



November 2, 2023

Marjorie C. Holladay, Chief Attorney
Joint Administrative Procedures Committee
Room 680, Pepper Building
111 West Madison Street
Tallahassee, Florida 32399-1400

Re: Department of Revenue
Proposed Rule 12-29.001, 12-29.002, 12-29.003, 12-29.005, and 12-29.006

Dear Ms. Holladay:

This is in response to your letter dated September 29, 2023, regarding your review of the rule referenced above.

12-29.001

Comment: Please change the reference to s. 34, Ch. 2023-17, LOF, as rulemaking authority, to section 420.50872, Florida Statutes.

Please change the reference to ss. 21, 34, 41, Ch. 2023-17, LOF, as a law implemented, to sections 220.1878, 420.50872, and 624.51058, Florida Statutes.

Response: The above referenced technical changes will be included when the rule is certified.

12-29.002

Comment: Please change the reference to s. 34, Ch. 2023-17, LOF, as rulemaking authority, to section 420.50872, Florida Statutes.

Please change the reference to s. 34, Ch. 2023-17, LOF, as a law implemented, to section 420.50872, Florida Statutes.

Response: The above referenced technical changes will be included when the rule is certified.

12-29.003

Comment: Please change the reference to s. 34, Ch. 2023-17, LOF, as rulemaking authority, to section 420.50872, Florida Statutes.

Please change the reference to ss. 21, 34, 41, Ch. 2023-17, LOF, as a law implemented, to sections 220.1878, 420.50872, and 624.51058, Florida Statutes.

It appears that section 213.37, Florida Statutes, should be added as a law implemented.

Response: The above referenced technical changes will be included when the rule is certified.

12-29.005

Comment: Please change the reference to s. 34, Ch. 2023-17, LOF, as rulemaking authority, to section 420.50872, Florida Statutes.

Please change the reference to s. 41, Ch. 2023-17, LOF, as a law implemented, to section 624.51058, Florida Statutes.

Response: The above referenced technical changes will be included when the rule is certified.

12-29.006

Comment: Please change the reference to s. 34, Ch. 2023-17, LOF, as rulemaking authority, to section 420.50872, Florida Statutes.

Please change the reference to ss. 21, 34, 41, Ch. 2023-17, LOF, as a law implemented, to sections 220.1878, 420.50872, and 624.51058, Florida Statutes.

Response: The above referenced technical changes will be included when the rule is certified.

12-29.006(4)(c)2.:

Comment: Please add the words “if available” following “Contributor’s federal identification number,” so that the language of this rule subparagraph accurately tracks the language of section 420.50872(2)(b), Florida Statutes.

Response: The Department published a Notice of Change in the Florida Administrative Register on November 1, 2023 (Vol. 49, No. 213), to address this matter. A copy is attached for your reference.

Comment: Incorporated Material
Please provide the committee with the finalized versions of the forms that are incorporated by reference in rule 12-29.003 and not marked-up to indicate the changes that have been made.

Response: A copy of the finalized versions of the following forms, as referenced in 12-29.003, are attached to this letter, per your request:

- DR- 446000 – Live Local Program – Application for Tax Credit Allocation for Contributions to the Florida Housing Finance Corporation
- DR-461000 – Live Local Program – Application for Rescindment of Previous Allocation of Tax Credit
- DR-462000 – Live Local Program – Notice of Intent to Transfer a Tax Credit

If you need further assistance regarding the changes in response to your comments, please feel free to contact me at 717-6536.

Sincerely,



Janet L. Young
Agency Rules Coordinator

Attachments :
Notice of Change
DR-446000 DR-446100
DR-446200
Letter from JAPC

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

DEPARTMENT OF REVENUE

RULE NO.: 12-29.006 **RULE TITLE:** Live Local Program; Participation; Allocation; Carryforward; Transfer; Rescindment

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 49 No. 182, September 19, 2023 issue of the Florida Administrative Register.

As a result of comments received from staff of the Joint Administrative Procedures Committee on September 29, 2023.

12-29.006 Live Local Program; Participation; Allocation; Carryforward; Transfer; Rescindment.

