

RESOLUTION R-04-150

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA, REQUESTING THE STATE
OF FLORIDA DEPARTMENT OF REVENUE TO DISCLOSE
CERTAIN INFORMATION RELATING TO THE
FLORIDA TAX ON SALES PURSUANT TO SECTION
213.053(9), FLORIDA STATUTES; AND PROVIDING
CERTAIN ASSURANCES TO THE DEPARTMENT OF REVENUE
REGARDING CONFIDENTIALITY**

WHEREAS, Manatee County, Florida (“County” hereinafter), is a political subdivision of the State of Florida; and

WHEREAS, Section 213.053(9), Florida Statutes, provides that the Department of Revenue (“Department” hereinafter) shall, subject to receipt of an authenticated copy of a resolution adopted by the governing body, disclose to the governing body of the county the names and addresses of the sales tax taxpayers who reside within the taxing boundaries of such county; and

WHEREAS, Section 213.053(9), Florida Statutes also provides that the governing body, its officers and employees are subject to the same requirements of confidentiality and the same penalties for violating confidentiality as the Department and its employees; and

WHEREAS, Section 213.053(9), Florida Statutes provides that the resolution requesting such information shall provide assurances that the governing body, its officers and employees are aware of the requirements and penalties for violating confidentiality, and shall describe the measures that will be put into effect by the governing body to assure the requisite confidentiality; and

WHEREAS, the Board of County Commissioners of Manatee County, Florida (“Board” hereinafter), the governing body of the County, is interested in having the Department provide a list of the names and addresses of those taxpayers who reside within Manatee County, Florida, and make contribution to the tax on sales, use and other transactions, Chapter 212, Part 1, Florida Statutes;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

- Section 1. The Board intends to hereby assure the Department that the Board, its officers and employees (as described hereinafter) are aware of the confidentiality requirements of Section 213.053(2), Florida Statutes, and of the penalties for their violation as set forth in Sections 213.053(2), 775.082, 775.083, and 775.084, Florida Statutes. Said sections of the Florida Statutes provide, among other things, that the person or persons who violate the confidentiality requirement of Section 213.053(2), Florida Statutes, are guilty of a misdemeanor of the first degree and may be punished by a term of imprisonment not exceeding one year or a fine of up to \$1,000 for a first time offense.
- Section 2. The Board hereby declares that the information received from the Department shall only be viewed by the following County officers, employees, Clerk of the Circuit Court employees, and advisory board members: The County Administrator, the Clerk of the Circuit Court, the County Attorney, the Assistant County Attorney who advised on sales tax matters, the Director of the Financial Management Department, the Financial Management Administrator, the Budget Manager, and staff of the Clerk of the Circuit Court's Internal Audit Department.
- Section 3. The Board hereby declares that the following procedure shall be followed by all persons listed in Section 2 herein who receive the information from the Department. The procedures are as follows:
- (a) the person receiving such information shall use such information only for official purposes;
 - (b) the person receiving such information shall not divulge such information;
 - (c) the person receiving such information shall either keep the information under lock and key or burn or shred such information;
 - (d) the person listed in Section 2 shall acknowledge that they are aware of the confidentiality requirements of Section 213.053(2), Florida Statutes and the penalties for their violation as provided in Sections 213.053(2), 775.083, and 775.084 Florida Statutes; and
 - (e) the Director of the Financial Management Department for the County is instructed to make sure the procedures set forth herein are adhered to.
- Section 4. The Board of County Commissioners hereby requests the Department to continue to provide a list each month of all new and relocating sales tax

accounts, within the ZIP Codes 34211, 34212, 34222, 34228, 34243, 34201, and 34205, including the name of the county for which they pay (and any other ZIP Codes within Manatee County which may be requested in the future by any person listed in Section 2 until June 30, 2006). These are taxpayers who contribute to the tax on sale, use and other transactions Chapter 212, Part 1, Florida Statutes. Said request is made in accordance with, and pursuant to the provisions of Section 213.053(9), Florida Statutes.

Section 5 County hereby directs staff to authenticate a copy of this Resolution and forward it to the Department of Revenue of the State of Florida.

ADOPTED in open Session with a quorum present and voting this 8th day of June, 2004.

BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA

BY: *[Signature]*

ATTEST: R. B. SHORE
CLERK OF THE CIRCUIT COURT

BY: *[Signature]*

