

1 specifically identified by the agency for use in the
2 negotiations, held by rebates which are contained in records
3 of the Agency for Health Care Administration under s.
4 409.912(39)(a)7. and its agents with respect to supplemental
5 rebate negotiations and which are prepared pursuant to a
6 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
11 Committee at which the trade secrets, rebate amount, percent
12 of rebate, manufacturer's pricing, and supplemental rebate,
13 and other trade secrets as defined in s. 688.002 which are
14 specifically identified by the agency for use in negotiations,
15 rebates are discussed is disclosed for discussion or
16 negotiation of a supplemental rebate agreement under s.
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
19 exempt portion of a meeting. Such record must include the
20 times of commencement and termination, all discussions and
21 proceedings, the names of all persons present at any time, and
22 the names of all persons speaking. No exempt portion of a
23 meeting may be held off the record.

24 ~~(3) Subsections (1) and (2) are subject to the Open~~
25 ~~Government Sunset Review Act of 1995 in accordance with s.~~
26 ~~119.15, and shall stand repealed on October 2, 2006, unless~~
27 ~~reviewed and saved from repeal through reenactment by the~~
28 ~~Legislature.~~

29 Section 2. This act shall take effect October 1, 2006.
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 516

Links "trade secrets" to the definition found in s. 288.002,
F.S., and links protection of that information to the
negotiation process.