

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,  
 7           supplemental rebate, and other trade secrets held by the  
 8           Agency for Health Care Administration relative to a  
 9           preferred drug list established by the agency and an  
 10          exemption from public meetings requirements for that  
 11          portion of a meeting of the Medicaid Pharmaceutical and  
 12          Therapeutics Committee at which such rebate amounts,  
 13          percent of rebates, manufacturer's pricing, supplemental  
 14          rebates, or other trade secrets are discussed; making  
 15          editorial changes; removing superfluous language;  
 16          requiring that a record of an exempt portion of a meeting  
 17          be made and maintained; removing the scheduled repeal of  
 18          the exemptions; providing an effective date.

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

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

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

26           (1) ~~The Trade secrets~~, rebate amount, percent of rebate,  
 27 manufacturer's pricing, and supplemental rebate, and other trade

28 secrets as defined in s. 688.002 that the agency has identified  
29 for use in negotiations, held by rebates which are contained in  
30 ~~records of the Agency for Health Care Administration under s.~~  
31 409.912(39)(a)7. and its agents with respect to supplemental  
32 ~~rebate negotiations and which are prepared pursuant to a~~  
33 ~~supplemental rebate agreement under s. 409.912(40)(a)7. are~~  
34 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
35 of the State Constitution.

36 (2) That portion of a meeting ~~Those portions of meetings~~  
37 of the Medicaid Pharmaceutical and Therapeutics Committee at  
38 which the trade secrets, rebate amount, percent of rebate,  
39 manufacturer's pricing, or and supplemental rebate, or other  
40 trade secrets as defined in s. 688.002 that the agency has  
41 identified for use in negotiations, rebates are discussed is  
42 ~~disclosed for discussion or negotiation of a supplemental rebate~~  
43 ~~agreement under s. 409.912(40)(a)7. are exempt from s. 286.011~~  
44 and s. 24(b), Art. I of the State Constitution. A record shall  
45 be made of each exempt portion of a meeting. Such record must  
46 include the times of commencement and termination, all  
47 discussions and proceedings, the names of all persons present at  
48 any time, and the names of all persons speaking. No exempt  
49 portion of a meeting may be held off the record.

50 ~~(3) Subsections (1) and (2) are subject to the Open~~  
51 ~~Government Sunset Review Act of 1995 in accordance with s.~~  
52 ~~119.15, and shall stand repealed on October 2, 2006, unless~~  
53 ~~reviewed and saved from repeal through reenactment by the~~  
54 ~~Legislature.~~

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