

[REDACTED]

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NOS.:	RULE TITLES:
12B-8.001	Premium Tax; Rate and Computation
12B-8.003	Tax Statement; Overpayments
12B-8.015	Payment by Electronic Funds Transfer

PURPOSE AND EFFECT: : The purpose of the proposed amendments to Rule 12B-8.001, F.A.C. (Premium Tax; Rate and Computation), is to remove obsolete provisions for interest rates for tax due prior to January 1, 2000, for the excess salary tax credit related to employees whose place of employment is located within an enterprise zone, and for the revocation of a certificate of authority that is not determined by the Department of Revenue.

The purpose of the proposed amendment to 12B-8.003 (Tax Statement; Overpayments), is to update the insurance premium tax returns and instructions for reporting taxes and fees for calendar year 2023.

The purpose of the proposed repeal of Rule 12B-8.015, F.A.C. (Payment by Electronic Funds Transfer), is to remove this unnecessary rule providing reference to Rule Chapter 12-24, F.A.C. Rule 12-24.003, F.A.C., sets forth the requirements for paying insurance premium taxes, fees, regulatory assessments, excise taxes, and surcharges and filing returns by electronic means.

SUMMARY: The proposed amendments to Rule 12B-8.001, F.A.C. (Premium Tax; Rate and Computation), remove provisions for interest rates for tax due prior to January 1, 2000, provisions regarding the excess salary tax credit related to employees whose place of employment is located within an enterprise zone, and provisions regarding the revocation of a certificate of authority that is not determined by the Department of Revenue.

The proposed amendments to Rule 12B-8.003, F.A.C. (Tax Statement; Overpayments), incorporate, by reference, updates to the insurance premium tax returns and instructions to provide for reporting the tax credit for contributions to the Florida Housing Finance Corporation under the Live Local Program (ss. 34 and 41, Ch. 2023-17, L.O.F.), to provide for jurisdiction

changes for reporting taxes and fees for calendar year 2023, and to reflect the renaming of the Department of Economic Opportunity the Florida Department of Commerce.

The proposed repeal of Rule 12B-8.015, F.A.C. (Payment by Electronic Funds Transfer), removes an unnecessary rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section 120.541(1), F.S.; and 2) based on past experiences regarding rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 175.1015(5), 185.085(5), 213.06(1), 213.06(1), 220.183(4)(d), 288.99(11) (2010), 624.509(3), 624.5105(4)(b), 636.066(1)1002.395 FS.

LAW IMPLEMENTED: 175.041, 175.101, 175.1015, 175.111, 175.121, 175.141, 175.151, 185.02, 185.03, 185.08, 185.085, 185.09, 185.10, 185.12, 185.13, 213.05, 213.053, 213.235, 213.37, 213.755, 220.183(3), 252.372, 262.7451(11), 288.99(2010), 440.51, 443.1216, 624.11, 624.402, 624.4094, 624.4621, 624.46226, 624.4625, 624.475, 624.501, 624.509, 624.5091, 624.5092, 624.50921, 624.510, 624.5105, 624.51055, 624.511, 624.515, 624.516, 624.518, 624.519, 624.520, 624.521, 624.601, 624.610, 626.7451(11), 627.311, 627.351, 627.3512, 627.357(9), 627.7711, 627.943, 628.6015, 629.401, 629.5011, 632.626, 634.131, 634.313(2), 634.415(2), 636.066, 642.0301, 642.032, 1002.395 FS., ss. 34, 41, Ch. 2023-17, L.O.F.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: October 12, 2023, 9:00 a.m.

PLACE: 2450 Shumard Oak Boulevard, Building One, Room 1221, Tallahassee, Florida 32399. If a meeting is requested in

writing, members of the public can also attend electronically via webinar; participants will need to register for the webinar using the following link: <https://attendee.gotowebinar.com/register/265558880189094743>

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Tonya Fulford at (850)717-6799.. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Martha Gregory, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-6041, email RuleComments@floridarevenue.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

12B-8.001 Premium Tax; Rate and Computation.

- (1) No change.
- (2)(a) through (b) No change.
- (c) When any taxpayer fails to pay any amount due or any portion thereof, on or before the due date when the tax or installment of tax shall be required by law to be paid, interest shall be added to the amount due at the following rate:
 - 1. ~~One percent per month (prorated daily using the daily factor of .000328767) for payments due prior to January 1, 2000.~~
 - 2. ~~For payments due on or after January 1, 2000,~~ the rate of interest established pursuant to Section 213.235, F.S., and Rule 12-3.0015, F.A.C. (prorated daily).
- (d) No change.
- (3) Credits Against the Tax.
 - (a) No change.
 - (b) Salaries. Fifteen percent of the amount paid in salaries by the insurer to employees located or based in Florida may be credited against the net tax imposed by Section 624.509, F.S.

