



**Florida Department of Revenue**  
*Office of the Executive Director*

**Jim Zingale**  
Executive Director

5050 West Tennessee Street, Tallahassee, FL 32399

floridarevenue.com

May 30, 2023

Jamie Jackson, Senior Attorney  
Joint Administrative Procedures Committee  
Room 680, Pepper Building  
111 West Madison Street  
Tallahassee, Florida 32399-1400

Re: Florida Department of Revenue Rules  
Proposed Rule Amendments

Dear Ms. Jackson:

Please find enclosed information regarding Department of Revenue proposed rule amendments, which include the Notices of Proposed Rule, published in the May 30, 2023 (49/104) edition of the *Florida Administrative Register*, Rule Summaries, the Facts and Circumstances Justifying Proposed Rules, the Federal Comparison Statements, Summaries of Rule Development Workshops, and Summaries of Public Meetings.

Materials that will be incorporated by reference are also included; these are the same versions posted to the Department's proposed rule pages and presented to the Governor and Cabinet on May 23, 2023.

If you need additional information, please do not hesitate to contact me.

Sincerely,

Janet Young  
Agency Rules Coordinator

Attachments

The attached documents are for the following Florida Department of Revenue Rules:

Chapter 12C-1 Corporate Income Tax

- Rule 12C-1.01915, F.A.C., Credit for Qualified Railroad Reconstruction or Replacement Expenditures.
- Rule 12C-1.051, F.A.C., Forms
  - Form F11915 (*Florida Credit for Qualified Railroad Reconstruction or Replacement Expenditures Application for Credit*) (new form)
  - Form F11915T (*Florida Credit for Qualified Railroad Reconstruction or Replacement Expenditures Notice of Intent to Transfer a Credit*) (new form)

STATE OF FLORIDA  
DEPARTMENT OF REVENUE  
CHAPTER 12C-1, FLORIDA ADMINISTRATIVE CODE  
CORPORATE INCOME TAX  
CREATING RULE 12C-1.01915  
AMENDING RULE 12C-1.051

SUMMARY OF PROPOSED RULES

Rule 12C-1.01915, F.A.C., is created to implement the provisions of s. 220.1915, F.S., to provide how to apply for, transfer, and use the credit once it becomes effective. Revisions to Rule 12C-1.051, F.A.C., incorporate new Form F-11915, Florida Credit for Qualified Railroad Reconstruction or Replacement Expenditures Application for Credit and new Form F-11915T, Florida Credit for Qualified Railroad Reconstruction or Replacement Expenditures Notice of Intent to Transfer a Credit.

FACTS AND CIRCUMSTANCES JUSTIFYING PROPOSED RULES

The creation of Rule 12C-1.01915, F.A.C., is necessary to implement the Railroad Reconstruction or Replacement Expenditures Credit Program pursuant to s. 220.1915, F.S., created by s. 32, Ch. 2022-97, L.O.F. A qualifying railroad is eligible for a credit against Florida corporate income tax imposed by Ch. 220, F.S., equal to 50 percent of a qualifying railroad's qualified expenditures incurred in Florida for taxable years beginning on or after January 1, 2023. The amount of the credit may not exceed the product of \$3,500 and the number of miles of railroad track owned or leased within Florida by the qualifying railroad as of the end of the

taxable year in which the qualified expenditures were incurred. To claim a tax credit, the railroad must meet the criteria specified in s. 220.1915(1) and (2), F.S.

#### FEDERAL COMPARISON STATEMENT

The provisions contained in these rules do not conflict with comparable federal laws, policies, or standards.

#### SUMMARY OF RULE DEVELOPMENT WORKSHOP

April 13, 2023

A Notice of Proposed Rule Development was published in the *Florida Administrative Register* on March 30, 2023 (Vol. 49, No. 62, p. 1169), to advise the public of the creation of Rule 12C-1.01915, F.A.C., and to provide that, if requested in writing and not deemed unnecessary by the agency head, a rule development workshop would be held on April 13, 2023. No request was received, and no workshop was held. No written comments were received by the Department.

