# REGULATORY PLAN 2023-2024



Jim Zingale
Executive Director

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floridarevenue.com

#### 2023-2024 REGULATORY PLAN

### **CERTIFICATION PER SECTION 120.74(1)(d), FLORIDA STATUTES**

I, Jim Zingale, Executive Director, Department of Revenue, pursuant to the authority delegated to me by the Governor and Cabinet under Rule 12-3.007(1)(h), Florida Administrative Code, and I, Mark Hamilton, General Counsel, Department of Revenue, hereby certify the following:

- 1. I have reviewed the Department of Revenue's 2023-2024 Regulatory Plan; and
- 2. I have verified that the Department regularly reviews all its rules to determine if the rules remain consistent with the Department of Revenue's rulemaking authority and laws implemented. The most recent comprehensive review was completed August 31, 2022.

Dated this 3 day of September 2023.

kin Zingale Executive Director

Mark Hamilton, General Counsel



#### 2023-2024 REGULATORY PLAN

Below is the Department of Revenue's 2023-2024 Regulatory Plan, which has been prepared pursuant to the requirements of section 120.74(1), Florida Statutes.

#### 1. PLAN REQUIREMENTS OF SECTION 120.74(1)(a), FLORIDA STATUTES

This section provides that an agency's plan must include a listing of each law enacted or amended during the previous 12 months which created or modified the duties or authority of the agency and a statement as to whether rulemaking is required to implement the law.

Attachment "A" contains Revenue's review and response to these requirements.

#### 2. PLAN REQUIREMENTS OF SECTION 120.74(1)(b), FLORIDA STATUTES

This section provides that an agency's plan must include a listing of any other laws which the agency expects to implement by rulemaking before the following July 1, except emergency rulemaking. For each law listed under this paragraph, the plan must state whether the rulemaking is intended to simplify, clarify, increase efficiency, improve coordination with other agencies, reduce regulatory costs, or delete obsolete, unnecessary, or redundant rules.

The table below contains Revenue's response to these requirements.

Law Implemented	Intent of Rulemaking	Rule
§ 213.21(2)(a), F.S.	Clarify; Delete obsolete provisions	12-3.007
§ 213.21(1), F.S.	Clarify	12-6.003
§ 218.26, F.S.	Clarify; Delete obsolete provisions	12-10.008
§ 213.22, F.S.	Clarify; Delete redundant provisions	12-11.002, 12-22.005
§ 213.13, F.S.	Delete redundant provisions	12-28.008
§ 212.08(7)(x), F.S.	Delete unnecessary provision	12A-1.001
§§ 212.02(15), 212.05(1)(j), F.S.	Delete unnecessary provisions	12A-1.0371
§ 212.02(10)(j), F.S.	Delete obsolete provisions	12A-1.044
§ 212.05(1)(I), F.S.	Delete obsolete provisions	12A-1.047
§§ 212.11, 212.12, 212.18,	Simplify; Delete obsolete provisions	12A-1.056
373.41491, F.S.		
§ 212.02(14), F.S.	Clarify	12A-1.066
§§ 212.18(3), 212.183, F.S.	Clarify	12A-1.0911

§ 290.016, F.S.	Delete obsolete provisions	12A-1.097, 12A-1.107 12C-1.0188, 12C-1.051, 12D-7.0155, 12D-16.002
§ 337.401(3)(c), F.S.	Clarify	12A-19.050
§ 206.41, F.S.	Clarify	12B-5.020
§§ 213.235, 624.519(9), F.S.	Delete obsolete provisions; Delete unnecessary provisions	12B-8.001
§ 213.755, F.S.	Delete unnecessary provisions	12B-8.015
§ 193.5544, F.S.; Art. VII, § (4)(g)	Clarify	12D-8.0064(3)(d)
§§ 145.10(2), 193.023(1), 193.075, 193.085(4)(a), (b), 193.114, 193.122(2), 193.1554(5), 193.155(5), 193.1556(2), 193.092, 193.461(2), (3)(a), (e), 193.503, 193.625, 193.703, 194.014, 195.002, 195.087, 196.082(5), 196.101(3), (5), (6), (7), 196.151, 196.1961, 196.1995, 197.2423, 197.2524, 197.262, 197.322(1), 197.3632, 197.3635, 197.432, 200.065, 218.23(1), F.S.	Clarify; Delete obsolete provisions	12D-16.002
§ 195.062	Clarify	12D-51.001
§ 409.2572, F.S.	Clarify; Delete obsolete provisions	12E-1.008