- (1) through (3) No change.
- (4) Notification.
- (a) through (b) No change.

(c) When approved, the Department’s approval letter will specify the period in which the contribution to the corporation must be made. Contributions must be made during the period specified in the approval letter. The corporation will issue the taxpayer a certificate of contribution signed by an authorized representative of the corporation containing:

- 1. Contributor’s name;
- 2. Contributor’s federal identification number, if available;
- 3. Amount of contribution; and
- 4. Date of contribution.
- (d) through (e) No change.
- (5) through (8) No change.



Live Local Program Application for Tax Credit Allocation for Contributions to the Florida Housing Finance Corporation

DR-446000
N. 10/23
Rule 12-29, F.A.C.
Effective 01/24
Page 1 of 2

Apply online at floridarevenue.com/taxes/multitaxcredits. It's fast and secure.

Florida law requires the Florida Department of Revenue to approve allocations of tax credits available under the Live Local Program on a first-come, first-served basis. Applying online will allow you to:

- create a secure, online account where your application information will be stored;
- quickly complete your application and receive a confirmation number with the date and time of submission; and
- view a summary of your applications and the status of each application.

Applying for State Fiscal Year: July 1, _____ through June 30, _____

Business Name:		Federal Employer Identification Number (FEIN):	
Business Address:			
City:		State:	ZIP:
Contact Person Name:	Telephone Number:	Email Address:*	

* Your privacy is important to the Florida Department of Revenue. Email addresses provided to the Department for tax administration purposes are confidential and exempt from disclosure under section 213.053(2), Florida Statutes.

Florida law requires you to authorize the Florida Department of Revenue to respond to you using unencrypted email that does not require additional steps before you can access information in the email. To expedite the processing of your application, you may wish to receive unencrypted email regarding this application. If so, indicate your approval to receive unencrypted email by selecting 'Yes' below, otherwise, select 'No.'

- Yes. I authorize the Florida Department of Revenue to send information regarding this application using unencrypted email.
- No. I wish to receive encrypted emails from the Florida Department of Revenue. (The software used to encrypt email requires a one-time passcode or a user account.)

If the business income is included in a consolidated Florida corporate income tax return, provide:

Parent corporation _____

Parent corporation's FEIN -

Total amount of planned contribution to the Florida Housing Finance Corporation: \$ _____

Indicate the amount of credit allocation for each applicable tax. The sum of the amounts must equal the planned contribution amount entered above.

\$ _____ Corporate Income Tax
Beginning Date of Tax Year: _____ Ending Date of Tax Year: _____

\$ _____ Insurance Premium Tax
Prior Calendar Year: _____ or Current Calendar Year: _____

I understand that section 420.50872, Florida Statutes, requires the Florida Department of Revenue to provide a copy of any approval or denial it issues with respect to this application to the Florida Housing Finance Corporation.

Under penalties of perjury, I declare that I have read this application and that the facts stated in it are true.

Signature of officer, owner, or partner

Date

If you are unable to apply online at floridarevenue.com/taxes/multitaxcredits, submit this application to:

Revenue Accounting
Florida Department of Revenue
PO Box 6609
Tallahassee FL 32314-6609

or

Fax 850-921-1171



Live Local Program Application for Rescindment of Previous Allocation of Tax Credit

DR-446100
N. 10/23
Rule 12-29, F.A.C.
Effective 01/24
Page 1 of 2

Under sections 220.1878, 420.50872, and 624.51058, Florida Statutes.

Apply online at floridarevenue.com/taxes/multitaxcredits. It's fast and secure.

Applying online will allow you to:

- create a secure, online account where your application information will be stored;
- quickly complete your application and receive a confirmation number with the date and time of submission; and
- view a summary of your applications and the status of each application.

Business name _____

Federal Employer Identification Number (FEIN) -

Mailing address _____

City _____ State _____ ZIP _____

Contact person _____ Contact's telephone number _____

Contact person's email address* _____

* Your privacy is important to the Florida Department of Revenue. Email addresses provided to the Department for tax administration purposes are confidential and exempt from disclosure under section 213.053(2), Florida Statutes.