- 1. through 6. No change.
- 7. Salary Tax Credit Exceptions.
 - a. through c. No change.
 - d. ~~Section 624.509(6)(b), F.S., provides that, to the extent that the salary tax credit is limited by the 65 percent limitation, the excess of the salary tax credit that was available and exceeded the 65 percent limitation may be transferred to any insurer that is a member of that insurer's affiliated group if such excess salary tax credit is related to salaries and wages of employees whose place of employment is located within an~~

~~enterprise zone created pursuant to chapter 290, F.S. The amount of such excess salary tax credit transferred to all affiliates can not exceed 25 percent of such excess salary tax credit. An affiliated group of corporations that participates in a concurrent common paymaster arrangement as defined in Section 443.1216, F.S., is not eligible to use this provision. Any such transferred credits are subject to the same provisions and limitations set forth in Part IV, Chapter 624, F.S.~~

- (c) through (e) No change.
- (4) through (7) No change.
- (8) The gross amount of receipts subject to tax under the provisions of paragraph (1)(a) of this rule does shall not include the following:
 - (a) through (c) No change.
 - (d) Crop insurance premiums received ~~on or after January 1, 1994,~~ if in accordance with the Federal Crop Insurance Act, 7 U.S.C. ~~§1501 §§1504.~~
 - (e) through (f) No change.

~~(9) In addition to the penalty and interest imposed by the Department of Revenue, if any taxpayer fails to pay to the Department of Revenue on or before March 1 of each year any premium taxes or assessments due, the Office of Insurance Regulation may revoke its certificate of authority.~~

Rulemaking Authority 213.06(1), 220.183(4)(d), 288.99(11) (2010), 624.5105(4)(b), 1002.395 FS. Law Implemented 175.101, 175.1015, 175.121, 175.141, 185.08(3), 185.085, 185.10, 185.12, 213.05, 213.235, 220.183(3), 288.99(11) (2010), 624.4621, 624.46226, 624.4625, 624.475, 624.509, 624.5092, 624.50921, 624.510, 624.5105, 624.51055, 624.511, 624.518, 624.519, 624.520(2), 262.7451(11), 627.3512, 627.357(9), 628.6015, 629.5011, 634.131, 634.313(2), 634.415(2), 1002.395 FS. History—New 2-3-80, Formerly 12B-8.01, Amended 3-25-90, 4-10-91, 2-18-93, 6-16-94, 10-19-94, 1-2-96, 12-9-97, 6-2-98, 4-2-00, 10-15-01, 8-1-02, 6-20-06, 9-1-09, 4-26-10, 6-6-11, 1-25-12, 7-28-15, 1-6-20, _____.

12B-8.003 Tax Statement; Overpayments.

- (1) Tax returns and reports must shall be made by insurers on forms prescribed by the Department. These forms are hereby incorporated by reference in this rule.
- (2) through (3) No change.

Form Number	Title	Effective Date
(4)(a)	No change.	
(b) DR-907N	Instructions for Filing Insurance Premium Installment Payment (Form DR-907) (http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX14838)	XX/XX01/19
(5)(a) DR-908	Insurance Premium Taxes and Fees Return for Calendar Year 2023 2022 (http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX14839)	XX/XX01/23

(b) DR-908N	Instructions for Preparing Form DR-908 Florida Insurance Premium Taxes and Fees Return (http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX44840)	XX/XX01 /23
(6) DR-35090 0	2023 2022 Insurance Premium Tax Information for Schedules XII and XIII, Form DR-908 (http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX44841)	XX/XX01 /23

Rulemaking Authority 175.1015(5), 185.085(5), 213.06(1), 624.509(3), 636.066(1) FS. Law Implemented 175.041, 175.101, 175.1015, 175.111, 175.121, 175.141, 175.151, 185.02, 185.03, 185.08, 185.085, 185.09, 185.10, 185.12, 185.13, 213.05, 213.053, 213.235, 213.37, 213.755, 220.183, 220.191, 252.372, 288.99 (2010), 440.51, 443.1216, 624.11, 624.402, 624.4094, 624.4621, 624.4625, 624.475, 624.501, 624.509, 624.5091, 624.5092, 624.50921, 624.510, 624.5105, 624.511, 624.515, 624.516, 624.518, 624.519, 624.520, 624.521, 624.601, 624.610, 626.7451(11), 627.311, 627.351, 627.3512, 627.357(9), 627.7711, 627.943, 628.6015, 629.401, 629.5011, 632.626, 634.131, 634.313(2), 634.415(2), 636.066, 642.0301, 642.032 FS., ss. 34, 41, Ch. 2023-17. History—New 2-3-80, Formerly 12B-8.03, Amended 3-25-90, 3-10-91, 2-18-93, 6-16-94, 12-9-97, 3-23-98, 7-1-99, 10-15-01, 8-1-02, 5-4-03, 9-28-04, 6-28-05, 6-20-06, 4-5-07, 1-1-08, 1-27-09, 1-11-10, 1-12-11, 1-25-12, 1-17-13, 1-20-14, 1-20-15, 1-11-16, 1-10-17, 1-17-18, 1-8-19, 1-6-20, 12-31-20, 5-23-22, 1-1-23,_____.

12B-8.015 Payment by Electronic Funds Transfer.

~~Where payment of taxes imposed under applicable Florida Statutes and referred to in Rules 12B 8.001, 12B 8.0012, 12B 8.002, 12B 8.006 and 12B 8.016, F.A.C., is required to be remitted by electronic funds transfer, provisions of Chapter 12-24, F.A.C., shall apply.~~

Rulemaking Authority 20.21(5), 213.06(1) FS. Law Implemented 213.755, 624.511, 624.518 FS. History—New 12-19-89, Amended 12-9-97, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Martha Gregory
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2023
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 12, 2023

[REDACTED]