

1                                   A bill to be entitled  
 2       An act relating to a review under the Open Government  
 3       Sunset Review Act regarding supplemental rebate  
 4       agreements; amending s. 409.91196, F.S., which provides an  
 5       exemption from public records requirements for the rebate  
 6       amount, percent of rebate, manufacturer's pricing, and  
 7       supplemental rebate held by the Agency for Health Care  
 8       Administration relative to a preferred drug list  
 9       established by the agency and an exemption from public  
 10      meetings requirements for that portion of a meeting of the  
 11      Medicaid Pharmaceutical and Therapeutics Committee at  
 12      which such rebate amounts, percent of rebates,  
 13      manufacturer's pricing, and supplemental rebates are  
 14      discussed; making editorial changes; removing superfluous  
 15      language; requiring that a record of an exempt portion of  
 16      a meeting be made and maintained; removing the scheduled  
 17      repeal of the exemption; providing an effective date.

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

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 21           Section 1.   Section 409.91196, Florida Statutes, is amended  
 22   to read:

23           409.91196   Supplemental rebate agreements; public  
 24   ~~confidentiality of records and public meetings exemption.~~--

25           (1)   The ~~Trade secrets~~, rebate amount, percent of rebate,  
 26   manufacturer's pricing, and supplemental rebate held by ~~rebates~~  
 27   ~~which are contained in records of the Agency for Health Care~~  
 28   Administration under s. 409.912(39)(a)7. ~~and its agents with~~

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29 ~~respect to supplemental rebate negotiations and which are~~  
30 ~~prepared pursuant to a supplemental rebate agreement under s.~~  
31 ~~409.912(40)(a)7.~~ are confidential and exempt from s. 119.07(1)  
32 and s. 24(a), Art. I of the State Constitution.

33 (2) That portion of a meeting ~~Those portions of meetings~~  
34 of the Medicaid Pharmaceutical and Therapeutics Committee at  
35 which the ~~trade secrets,~~ rebate amount, percent of rebate,  
36 manufacturer's pricing, and supplemental rebate ~~rebates~~ are  
37 discussed is disclosed for discussion or negotiation of a  
38 supplemental rebate agreement under s. 409.912(40)(a)7. are  
39 exempt from s. 286.011 and s. 24(b), Art. I of the State  
40 Constitution. A record shall be made of each exempt portion of a  
41 meeting. Such record must include the times of commencement and  
42 termination, all discussions and proceedings, the names of all  
43 persons present at any time, and the names of all persons  
44 speaking. No exempt portion of a meeting may be held off the  
45 record.

46 ~~(3) Subsections (1) and (2) are subject to the Open~~  
47 ~~Government Sunset Review Act of 1995 in accordance with s.~~  
48 ~~119.15, and shall stand repealed on October 2, 2006, unless~~  
49 ~~reviewed and saved from repeal through reenactment by the~~  
50 ~~Legislature.~~

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