

**AGENDA**  
**FLORIDA DEPARTMENT OF REVENUE**

**MEMBERS**

Governor Charlie Crist  
Attorney General Bill McCollum  
Chief Financial Officer Alex Sink  
Commissioner Charles Bronson

**March 10, 2009**

**Contact: Jeff Kielbasa**  
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9:00 A.M.  
LL-03, The Capitol  
Tallahassee, Florida

<b>ITEM</b>	<b>SUBJECT</b>	<b>RECOMMENDATION</b>
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1. Respectfully request approval of the minutes of January 27, 2009.

**(ATTACHMENT 1)**

**RECOMMEND APPROVAL**

2. Respectfully request approval and authority to publish Notices of Intended Action in the Florida Administrative Weekly to hold public rule hearings on proposed state tax rules that clarify and update procedures and forms.

Proposed Sales Tax Rules

- Clarify that dealers may obtain a transaction resale authorization number to document exempt sales before, or during, the sale;
- Clarify the instructions for forms that taxpayers use to:
  - claim the enterprise zone jobs credit;
  - apply for the special tax estimating procedures available to dealers of boats, motor vehicles, and aircraft;
  - verify that customers can buy items for resale tax exempt.
- Update explanations on:
  - How taxpayers can get tax rate tables; and,
  - What information must be submitted by taxpayers who want to register multiple transient facilities.
- Repeal obsolete provisions about the revocation of direct pay permits, since the Uniform Rules of Procedure have provisions that apply to actions like this (direct pay permits allow specific businesses to pay sales and use tax they owe directly to the state, instead of to the dealer from whom they buy goods and services).

Proposed Corporate Income Tax Rules

- Adds provisions to existing Rule 12C-1.0222 about:
  - the electronic submission of corporate income tax returns; and,
  - the timely filing of electronic and paper returns.
- Conforms a provision in existing Rule 12C-1.0222 to the recent federal reduction in the extension period for filing a partnership return from six to five months;
- Repeals Rule 12C-1.032, since this rule's provisions are already in Rule 12C-1.0222.

**(ATTACHMENT 2)**

**RECOMMEND APPROVAL**

3. Respectfully request adoption and approval to file and certify with the Secretary of State under Chapter 120, Florida Statutes, amendments to state tax rules and forms to comply with recent legislative changes and to clarify and simplify Department procedures for better taxpayer understanding and compliance.

Proposed Documentary Stamp Tax Rule

- Implements the legislature's elimination of form DR-219 by removing all references to this form in the Department's rules (this form provided information on real property transfers and was filed with clerks of court);
- Creates form DR-229, a stamp-sized notice for placement on deeds, to comply with a separate statutory requirement that the Department provide a form, or a space on an existing form, which a not-for-profit organization can use to document the exempt nature of a transfer of property by it to a governmental entity. The recently-eliminated DR-219 had a space for documenting these exempt transfers.

Proposed Estate Tax Rules

- Conform the Department's procedures and forms to the recent federal reduction (to zero) of the credit states are allowed to impose against the federal estate tax (these rules cannot be repealed yet because this federal reduction sunsets in 2010, meaning there is a possibility the state credit could be reinstated);
- Reduce the burden on taxpayers by providing simpler forms to streamline the removal of the automatic lien imposed by Florida law on a decedent's Florida real property.

Proposed Fuel and Pollutant Tax Rules

- Simplify instructions designed to help taxpayers understand how to complete fuel and pollutant tax returns; and,
- Update these tax return forms to include the 2009 state and local option tax rates.

Proposed Corporate Income Tax Rules

- Implement a district court of appeal decision (Golden West Financial Corp v. Fla. Dept. of Revenue) by repealing portions of a rule stating that Florida corporations could not share losses with their corporate family group if the loss was from a year that the Florida corporation wasn't part of the corporate family.
- Eliminate provisions about a corporate income tax credit that was granted to financial organizations for intangibles taxes they paid. These provisions are obsolete because:
  - The statutory provision that granted the credit was repealed in 1998; and,
  - Most corporate returns are past the statute of limitations for auditing this credit.

**(ATTACHMENT 3)**

**RECOMMEND APPROVAL**