

CHAMBER ACTION

1 The State Administration Council recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

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6 A bill to be entitled

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

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

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

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

(1) ~~The Trade secrets,~~ rebate amount, percent of rebate, manufacturer's pricing, and supplemental rebate, and other trade secrets as defined in s. 688.002 that the agency has identified for use in negotiations, held by rebates which are contained in records of the Agency for Health Care Administration under s. 409.912(39)(a)7. and its agents with respect to supplemental rebate negotiations and which are prepared pursuant to a supplemental rebate agreement under s. 409.912(40)(a)7. are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(2) That portion of a meeting ~~Those portions of meetings~~ of the Medicaid Pharmaceutical and Therapeutics Committee at which the trade secrets, rebate amount, percent of rebate, manufacturer's pricing, or and supplemental rebate, or other trade secrets as defined in s. 688.002 that the agency has identified for use in negotiations, ~~rebates are discussed is disclosed for discussion or negotiation of a supplemental rebate agreement under s. 409.912(40)(a)7.~~ are exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution. A record shall be made of each exempt portion of a meeting. Such record must include the times of commencement and termination, all

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52 discussions and proceedings, the names of all persons present at
53 any time, and the names of all persons speaking. No exempt
54 portion of a meeting may be held off the record.

55 ~~(3) Subsections (1) and (2) are subject to the Open~~
56 ~~Government Sunset Review Act of 1995 in accordance with s.~~
57 ~~119.15, and shall stand repealed on October 2, 2006, unless~~
58 ~~reviewed and saved from repeal through reenactment by the~~
59 ~~Legislature.~~

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