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STATE OF FLORIDA
DEPARTMENT OF REVENUE

IN RE: ADMINISTRATIVE RULES,
SALES AND USE TAX, RENTAL CAR
SURCHARGE, COMMUNICATIONS
SERVICES TAX, DOCUMENTARY
STAMP TAX, FUEL AND POLLUTANTS
TAX, SEVERANCE TAX, INSURANCE
PREMIUM TAX, CORPORATE INCOME
TAX, INTANGIBLE TAX AND ESTATE
TAX

ORIGINAL

RULE HEARING

October 26, 2011
10:14 a.m. - 10:27 a.m.

2450 Shumard Oak Boulevard
Building 1, Room 1220
Tallahassee, Florida

Reported by:

LISA A. BABCOCK, Court Reporter
For the Record Reporting, Inc.
1500 Mahan Drive - Suite 140
Tallahassee, Florida, 32308

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P R E S E N T

TAMMY MILLER, ESQUIRE

RON GAY

TIM PHILLIPS

JANET YOUNG

TERRY BRANCH

JENNIFER ENSLEY

ROBERT DUCASSE

DEBRA GIFFORD

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RULE HEARING

MS. MILLER: Good morning. My name is Tammy Miller. I'm a senior attorney with the Executive Support Program in the Department of Revenue. I will be the hearing officer today. My role as officer is to reside in a neutral fashion at this hearing. It does not include addressing substantive issues.

At this time, I would like the other members of the Department of Revenue to introduce themselves, starting with the individuals to my left. Please state your name and your position with the department.

MR. GAY: My name is Ron Gay. I'm a tax law specialist.

MR. PHILLIPS: I'm Tim Phillips, Revenue Program Administrator I.

MS. YOUNG: Janet Young, tax law specialist.

MR. BRANCH: Terry Branch, tax law specialist.

MS. ENSLEY: Jennifer Ensley, senior tax specialist.

MR. DUCASSE: Robert Ducasse, Revenue Program Administrator I.

MS. GIFFORD: Debra Gifford, tax law

1 specialist.

2 MS. MILLER: This is a rule hearing held
3 pursuant to Florida Statutes subsection 120.54(3)
4 for the purpose of informing and discussing with
5 interested parties the preliminary text of
6 proposed rule amendments noticed in the September
7 30th, 2011, edition of the *Florida Administrative*
8 *Weekly*, Vol. 37, No. 39, Pages 2971 through 3003.

9 The format for this hearing is informal, and
10 the following procedure will be used for receiving
11 your comments today: For a proposed rule in which
12 interest has been indicated, technical staff will
13 present either the entire rule or just those
14 provisions for which someone has indicated an
15 interest. Then any comments or discussions
16 regarding the proposed rules or rule provision may
17 be made following its presentation.

18 When you comment, please state your name and
19 who you represent. If you have not already signed
20 in on the sign-in sheet provided, please do so
21 now. If you do not have a copy of the proposed
22 rules, please let me know and a copy of the rules
23 will be provided. Does anyone need a copy of the
24 proposed rules?

25 Are there any questions regarding the

1 procedure that we're going to use today? Is there
2 anyone who wishes to submit written comments
3 regarding any of the proposed rules?

4 Okay. We have a number of rules on the
5 agenda today, so I'm just going to start at the
6 beginning and read out the rule number and title,
7 and if we need to present it, the individual
8 responsible for that will do so.

9 The first group is Administrative Rules:
10 Rule 12-3.0015, Interest Applicable to Unpaid Tax
11 Liabilities or Amounts Not Timely Refunded. Rule
12 12-6.0015, Public Use Forms. Rule 12-16.003, Form
13 of Consent Agreements. Rule 12-18.001,
14 Authorization for Compensation.

15 Rule 12-18.004, Submission of Information and
16 Claims for Compensation. Rule 12-22.005,
17 Disclosure Procedures. Rule 12-22.007,
18 Registration Information Sharing and Exchange
19 Program. Rule 12-29.002, Florida Tax Credit
20 Scholarship Program; Participation, Allocation,
21 Carryforward, Rescindment. Rule 12-29.003,
22 Florida Tax Credit Scholarship Program;
23 Applications.

24 The next group is Sales and Use Tax Rules:
25 Rule 12A-1.0142, Refund of Tax Paid on Purchases

1 of Equipment, Machinery and Other Materials for
2 Renewable Energy Technologies. Rule 12A-1.097,
3 Public Use Forms. Rule 12A-1.0107, Enterprise
4 Zone in Florida Neighborhood Revitalization
5 Programs.

