

1 exempt after the duration of the tax refund, tax credit, or
2 incentive agreement.

3 (c) The percentage of the business's sales occurring
4 outside this state and, for businesses applying under s.
5 288.1045, the percentage of the business's gross receipts
6 derived from Department of Defense contracts during the 5
7 years immediately preceding the date the business's
8 application is submitted.

9 (d) The anticipated wages for the project jobs that
10 the business plans to create, as reported on the application
11 for certification.

12 (e) The average wage actually paid by the business for
13 those jobs created by the project and any detailed proprietary
14 business information or an employee's personal identifying
15 information, held as evidence of the achievement or
16 nonachievement of the wage requirements of the tax refund, tax
17 credit, or incentive agreement programs or of the job creation
18 requirements of such programs.

19 (f) Any proprietary business information regarding
20 capital investment in eligible building and equipment made by
21 the qualified business project when held by the Office of
22 Tourism, Trade, and Economic Development as evidence of the
23 achievement or nonachievement of the investment requirements
24 for the tax credit certification under s. 220.191, for the
25 high-impact performance agreement under s. 288.108, ~~or~~ for the
26 Quick Action Closing Fund agreement under s. 288.1088, or for
27 the Innovation Incentive Program agreement under s. 288.1089.

28 (g) The amount of:

29 1. Taxes on sales, use, and other transactions paid
30 pursuant to chapter 212;

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- 1 2. Corporate income taxes paid pursuant to chapter
- 2 220;
- 3 3. Intangible personal property taxes paid pursuant to
- 4 chapter 199;
- 5 4. Emergency excise taxes paid pursuant to chapter
- 6 221;
- 7 5. Insurance premium taxes paid pursuant to chapter
- 8 624;
- 9 6. Excise taxes paid on documents pursuant to chapter
- 10 201; or
- 11 7. Ad valorem taxes paid, as defined in s. 220.03(1),
- 12
- 13 which the qualified business reports on its application for
- 14 certification or reports during the term of the tax refund
- 15 agreement, and for which the qualified business claims a tax
- 16 refund under s. 288.1045 or s. 288.106, and any such
- 17 information held as evidence of the achievement or
- 18 nonachievement of performance items contained in the tax
- 19 refund agreement.

20 (4) This section is subject to the Open Government
 21 Sunset Review Act ~~of 1995~~ in accordance with s. 119.15 and
 22 shall stand repealed on October 2, 2011 ~~2007~~, unless reviewed
 23 and saved from repeal through reenactment by the Legislature.

24 Section 2. The Legislature finds that it is a public
 25 necessity to provide confidentiality for certain information
 26 concerning businesses that is obtained through the
 27 administration of the Innovation Incentive Program for
 28 qualified innovation businesses under s. 288.1089, Florida
 29 Statutes. The disclosure of information such as trade secrets,
 30 tax identification numbers, analyses of gross receipts, the
 31 amount of taxes paid, the amount of capital investment, and

1 the amount of employee wages paid, and the detailed
2 documentation to substantiate such performance information,
3 could injure a business in the marketplace by providing its
4 competitors with detailed insights into the financial status
5 and the strategic plans of the business, thereby diminishing
6 the advantage that the business maintains over those that do
7 not possess such information. Without this exemption,
8 private-sector businesses, whose records generally are not
9 required to be open to the public, might refrain from
10 participating in the economic development program and thus
11 would not be able to use the incentives available under the
12 program. If a business were unable to use the incentives, the
13 business might choose to locate its employment and other
14 investment activities outside the state, depriving the state
15 and the public of the potential economic benefits associated
16 with such business activities in this state. The harm to
17 businesses in the marketplace and to the effective
18 administration of the economic development program caused by
19 the public disclosure of such information far outweighs the
20 public benefits derived from its release. In addition, because
21 the confidentiality provided by s. 288.1067, Florida Statutes,
22 does not preclude the reporting of statistics in the aggregate
23 concerning the program, as well as the names of businesses
24 participating in the program and the amount of incentives
25 awarded and claimed, the public has access to information
26 important to an assessment of the performance of the program.

27 Section 3. This act shall take effect July 1, 2006, if
28 Senate Bill 2728 or similar legislation is adopted in the same
29 legislative session or an extension thereof and becomes a law.

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