Florida law requires you to authorize the Florida Department of Revenue to respond to you using unencrypted email that does not require additional steps before you can access information in the email. To expedite the processing of your application, you may wish to receive unencrypted email regarding this application. If so, indicate your approval to receive unencrypted email by selecting 'Yes' below, otherwise, select 'No.'

- Yes. I authorize the Florida Department of Revenue to send information regarding this application using unencrypted email.
- No. I wish to receive encrypted emails from the Florida Department of Revenue. (The software used to encrypt email requires a one-time passcode or a user account.)

If you are included in a consolidated Florida corporate income tax return, provide:

Parent Corporation's FEIN -

Original amount of planned contribution to the Florida Housing Finance Corporation
\$, , .

Confirmation number of original credit allocation application _____

Enter the amount you wish to rescind \$, , .

Enter the amount(s) below to rescind based on the tax type. (The sum of the amounts by tax cannot exceed the total amount you wish to rescind above. The amount to be rescinded for each tax cannot exceed the amount allocated to that tax on the original application.):

_____ Corporate Income Tax (Chapter 220, Florida Statutes [F.S.])

_____ Insurance Premium Tax (section [s.] 624.509, F.S.)

I understand that s. 420.50872, F.S., requires the Florida Department of Revenue to provide a copy of any approval or denial it issues with respect to this application to the Florida Housing Finance Corporation.

Under penalties of perjury, I declare that I have read this application form and that the facts stated in it are true.

Signature of officer, owner, or partner

Date

If you are unable to apply online at floridarevenue.com/taxes/multitaxcredits, mail this application to:

Revenue Accounting
Florida Department of Revenue
PO Box 6609
Tallahassee FL 32314-6609

or

Fax 850-921-1171

Instructions for Completing Form DR-446100

You may apply to the Department for rescindment of all or part of a previously approved allocation of tax credit. You must submit a separate application for the rescindment of each previously approved credit allocation.

After you complete the online application, you will receive a confirmation number with the date and time of submission.

The Department will send written correspondence regarding the approved rescindment amount or the reason the rescindment request could not be approved.

The Department will approve the rescindment unless:

- (1) You have claimed the credit amount to be rescinded on a previously filed tax return.
- (2) The allocation year is closed for all taxpayers. The allocation for a particular year is closed for all taxpayers on October 1st of the third year after the January 1 opening of the allocation period.

For example: The allocation year beginning January 1, 2024, for the state fiscal year beginning July 1, 2024, closes for all taxpayers on October 1, 2026. This closure is regardless of whether the annual allotment has been reached. This is because October 1, 2026, is the extended due date of the last corporate income taxable year beginning in the 2024 calendar year (tax year beginning December 1, 2024, and ending November 30, 2025, with a due date of April 1, 2026, and extended due date of October 1, 2026).

Contact Information

For additional information regarding the Live Local Program, contact **Revenue Accounting**:

Phone: 850-617-8586

Fax: 850-921-1171

Email: RevenueAccounting@floridarevenue.com



Live Local Program Notice of Intent to Transfer a Tax Credit

DR-446200
N. 10/23
Rule 12-29, F.A.C.
Effective 01/24
Page 1 of 3

To transfer a tax credit available under the Live Local Program, the transferring business and the receiving business must both be members of the same affiliated group of corporations.

Part I - Transferring Business Information

Business Name:		Federal Employer Identification Number (FEIN):	
Business Address:			
City:		State:	ZIP:
Contact Person Name:	Telephone Number:	Email Address.*	

* Your privacy is important to the Florida Department of Revenue. Email addresses provided to the Department for tax administration purposes are confidential and exempt from disclosure under section 213.053(2), Florida Statutes.

Florida law requires you to authorize the Florida Department of Revenue to respond to you using unencrypted email that does not require additional steps before you can access information in the email. To expedite the processing of your application, you may wish to receive unencrypted email regarding this application. If so, indicate your approval to receive unencrypted email by selecting 'Yes' below, otherwise, select 'No.'

