

ENROLLED
HB 7045, Engrossed 1

2006 Legislature

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.

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

21
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

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