## 3. PLAN REQUIREMENTS OF SECTION 120.74(1)(c), FLORIDA STATUTES

This section provides that an agency's plan must include any desired update to the prior year's regulatory plan; furthermore, if statutes requiring rulemaking were identified in a prior year's plan but a notice of proposed rulemaking has not yet been published, the agency must make the statements required in section 120.74(1)(c)1. and 2.

No update will be made to Revenue's 2022-2023 Regulatory Plan. Revenue had no mandatory rulemaking last fiscal year.

Pursuant to section 120.74(1)(a), Florida Statutes, the following laws enacted or amended during the previous 12 months create or modify the duties or authority of the Department. B. Must the D. If rulemaking is necessary to implement the law: E. If rulemaking is not A. Citation to law C. Is creating or modifying Department rulemaking necessary to implement 1. Has a Notice 2. FAR citation 3. Expected 4. Rule Department duties or adopt rules to necessary to the law, the reasons why of Rule if Notice of Rule date to publish authority. implement implement the law may be a Notice of Development Development law? the law? implemented without been published has been Proposed Rule. rulemaking. in the Florida published (Vol., **Administrative** No.) Register (FAR)? Emergency rulemaking was appropriate for 12DER23-01 implementation of an 01/13/23 N application for taxpayers to Ch. 2022-272, L.O.F. (Vol. 49, No. 9) The chapter law request a refund of property [Sections 3 and 7] 1 authorizes the N/A N/A tax paid on residential 12DER22-13 adoption of § 197.3181(2)(a) property rendered 12/21/22 emergency rules. uninhabitable due to damages (Vol. 48, No. 246) sustained by Hurricane Ian or Hurricane Nicole. Ch. 2023-5. L.O.F. This law does not change [Sections 4 and 36] administrative duties of the N/A N/A N/A 2 Ν Ν N/A Department. No rulemaking is §§ 197.318 and 218.131 necessary. (Repealed) Ch. 2023-8, L.O.F. Reviser's law provides [Section 90] N/A N/A 3 Ν Ν N/A N/A editorial changes. No § 409.2557(3) rulemaking is necessary. Ch. 2023-16, L.O.F. This law does not change administrative duties of the [Section 6] N/A N/A 4 Ν Ν N/A N/A Department. No rulemaking is § 1002.395 necessary. Ch. 2023-17, L.O.F. 08/29/2023 [Section 8] 12/14/2023 5 Υ Υ 12D-16.002 (Vol. 49, No. 168) § 196.1978 Ch. 2023-17, L.O.F. 08/29/2023 6 [Section 9] Υ Υ Υ 12/14/2023 12D-16.002 (Vol. 49, No. 168) § 196.1979 Ch. 2023-17, L.O.F. [Sections 10, 11, 14, 7 Law is clear on its face. No 15, and 16] N/A N/A N/A N/A rulemaking is necessary. §§ 201.15 and 215.22(1)(i) Ch. 2023-17, L.O.F. 06/30/2023 09/19/2023 8 N Υ γ 12-26.008 [Section 12] (Vol. 49, No. 127) (Vol. 49, No. 182) § 212.08(5)(v) Ch. 2023-17, L.O.F. Law addresses annual funding [Sections 12, 19 and 40] for the Community 9 Ν Ν N/A N/A N/A N/A §§ 212.08(5)(p), Contribution Tax Credit. No 220.183(1)(c) and rulemaking is necessary. 624.5105(1)(c) Ch. 2023-17, L.O.F. Law is clear on its face. No 10 [Section 13] Ν N/A N/A N/A N/A rulemaking is necessary. § 213.053(24)