6 The next rule relates to Rental Car
7 Surcharge: Rule 12A-16.008, Public Use Forms.

8 Next is Communications Services Tax Rules:
9 Rule 12A-19.041, Sales of Communications Services
10 to a Residential Household. Rule 12A-19.100,
11 Public Use Forms.

12 Next is Documentary Stamp Tax: Rule
13 12B-4.003, Public Use Forms. Rule 12B-4.060, Tax
14 on Transfers of Ownership Interest in Legal
15 Entities.

16 MR. PHILLIPS: We do have one change, please.
17 We need to make note of a change to the rules.
18 Based on comments received in the first workshop
19 and from legislative staff, the department will be
20 noticing changes to the proposed rule. Included
21 will be grammatical corrections and changes to the
22 credit provision and to the provision dealing with
23 apportionment of tax.

24 MS. MILLER: Okay. Next is Fuel and
25 Pollutants Tax Rules: Rule 12B-5.030, Importers.

1 Rule 12B-5.040, Carriers. Rule 12B-5.050,
2 Terminal Suppliers. Rule 12B-5.060, Wholesalers.
3 Rule 12B-5.070, Terminal Operators. Rule
4 12B-5.080, Exporters. Rule 12B-5.090, Local
5 Government Users.

6 Rule 12B-5.100, Mass Transit Systems. Rule
7 12B-5.110, Blenders. Rule 12B-5.121, Temporary
8 Licenses Issued Under a Declared Emergency. Rule
9 12B-5.130, Refunds. Rule 12B-5.150, Public Use
10 Forms. Rule 12B-5.200, Retailers of Alternative
11 Fuel. Rule 12B-5.400, Producers and Importers of
12 Pollutants.

13 MR. GAY: Technical change will be made to
14 12B-5.050 to amend -- to clarify the refunds for
15 agricultural use on fuel sold by terminal
16 suppliers. There will also be a technical change
17 made to Rule 12B-5.150 to clarify the language and
18 the titles of forms.

19 MS. MILLER: Next group is Severance Tax:
20 Rule 12B-7.008, Public Use Forms. Rule 12B-7.026,
21 Public Use Forms.

22 Next is Insurance Premium Tax: Rule
23 12B-8.001, Premium Tax Rate and Computation. Rule
24 12B-8.0012, Insurance Policy Surcharge; Rate and
25 Computation. Rule 12B-8.003, Tax Statement;

1 Overpayments. Rule 12B-8.006, State Fire Marshal
2 Regulatory Assessment and Surcharge; Levy and
3 Amount. Rule 12B-8.007, Deposit of Certain Tax
4 Receipts; Refund of Improper Payments. Rule
5 12B-8.016, Retaliatory Provisions.

6 Next, Corporate Income Tax: Rule 12C-1.003,
7 Definitions. Rule 12C-1.051, Forms. Rule
8 12C-1.343, Interest Computations.

9 Next is Intangible Tax: Rule 12C-2.0115,
10 Public Use Forms.

11 And our final group is Estate Tax: Rule
12 12C-3.0015, Documents, Extensions and Due Dates
13 for Filing. Rule 12C-3.008, Public Use Forms.

14 Any comments on any of the rules announced?
15 We will accept written comments as well. Written
16 comments may be either mailed or faxed. All
17 written comments should be addressed to Buzz
18 McCowen, Florida Department of Revenue, Technical
19 Assistance and Dispute Resolution, P.O. Box 7443,
20 Tallahassee, Florida, 32314-7443. If you would
21 prefer to fax your comments on any of these rules,
22 the fax number is 850-921-2983.

23 Thank you all for coming. This concludes the
24 hearing -- oh, I'm sorry, one more thing. We are
25 going to have an additional hearing on Rule

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12B-4.060. All others rules we intend to go forward with. Obviously, a notice of rule hearing on that rule will be provided. That concludes the rule hearing.

CERTIFICATE OF REPORTER

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I, LISA A. BABCOCK, do hereby certify that I was authorized to and did report the foregoing proceedings, and that the transcript, pages 1 through 9, is a true and correct record of my stenographic notes.

Dated this 9th day of November, 2011 at Tallahassee, Leon County, Florida.

Lisa Babcock

LISA A. BABCOCK

Court Reporter