

By the Committee on Health Care

587-462-06

1                                   A bill to be entitled  
 2           An act relating to a review under the Open  
 3           Government Sunset Review Act; amending s.  
 4           409.91196, F.S.; revising provisions that  
 5           provide exemptions from public records  
 6           requirements for certain information held by  
 7           the Agency for Health Care Administration and  
 8           from public meeting requirements for certain  
 9           proceedings of the Medicaid Pharmaceutical and  
 10          Therapeutics Committee; abrogating the  
 11          scheduled repeal of such exemptions; providing  
 12          an effective date.

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

16           Section 1. Section 409.91196, Florida Statutes, is  
 17 amended to read:

18           409.91196 Supplemental rebate agreements; public  
 19 ~~confidentiality of records and public meetings exemption.--~~

20           (1) ~~The Trade secrets,~~ rebate amount, percent of  
 21 rebate, manufacturer's pricing, and supplemental rebate held  
 22 ~~by rebates which are contained in records of~~ the Agency for  
 23 Health Care Administration under s. 409.912(39)(a)7. and its  
 24 ~~agents with respect to supplemental rebate negotiations and~~  
 25 ~~which are prepared pursuant to a supplemental rebate agreement~~  
 26 ~~under s. 409.912(40)(a)7.~~ are confidential and exempt from s.  
 27 119.07(1) s. 119.07 and s. 24(a), Art. I of the State  
 28 Constitution.

29           (2) That portion of a meeting ~~Those portions of~~  
 30 ~~meetings~~ of the Medicaid Pharmaceutical and Therapeutics  
 31 Committee at which the ~~trade secrets,~~ rebate amount, percent

1 of rebate, manufacturer's pricing, and supplemental rebate  
2 ~~rebates~~ are discussed is disclosed for discussion or  
3 ~~negotiation of a supplemental rebate agreement under s.~~  
4 ~~409.912(40)(a)7.~~ are exempt from s. 286.011 and s. 24(b), Art.  
5 I of the State Constitution. A record shall be made of each  
6 exempt portion of a meeting. Such record must include the  
7 times of commencement and termination, all discussions and  
8 proceedings, and the names of all persons speaking. An exempt  
9 portion of a meeting may not be held off the record.

10 ~~(3) Subsections (1) and (2) are subject to the Open~~  
11 ~~Government Sunset Review Act of 1995 in accordance with s.~~  
12 ~~119.15, and shall stand repealed on October 2, 2006, unless~~  
13 ~~reviewed and saved from repeal through reenactment by the~~  
14 ~~Legislature.~~

15 Section 2. This act shall take effect October 1, 2006.

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18 SENATE SUMMARY

19 Abrogates the scheduled expiration of exemptions under  
20 the Open Government Sunset Review Act for information  
21 held by the Agency for Health Care Administration  
22 relating to preferred drugs and for meetings of the  
23 Medicaid Pharmaceutical and Therapeutics Committee.  
24 Requires a record of exempt portions of such meetings and  
25 prohibits exempt portions from being held off the record.  
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