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Pursuant to section 120.74(1)(a), Florida Statutes, the following laws enacted or amended during the previous 12 months create or modify the duties or authority of the Department. B. Must the D. If rulemaking is necessary to implement the law: E. If rulemaking is not A. Citation to law C. Is creating or modifying Department rulemaking necessary to implement 1. Has a Notice 2. FAR citation 3. Expected 4. Rule Department duties or adopt rules to necessary to the law, the reasons why of Rule if Notice of Rule date to publish authority. implement implement the law may be Development a Notice of Development law? the law? implemented without been published has been Proposed Rule. rulemaking. in the Florida published (Vol., **Administrative** No.) Register (FAR)? Law repeals the Department's rulemaking authority regarding information to be Ch. 2023-152, L.O.F. reported to the Department 19 N/A by each depository N/A N/A N/A [Section 3] Ν Ν established by a county clerk § 61.181 to handle child support payments. No rulemaking is necessary. Ch. 2023-152, L.O.F. Law is clear on its face. No 20 N/A [Section 4] Ν Ν N/A N/A N/A rulemaking is necessary. § 61.30(2)(c) Ch. 2023-152, L.O.F. 06/28/2023 09/20/2023 21 [Section 5] Υ 12E-1.036 Ν Ν (Vol. 49, No. 125) (Vol. 49, No. 183) § 409.256(2)(a) Ch. 2023-152, L.O.F. Law is clear on its face. No 22 [Section 6] Υ N/A N/A N/A N/A Ν rulemaking is necessary. § 409.2563(8) Ν Ch. 2023-154, L.O.F. The chapter law 12AER24-1 23 [Sections 1 and 2] authorizes the N/A April 1, 2024 (Anticipated) adoption of § 212.08(19) emergency rules. 12A-1 (New) Ch. 2023-154, L.O.F. Law is clear on its face. No 24 [Section 3] Ν Ν N/A N/A N/A N/A rulemaking is necessary. § 213.053(24) Ch. 2023-157, L.O.F. Law is clear on its face. No 25 [Section 1] N/A N/A Ν Ν Ν N/A rulemaking is necessary. § 125.01(1)(r) Ch. 2023-157, L.O.F. Law is clear on its face. No 26 [Section 5] Ν Ν Ν N/A N/A N/A rulemaking is necessary. § 194.036(1)(b) Ch. 2023-157, L.O.F. 07/11/2023 [Sections 6 and 7] 27 10/03/2023 12D-16.002 Ν Υ (Vol. 49, No. 133) § 196.081 Ch. 2023-157, L.O.F. 07/11/2023 [Sections 8 and 9] 28 Ν Υ 10/03/2023 12D-16.002 (Vol. 49, No. 133) § 196.081 Ch. 2023-157, L.O.F. Law is clear on its face. No [Sections 10 and 11] 29 Ν Ν N/A N/A N/A N/A rulemaking necessary. § 196.196(6)

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Pursuant to section 120.74(1)(a), Florida Statutes, the following laws enacted or amended during the previous 12 months create or modify the duties or authority of the Department. B. Must the D. If rulemaking is necessary to implement the law: E. If rulemaking is not A. Citation to law C. Is creating or modifying Department rulemaking necessary to implement 1. Has a Notice 2. FAR citation 3. Expected 4. Rule Department duties or adopt rules to necessary to the law, the reasons why of Rule if Notice of Rule date to publish authority. implement implement the law may be Development a Notice of Development law? the law? implemented without been published has been Proposed Rule. rulemaking. in the Florida published (Vol., **Administrative** No.) Register (FAR)? Ch. 2023-157, L.O.F. Law is clear on its face. No [Sections 24 and 49] 41 Ν Ν N/A N/A N/A N/A rulemaking is necessary. 212.08(7)(ttt) Ch. 2023-157, L.O.F. Law provides for the [Section 25] 42 Ν Ν N/A N/A N/A N/A distribution of tax proceeds. No rulemaking is necessary. § 212.20(6)(d) Ch. 2023-157, L.O.F. [Sections 26, 32 and 49] 43 Ν Ν Ν N/A April 1, 2024 12C-1.051 §§ 213.053(8)(o) and 220.199 Ch. 2023-157, L.O.F. Law is clear on its face. No 44 [Section 27] Ν Ν N/A N/A N/A N/A rulemaking is necessary. § 220.02 Ch. 2023-157, L.O.F. Law is clear on its face. No 45 [Sections 28 and 29] Ν Ν N/A N/A N/A N/A rulemaking is necessary. § 220.03 Ch. 2023-157, L.O.F. Law is clear on its face. No 46 [Section 30] Ν Ν N/A N/A N/A N/A rulemaking is necessary. § 220.13 Ch. 2023-157, L.O.F. Law addresses annual funding [Sections 31 and 37] for the Contaminated Site 47 Ν N/A N/A N/A N/A N Rehabilitation Tax Credit. No §§ 220.1845 and rulemaking is necessary. 376.30781 12C-1.01991 12C-1.051 Ch. 2023-157, L.O.F. 06/30/2023 09/19/2023 48 [Sections 33 and 49] Ν 12CER23-7 (Vol. 49, No. 127) (Vol. 49, No. 182) 12CER23-9 § 220.1991 June 30, 2023 (Vol. 49, No. 127) Ch. 2023-157, L.O.F. [Section 34] Law is clear on its face. No 49 Ν Ν N/A N/A N/A N/A rulemaking is necessary. § 220.222 Law addresses annual funding Ch. 2023-157, L.O.F. for the Strong Families Tax 50 [Section 38] N/A Ν Ν N/A N/A N/A Credit. No rulemaking is § 402.62 necessary.

