

587-462-06

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

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

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

17 409.91196 Supplemental rebate agreements; public
18 ~~confidentiality of records and public meetings exemption.~~--

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

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

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

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11 ~~119.15, and shall stand repealed on October 2, 2006, unless~~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

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