#### SUMMARY OF PUBLIC MEETING

August 23, 2022

The Governor and Cabinet, sitting as head of the Department of Revenue, met on May 23, 2023, and approved the publication of the Notice of Proposed Rule for Rule 12C-1.01915, F.A.C., as well as approval to file and certify the rule with the Secretary of State pursuant to s. 120.54(3)(e)1., F.S., if the substance of the proposed rule remains unchanged upon reaching the date applicable to filing for final adoption pursuant to s. 120.54(3)(e)2., F.S. A notice for the

public meeting was published in the *Florida Administrative Register* on May 12, 2022 (Vol. 49, No. 93).

participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Chris Bufano at 850-410-7676, or christopherbufano@fdle.state.fl.us, or write to Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308.. 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: Chris Bufano at (850)410-7676, or christopherbufano@fdle.state.fl.us, or write to Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308.

THE FULL TEXT OF THE PROPOSED RULE IS:

**11D-13.001 Definitions.**

(1) “Department” means the Florida Department of Law Enforcement.

(2) “Program” means the Care For Retired Police Dogs Program.

(3) “Retired Police Dog” means a dog that was previously in the service of or employed by a law enforcement agency or a correctional agency in Florida for the principal purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of offenders that received certification in obedience and apprehension work from a certifying organization, such as the National Police Canine Association.

(4) “Correctional Agency” means a lawfully established state or local public agency having primary responsibility for the supervision, protection, care, custody, control, or investigation of inmates at a correctional institution.

(5) “Law Enforcement Agency” means a lawfully established state or local public agency having primary responsibility for the prevention and detection of crime or the enforcement of penal, traffic, highway, regulatory, game, immigration, postal, customs, or controlled substance laws.

(6) “Veterinary Care” means the practice, by a veterinarian, of veterinary medicine as defined in Section 474.202, Florida Statutes. The term includes annual wellness examinations, vaccinations, internal and external parasite prevention treatments, testing and treatments of illnesses and diseases, medications, emergency care and surgeries, veterinary oncology or other specialty care, euthanasia, and cremation.

(7) “Veterinarian” means a health care practitioner who is licensed to engage in the practice of veterinary medicine in Florida under Chapter 474, Florida Statutes.

Rulemaking Authority 943.03(4), 943.69(7) FS. Law Implemented 943.69 FS. History–New \_\_\_\_\_.

**11D-13.002 Procedures.**

(1) The Department receives recurring annual funds to contract with a qualifying non-profit entity to administer the

program.

(2) The program shall provide a stable funding source for the veterinary care for retired police dogs by utilizing a qualifying non-profit entity to screen and verify the eligibility of handlers and adopters of eligible retired law enforcement or correctional canines and distribute funds to pay for veterinary care expenses.

(3) The following criteria must be met to be considered as a qualifying non-profit entity for administration of the program:

(a) Be dedicated to the protection or care of retired police dogs;

(b) Possess current 501(c)(3) status;

(c) Maintained 501(c)(3) for five or more years;

(d) Agree to be subject to review and audit for accountability of state funds;

(e) Possess ability to effectively disseminate information; and:

(f) Possess ability to assist handlers/adopters of retired police dogs.

(4) The entity selected by the Department pursuant to the criteria set forth in paragraph three (3) of this section shall be the disbursing authority for funds appropriated to the Department from the legislature for implementation of the program.

(5) Fund disbursement pursuant to the program shall comply with Section 943.69(5), F.S.

Rulemaking Authority 943.03(4), 943.69(7) FS. Law Implemented 943.69 FS. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Deputy General Counsel Chris Bufano

NAME OF AGENCY HEAD WHO APPROVED THE

PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: May 23, 2023

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAR: October 31, 2022

**DEPARTMENT OF REVENUE**

**Corporate, Estate and Intangible Tax**

RULE NOS.: RULE TITLES:

12C-1.01915 Credit for Qualified Railroad Reconstruction or Replacement Expenditures

12C-1.051 Forms

PURPOSE AND EFFECT: The purpose of the creation of Rule 12C-1.01915, F.A.C., is to implement the Railroad Reconstruction or Replacement Expenditures Credit Program pursuant to s. 220.1915, F.S., as created by Section 32, Chapter 2022-97, L.O.F.