Pursuant to section 120.74(1)(a), Florida Statutes, the following laws enacted or amended during the previous 12 months create or modify the duties or authority of the Department. B. Must the D. If rulemaking is necessary to implement the law: E. If rulemaking is not A. Citation to law C. Is creating or modifying Department rulemaking necessary to implement 1. Has a Notice 2. FAR citation 3. Expected 4. Rule Department duties or adopt rules to necessary to the law, the reasons why of Rule if Notice of Rule date to publish authority. implement implement the law may be a Notice of Development Development law? the law? implemented without **Proposed Rule.** been published has been rulemaking. in the Florida published (Vol., Administrative No.) Register (FAR)? Emergency rulemaking was N/A The chapter law 12AER23-2 more appropriate for Ch. 2023-157, L.O.F. N/A authorizes the 51 Ν 06/14/2023 implementation of the sales N/A [Section 43] adoption of (Vol. 49, No. 115) tax holiday for clothing and emergency rules school supplies. No rulemaking was needed Ch. 2023-157, L.O.F. for the sales tax holiday for N/A 52 Ν N N/A N/A N/A [Section 44] disaster preparedness supplies. No rulemaking was needed Ch. 2023-157, L.O.F. 53 Ν Ν N/A N/A N/A N/A for the Freedom Summer [Section 45] sales tax holiday. No rulemaking was needed Ch. 2023-157, L.O.F. for the sales tax holiday for 54 N N N/A N/A N/A N/A tools used by skilled trade [Section 46] workers. No rulemaking was needed Ch. 2023-157, L.O.F. 55 Ν Ν N/A N/A for the sales tax holiday for N/A N/A [Section 47] **ENERGY STAR appliances.** No rulemaking was needed Ch. 2023-157, L.O.F. 56 Ν Ν N/A N/A N/A N/A for the sales tax holiday for [Section 48] gas ranges and cooktops. Emergency rulemaking was more appropriate for implementation of a form for reimbursing taxing authorities N Ch. 2023-157, L.O.F. 12DER23-10 The chapter law required to refund property [Section 50] 57 07/10/2023 authorizes the N/A N/A taxes to taxpayers whose N adoption of residential property was § 197.3181 (Vol. 49, No. 132) emergency rules. rendered uninhabitable due to damages sustained by Hurricane Ian or Hurricane Nicole. Law provides for the use of a Ch. 2023-169, L.O.F. specified portion of the documentary stamp tax [Section 19] N/A 58 N/A N/A N/A proceeds. The Department § 201.15(4)(h) does not administer the use of such proceeds. Ch. 2023-173, L.O.F. [Sections 14, 15, Laws reflect the transfer of 16, 25, 27] duties of the Department of N/A 59 N/A N/A N/A Economic Opportunity to the §§ 196.012(14), Ν Ν Department of Commerce, No 212.08(5)(j), rulemaking is necessary. 212.098(1)(a), 220.191, 220.196(1)(a)(2)(b)

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