization; or

35 2.~~(b)~~ Obtains an authorization form or an identifiable
36 health record of another person under false pretenses.

37 (b) A vendor that fails to transfer designated electronic
38 health records within the timeframe required under subsection
39 (5), shall be liable for payment of liquidated damages as
40 specified in the contract for services.

41 Section 2. This act shall take effect July 1, 2018.