

RESOLUTION R-19-138

A RESOLUTION OF THE MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING A STANDARD HIPAA BUSINESS ASSOCIATE AGREEMENT; PROVIDING FOR THE DELEGATION OF AUTHORITY TO EXECUTE THE STANDARD AGREEMENT; PROVIDING FOR REPORTING; PROVIDING FOR SEVERABILITY; PROVIDING FOR APPLICABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Health Insurance Portability and Accountability Act of 1996 and regulations promulgated thereunder (“HIPAA”), including but not limited to, the Standards for Privacy of Individually Identifiable Health Information and the Security Standards for the Protection of Electronic Protected Health information in 45 C.F.R. Parts 160-164, and Florida law set forth certain requirements for the security and guard of protected health information; and

WHEREAS, HIPAA requires a healthcare provider (“Covered Entity”) and any third-party vendor (“Business Associate”) that performs services for, or on behalf of, a Covered Entity and has access to or creates a patient’s protected health information in the performance of these services to enter into a Business Associate Agreement for the protection of the privacy and security of protected health information; and

WHEREAS, the Board of County Commissioners (the “Board”) has determined that it is necessary and in the best interest of the County to approve the form of, and delegate authority to execute, a standard Business Associate Agreement in order to comply with the requirements of HIPAA, as provided in this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS AS FOLLOWS:

SECTION 1. APPROVAL OF FORM AGREEMENT FOR USE OF COUNTY PROPERTY FOR CONCESSIONAIRE SERVICES. The Board hereby approves the form of the following Agreement for use of various County-owned property and facilities for concession services:

Exhibit (1) – Standard Business Associate Agreement - attached

The Director of the Public Safety Department (the “Director”), or his or her designee, is hereby authorized and directed to execute the agreements and general conditions (and related amendments thereto), substantially in the form set forth in the above referenced exhibit to this Resolution, with such supplemental documents as are incorporated therein and consistent therewith.

SECTION 2. REPORTING. The Director shall annually provide a list to the Board of all agreements and amendments approved and executed pursuant to Section 1, above.

SECTION 3. SEVERABILITY. If any section, sentence, clause, or other provision of this Resolution shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Resolution.

SECTION 4. APPLICABILITY. The form of the agreement and general conditions approved herein shall apply and be utilized in all transactions entered into on or after the effective date hereof.

SECTION 5. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

DULY ADOPTED with a quorum present and voting this the ____ day of _____, 2019.

**BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA**

By: _____
Chairperson

Date: _____

ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: _____
Deputy Clerk