${\bf By}$ the Committees on Governmental Oversight and Productivity; and Health Care

585-2176-06

1	A bill to be entitled
2	An act relating to a review under the Open
3	Government Sunset Review Act regarding
4	supplemental rebate agreements; amending s.
5	409.91196, F.S., which provides an exemption
6	from public-records requirements for the rebate
7	amount, percent of rebate, manufacturer's
8	pricing, and supplemental rebate held by the
9	Agency for Health Care Administration relative
10	to a preferred drug list established by the
11	agency and an exemption from public-meetings
12	requirements for that portion of a meeting of
13	the Medicaid Pharmaceutical and Therapeutics
14	Committee at which such rebate amounts, percent
15	of rebates, manufacturer's pricing, and
16	supplemental rebates are discussed; making
17	editorial changes; removing superfluous
18	provisions; requiring that a record of an
19	exempt portion of a meeting be made and
20	maintained; removing the scheduled repeal of
21	the exemption; providing an effective date.
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23	Be It Enacted by the Legislature of the State of Florida:
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25	Section 1. Section 409.91196, Florida Statutes, is
26	amended to read:
27	409.91196 Supplemental rebate agreements; public
28	confidentiality of records and <u>public</u> meetings <u>exemption</u>
29	(1) The Trade secrets, rebate amount, percent of
30	rebate, manufacturer's pricing, and supplemental rebate, and
31	other trade secrets as defined in a 688 002 which are

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CODING: Words stricken are deletions; words underlined are additions.

specifically identified by the agency for use in the 2 negotiations, held by rebates which are contained in records of the Agency for Health Care Administration under s. 3 409.912(39)(a)7. and its agents with respect to supplemental 4 5 rebate negotiations and which are prepared pursuant to a supplemental rebate agreement under s. 409.912(40)(a)7. are 7 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I 8 of the State Constitution. 9 (2) That portion of a meeting Those portions of 10 meetings of the Medicaid Pharmaceutical and Therapeutics Committee at which the trade secrets, rebate amount, percent 11 12 of rebate, manufacturer's pricing, and supplemental rebate, 13 and other trade secrets as defined in s. 688.002 which are specifically identified by the agency for use in negotiations, 14 rebates are <u>discussed</u> is <u>disclosed</u> for <u>discussion</u> or 15 negotiation of a supplemental rebate agreement under s. 16 17 409.912(40)(a)7. are exempt from s. 286.011 and s. 24(b), Art. 18 I of the State Constitution. A record shall be made of each exempt portion of a meeting. Such record must include the 19 times of commencement and termination, all discussions and 2.0 21 proceedings, the names of all persons present at any time, and the names of all persons speaking. No exempt portion of a 2.2 23 meeting may be held off the record. (3) Subsections (1) and (2) are subject to the Open 2.4 Government Sunset Review Act of 1995 in accordance with s. 2.5 26 119.15, and shall stand repealed on October 2, 2006, unless 27 reviewed and saved from repeal through reenactment by the 2.8 Legislature. 29 Section 2. This act shall take effect October 1, 2006. 30 31

1	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR
2	Senate Bill 516
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4	Links "trade secrets" to the definition found in s. 288.002, F.S., and links protection of that information to the
5	negotiation process.
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