

House Bill No. 7045

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

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

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(1) and (2) are subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.~~

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

Approved by the Governor June 9, 2006.

Filed in Office Secretary of State June 9, 2006.