- Yes. I authorize the Florida Department of Revenue to send information regarding this application using unencrypted email.
- No. I wish to receive encrypted emails from the Florida Department of Revenue. (The software used to encrypt email requires a one-time passcode or a user account.)

If the transferor is included in a consolidated Florida corporate income tax return, provide the Parent Corporation Name:	Parent FEIN:
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Indicate the type of tax credit allocation or tax credit to be transferred, information on the original amount of the tax credit allocation, any approved carryforward amounts, the amount of any previous transfers, and the amount to be transferred.	Live Local Program: (choose one) <input type="checkbox"/> Corporate Income Tax <input type="checkbox"/> Insurance Premium Tax
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Transfer of Tax Credit Allocation	
Tax Credit Allocation Confirmation Number	
Original Amount of Tax Credit Allocation	\$
Prior Transfer of This Credit Allocation	
Requested Transfer of This Credit Allocation (Must be made in sufficient time for transferee to timely make the contribution to earn the credit and the Department to approve the transfer of the credit allocation.)	\$
Transfer of Credit or Carryforward Credit	
Credit Earned Under This Tax Credit Allocation Confirmation Number	
Amount of Credit and Carryforward Credit Claimed / Used	\$
Tax Year Claimed / Used	
Prior Transfer of This Credit or Carryforward Credit	
Requested Transfer of This Credit or Carryforward Credit (Must be made in sufficient time for the transferee to timely claim the transferred credit or transferred carryover credit and the Department to approve the transfer of the credit or carryforward credit.)	\$

Part II - Receiving Business Information - *A separate notice is required for each receiving business.*

Business Name:		Federal Employer Identification Number (FEIN):	
Business Address:			
City:		State:	ZIP:
Contact Person Name:		Telephone Number:	Email Address:
If the transferee is included in a consolidated Florida corporate income tax return, provide the Parent Corporation Name:			Parent FEIN:

Part III - Transferring Business Certification - *Only an authorized officer of the transferring business may sign this notice.*

I understand that section 420.50872, Florida Statutes, requires the Florida Department of Revenue to provide a copy of any approval or denial it issues with respect to this application to the Florida Housing Finance Corporation.

Under penalties of perjury, I certify that the Transferring Business and the Receiving Business are both members of the same affiliated group of corporations. I understand that the Florida Department of Revenue will provide information regarding the transfer of a tax credit allocation or a tax credit authorized under the Live Local Program to the Receiving Business. I declare that I have read the foregoing Notice and the facts stated in it are true.

Signature of Authorized Officer of Transferring Business

Title

Printed Name of Authorized Officer

Date

Instructions for Completing Form DR-446200 Live Local Program Notice of Intent to Transfer a Tax Credit

To transfer a tax credit or a tax credit allocation under the Live Local Program, both parties to the transfer must be members of the same affiliated group of corporations.

The transferring member must notify the Department of any tax credit transfer prior to the receiving member reporting the tax credit on a tax return.

A separate notice must be submitted for each member of an affiliated group of corporations receiving a transfer and for each tax type. A transfer of a tax credit allocation may not be submitted on the same notice as a transfer of credit or carryforward credit.

The completed notice must be signed by an officer authorized to sign on behalf of the transferring business. Submit the completed and signed notice to:

Revenue Accounting
Florida Department of Revenue or Fax 850-921-1171
PO Box 6609
Tallahassee FL 32314-6609

The Department will send you written correspondence either approving an amount of tax credits to be transferred or providing the reason a tax credit transfer could not be approved.

The following tax allocations or tax credits may be transferred from one member of an affiliated group to another member of the same affiliated group:

- Tax credit allocations prior to making a contribution to the Florida Housing Finance Corporation.
- Tax credit allocations for which contributions have been made to the Florida Housing Finance Corporation, but the tax credit has not been claimed on a tax return.
- Carryforward tax credit amounts that have not been claimed on a tax return.

A transferred tax credit may only be used against the same tax as the original tax credit approved by the Department. For example, if the transferring member received a corporate income tax credit allocation, the receiving member may only use the transferred tax credit as a corporate income tax credit.

