

By the Committee on State Administration and
 Representative Brummer

1 A bill to be entitled
 2 An act relating to public records exemptions
 3 for certain information obtained in connection
 4 with administration of the qualified defense
 5 contractor and qualified target industry tax
 6 refund programs; amending s. 288.1066, F.S.,
 7 which provides exemptions from public records
 8 requirements for certain identifying,
 9 proprietary, tax, and trade secret information
 10 received in connection with administering said
 11 tax refund programs; reenacting such exemptions
 12 and removing the October 2, 2001, repeal
 13 thereof scheduled under the Open Government
 14 Sunset Review Act of 1995; deleting superfluous
 15 language; providing an effective date.

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

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 19 Section 1. Notwithstanding the October 2, 2001, repeal
 20 of said section scheduled pursuant to the Open Government
 21 Sunset Review Act of 1995, section 288.1066, Florida Statutes,
 22 is reenacted and amended to read:

23 288.1066 Confidentiality of records.--

24 (1) The following information when received by ~~the~~
 25 ~~Department of Commerce;~~the Office of Tourism, Trade, and
 26 Economic Development; Enterprise Florida, Inc.; or county or
 27 municipal governmental entities and their employees pursuant
 28 to the qualified defense contractor tax refund program as
 29 required by s. 288.1045 is confidential and exempt from the
 30 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
 31

1 Constitution for a period not to exceed the duration of the
2 tax refund agreement or 10 years, whichever is earlier:
3 (a) The applicant's federal employer identification
4 number and Florida sales tax registration number.
5 (b) The percentage of the applicant's gross receipts
6 derived from Department of Defense contracts during the 5
7 taxable years immediately preceding the date the application
8 is submitted.
9 (c) The amount of:
10 1. Taxes on sales, use, and other transactions paid
11 pursuant to chapter 212;
12 2. Corporate income taxes paid pursuant to chapter
13 220;
14 3. Intangible personal property taxes paid pursuant to
15 chapter 199;
16 4. Emergency excise taxes paid pursuant to chapter
17 221; and
18 5. Ad valorem taxes paid
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20 during the 5 fiscal years immediately preceding the date of
21 the application, and the projected amounts of such taxes to be
22 due in the 3 fiscal years immediately following the date of
23 the application.
24 (d) Any trade secret information as defined in s.
25 812.081 contained within any statement concerning the
26 applicant's need for tax refunds or concerning the proposed
27 uses of such refunds by the applicant.
28 (2) The following information when received by ~~the~~
29 ~~Department of Commerce;~~ the Office of Tourism, Trade, and
30 Economic Development; Enterprise Florida, Inc.; or county or
31 municipal governmental entities and their employees pursuant

1 to the qualified target industry tax refund program as
2 required by s. 288.106 is confidential and exempt from the
3 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
4 Constitution for a period not to exceed the duration of the
5 tax refund agreement or 10 years, whichever is earlier:
6 (a) The applicant's federal employer identification
7 number and Florida sales tax registration number.
8 (b) Any trade secret information as defined in s.
9 812.081 contained within any description of the type of
10 business activity or product covered by the project.
11 (c) The anticipated wages of those jobs projected to
12 be created by the project.
13 (d) The amount of:
14 1. Taxes on sales, use, and other transactions paid
15 pursuant to chapter 212;
16 2. Corporate income taxes paid pursuant to chapter
17 220;
18 3. Intangible personal property taxes paid pursuant to
19 chapter 199;
20 4. Emergency excise taxes paid pursuant to chapter
21 221; and
22 5. Ad valorem taxes paid
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24 during the 5 fiscal years immediately preceding the date of
25 the application, and the projected amounts of such taxes to be
26 due in the 3 fiscal years immediately following the date of
27 the application.
28 (e) Any trade secret information as defined in s.
29 812.081 contained within any statement concerning the role
30 that the tax refunds requested will play in the decision of
31 the applicant to locate or expand in this state.

1 (f) An estimate of the proportion of the sales
2 resulting from the project that will be made outside this
3 state.
4 (3) Nothing contained in this section shall prevent
5 ~~the Department of Commerce,~~the Office of Tourism, Trade, and
6 Economic Development; Enterprise Florida, Inc.; or any county
7 or municipal governmental entity receiving the information
8 described in this section from publishing statistics in the
9 aggregate and so classified as to prevent the identification
10 of a single qualified applicant.

11 ~~(4) This section is subject to the Open Government~~
12 ~~Sunset Review Act of 1995 in accordance with s. 119.15, and~~
13 ~~shall stand repealed on October 2, 2001, unless reviewed and~~
14 ~~saved from repeal through reenactment by the Legislature.~~

15 Section 2. This act shall take effect October 1, 2001.
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18 HOUSE SUMMARY

19 Reenacts the public records exemptions for certain
20 identifying, proprietary, tax, and trade secret
21 information received in connection with administering the
22 qualified defense contractor and qualified target
23 industry tax refund programs, and removes the October 2,
24 2001, repeal thereof scheduled under the Open Government
25 Sunset Review Act of 1995.
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