

Corporate, Estate and Intangible Tax

RULE NO.: RULE TITLE:

12CER24-4 Forms

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Section 61, Chapter 2024-158, Laws of Florida (L.O.F.), authorizes the Department of Revenue to promulgate emergency rules to implement the provisions of section 220.1915, F.S., Credit for Qualified Railroad Reconstruction or Replacement Expenditures, as amended by section 40, Chapter 2024-158, L.O.F., effective July 1, 2024. The promulgation of this emergency rule ensures that the public is notified in the most expedient and appropriate manner regarding the amendments to section 220.1915, F.S.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The Legislature expressly authorized the promulgation of emergency rules to implement the provisions of section 40, Chapter 2024-158, L.O.F. Additionally, this emergency rule is the most expedient and appropriate means of notifying taxpayers of these provisions.

Emergency Rule 12CER24-4, Forms, as adopted on July 1, 2024, and noticed in the Florida Administrative Register on June 27, 2024 (Vol. 50, No. 126, pp. 2283-2284). On August 1, 2024 (Vol. 50, No. 150, pp. 2765-2766), the Department published a Notice of Rule Development for Rule 12C-1.051, F.A.C., pursuant to Section 120.54(2), F.S. Proposed Rule 12C-1.051, F.A.C., if adopted, would address the same topic as Emergency Rule 12CER24-4. Section 61, Chapter 2024-158, L.O.F., specifically provides for the renewal of the emergency rule pending procedures to revise the permanent rule addressing the same subject of the emergency rule. Therefore, pursuant to the provisions of section 61, Chapter 2024-158, L.O.F., Emergency Rule 12CER24-4 is renewed.

SUMMARY: Emergency Rule 12CER24-4, Forms, adopts revisions to the two forms used in the administration of the Credit for Qualified Railroad Reconstruction or Replacement Expenditures to incorporate the provisions of section 220.1915, F.S., as amended by section 40, Chapter 2024-158, L.O.F., effective July 1, 2024. Revisions to the forms reflect the change in the calculation of the tax credit, the limitation of the application to one each taxable year, the documentation required to be included at the time of applying and after

applying for the credit, and when a tax credit may be transferred and used by the recipient of the transferred credit.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Martha Gregory, Office of Technical Assistance, (850)717-6041, email

RuleComments@floridarevenue.com.

THE FULL TEXT OF THE EMERGENCY RULE IS:

12CER24-4 12C-1.051 Forms.

(1)(a) The following forms and instructions are used by the Department in its administration of the corporate income tax and franchise tax. These forms are hereby incorporated by reference in this rule.

(b) No change.

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Form		Effective
Number	Title	Date
(2) through (8) No change.		
(9)(a) F-	Florida Credit for Qualified	07/24
11915	Railroad Reconstruction or	11/23
	Replacement Expenditures	
	Application for Credit (R. 07/24	
	N. 01/24)	
	(http://www.floridarevenue.com/	
	rules)flrules.org/Gateway/referen	
	ce.asp?No=Ref 16044)	
(b) F-	Florida Credit for Qualified	07/24
11915T	Railroad Reconstruction or	11/23
	Replacement Expenditures	
	Notice of Intent to Transfer a	
	Credit (R. 07/24 N. 01/24)	
	(http://www.floridarevenue.com/	
	rules) flrules.org/Gateway/referen	
	ce.asp?No=Ref 16045)	
(10) through (15) No change.		

PROPOSED EFFECTIVE DATE: January 1, 2025

Rulemaking Authority 213.06(1), 220.1915(7), 220.192(7), 220.193(4), 220.196(4), 220.198(6), 220.51, 1002.395(13) FS., s. 61, Ch. 2024-158, LOF. Law Implemented 119.071(5), 212.08(5)(p), 213.37, 213.755(1), 220.11, 220.12, 220.13(1), (2), 220.15, 220.16, 220.183, 220.184, 220.1845, 220.185, 220.186, 220.1875, 220.1895, 220.1896, 220.1899, 220.191, 220.1915, 220.1915, 220.193, 220.194, 220.195, 220.196, 220.198, 220.1991, 220.21, 220.211, 220.22, 220.221, 220.222, 220.23, 220.24, 220.241, 220.31, 220.32, 220.33, 220.34, 220.41, 220.42, 220.43, 220.44, 220.51, 220.721, 220.723, 220.725, 220.737, 220.801, 220.803, 220.805, 220.807, 220.809, 221.04, 624.5105, 624.51055, 1002.395 FS., s. 40, Ch. 2024-158, LOF. History-New 9-26-77, Amended 12-18-83, Formerly 12C-1.51, Amended 12-21-88, 12-31-89, 1-31-91, 4-8-92, 12-7-92, 1-3-96, 3-18-96, 3-13-00, 6-19-01, 8-1-02, 6-19-03, 3-15-04, 9-24-04, 6-28-05, 5-1-06, 4-5-07, 1-1-08, 1-27-09, 1-11-10, 4-26-10(12)(a), (b), 4-26-10(13)(a), (b), 6-28-10, 1-12-11, 6-6-11, 1-25-12, 1-17-13, 3-12-14, 1-10(13)(a)19-15, 1-11-16, 1-10-17, 1-17-18, 1-8-19, 12-12-19, 5-23-22, 1-1-23, 11-21-23, 1-1-24, 7-1-24, Renewed 1-1-25.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE. EFFECTIVE DATE: January 1, 2025