Members receiving a tax credit allocation must make a contribution to the Florida Housing Finance Corporation during the same period that the transferring member was required to make the contribution. The contribution must be made before the member may claim the tax credit.

A transferred tax credit may only be taken by the receiving member of the affiliated group during the same period that the transferring member was approved to take the tax credit.

A transferred carryforward amount may only be taken as a tax credit during the same time period as the transferring member was authorized to take the carryforward tax credit amount.

Contact Information

For additional information regarding the Live Local Program, contact **Revenue Accounting**:

Phone: 850-617-8586

Fax: 850-921-1171

Email: RevenueAccounting@floridarevenue.com

KATHLEEN PASSIDOMO
President



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Representative Tobin Rogers "Toby" Overdorf, Vice Chair
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Representative Shane G. Abbott
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Representative Alina Garcia
Representative Yvonne Hayes Hinson
Representative Joel Rudman, M.D.

PAUL RENNER
Speaker



THE FLORIDA LEGISLATURE
JOINT ADMINISTRATIVE PROCEDURES COMMITTEE

2023 OCT -4 PM 1:45

DEPT. OF REVENUE
EXECUTIVE DIRECTOR'S OFFICE
TALLAHASSEE, FLORIDA

KENNETH J. PLANTE
COORDINATOR
Room 680, Pepper Building
111 West Madison Street
Tallahassee, Florida 32399-1400
Telephone (850) 488-9110
Fax (850) 922-6934
www.japc.state.fl.us
japc@leg.state.fl.us

September 29, 2023

Ms. Janet Young
Rules Coordinator
Department of Revenue
5050 W. Tennessee Street
Tallahassee, Florida 32399-0100

**RE: Department of Revenue
Proposed Rules 12-29.001, .002, .003, .005, and .006**

Dear Ms. Young:

I have reviewed the above-referenced proposed rules, which were advertised in the Florida Administrative Register on September 19, 2023. I have the following comments.

12-29.001: Please change the reference to s. 34, Ch. 2023-17, LOF, as rulemaking authority, to section 420.50872, Florida Statutes.

Please change the reference to ss. 21, 34, 41, Ch. 2023-17, LOF, as a law implemented, to sections 220.1878, 420.50872, and 624.51058, Florida Statutes.

12-29.002: Please change the reference to s. 34, Ch. 2023-17, LOF, as rulemaking authority, to section 420.50872, Florida Statutes.

Please change the reference to s. 34, Ch. 2023-17, LOF, as a law implemented, to section 420.50872, Florida Statutes.

12-29.003: Please change the reference to s. 34, Ch. 2023-17, LOF, as rulemaking authority, to section 420.50872, Florida Statutes.

Please change the reference to ss. 21, 34, 41, Ch. 2023-17, LOF, as a law implemented, to sections 220.1878, 420.50872, and 624.51058, Florida Statutes.

It appears that section 213.47, Florida Statutes, should be added as a law implemented.

12-29.005: Please change the reference to s. 34, Ch. 2023-17, LOF, as rulemaking authority, to section 420.50872, Florida Statutes.

Please change the reference to s. 41, Ch. 2023-17, LOF, as a law implemented, to section 624.51058, Florida Statutes.

12-29.006: Please change the reference to s. 34, Ch. 2023-17, LOF, as rulemaking authority, to section 420.50872, Florida Statutes.

Please change the reference to ss. 21, 34, 41, Ch. 2023-17, LOF, as a law implemented, to sections 220.1878, 420.50872, and 624.51058, Florida Statutes.

12-29.006(4)(c)2.: Please add the words “if available” following “Contributor’s federal identification number,” so that the language of this rule subparagraph accurately tracks the language of section 420.50872(2)(b), Florida Statutes.

Incorporated Material

Please provide the finalized versions of the forms that are incorporated by reference in rule 12-29.003 and are not marked-up to indicate the changes that have been made.

Please let me know if you have any questions. Otherwise, I look forward to your response.

Sincerely,



Marjorie C. Holladay
Chief Attorney

MCH:tf