SUMMARY: Under s. 220.1915, F.S., a qualifying railroad is eligible for a credit against the tax imposed by Ch. 220, F.S., equal to 50 percent of a qualifying railroad’s qualified

expenditures incurred in Florida for taxable years beginning on or after January 1, 2023. The amount of the credit may not exceed the product of \$3,500 and the number of miles of railroad track owned or leased within Florida by the qualifying railroad as of the end of the taxable year in which the qualified expenditures were incurred. Rule 12C-1.01915, F.A.C., is created to implement the provisions of s. 220.1915, F.S., to provide guidance to taxpayers on how they can apply for, transfer, and use the credit once it becomes effective. Revisions to Rule 12C-1.051, F.A.C., incorporate Form F-11915 (Florida Credit for Qualified Railroad Reconstruction or Replacement Expenditures Application for Credit) and Form F-11915T (Florida Credit for Qualified Railroad Reconstruction or Replacement Expenditures Notice of Intent to Transfer a Credit). To claim a tax credit, the railroad must meet the criteria specified in Section 220.1915(1) and (2), F.S.

**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:** 213.06(1), 220.1915(7), 220.192(7), 220.193(4), 220.196(4), 220.198(6), 220.51, 1002.395(13) FS.

**LAW IMPLEMENTED:** 119.071(5), 212.08(5)(p), 213.755(1), 220.11, 220.12, 220.13(1), (2), 220.15, 220.16, 220.181, 220.182, 220.183, 220.184, 220.1845, 220.185, 220.186, 220.1875, 220.1895, 220.1896, 220.1899, 220.191, 220.1915, 220.193, 220.194, 220.195, 220.196, 220.198, 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.

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: June 20, 2023, at 10:00 a.m.

PLACE: 2450 Shumard Oak Boulevard, Building One, Room 1220, Tallahassee, Florida. If a hearing 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/1648218938958755669>

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: Brinton Hevey, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7754, email [RuleComments@floridarevenue.com](mailto:RuleComments@floridarevenue.com).

THE FULL TEXT OF THE PROPOSED RULE IS:

**12C-1.01915 Credit for Qualified Railroad Reconstruction or Replacement Expenditures.**

**(1) Definitions. For purposes of this rule, the following terms mean:**

**(a) "Credit" means the credit for qualified railroad reconstruction or replacement expenditures authorized under Section 220.1915, F.S.**

**(b) "Qualified expenditures" means gross expenditures made in Florida by a qualifying railroad during the taxable year in which the credit is claimed, provided such expenditures were made for track that was owned or leased by a qualifying railroad, and were:**

**1. For the maintenance, reconstruction, or replacement of railroad infrastructure, including track, roadbed, bridges, industrial leads and sidings, or track-related structures which were owned or leased by the qualifying railroad; or**

**2. For new construction by the qualifying railroad of industrial leads, switches, spurs and sidings, and extensions of existing sidings located in Florida.**

**(c) "Qualifying railroad" means any Class II or Class III railroad operating in Florida on the last day of the taxable year for which the credit is claimed, pursuant to the classifications**

in effect for that year as set by the United States Surface Transportation Board or its successor.

(2) Available Credits for Qualifying Railroads. For taxable years beginning on or after January 1, 2023, a credit equal to 50 percent of a qualifying railroad's qualified expenditures incurred in Florida during a taxable year is available against the Florida corporate income tax imposed by Chapter 220, F.S. However, the amount of the credit may not exceed \$3,500 multiplied by the number of miles of railroad track owned or leased in Florida by the qualifying railroad as of the end of the taxable year in which the qualified expenditures were incurred.

(a) The amount taken as a credit must be added to taxable income prior to computing the tax imposed by Ch. 220, F.S.

(b) For purposes of computing the credit limitation, double track is treated as multiple lines of railroad track. One mile of single track is equal to one mile, but one mile of double track is equal to two miles.

(c) The credit is allowed only once for each mile of railroad track in Florida in each taxable year. No two qualifying railroads may claim the same mile of railroad track in a taxable year.

(3) Application Process. To apply for available program credits, a qualifying railroad must submit a Florida Credit for Qualified Railroad Reconstruction or Replacement Expenditures Application for Credit (Form F-11915, incorporated by reference in Rule 12C-1.051, F.A.C.) to the Department each taxable year, along with documentation demonstrating that the qualifying railroad's qualified expenditures meet the criteria to receive credits.

(a) If the qualifying railroad earned a federal credit under 26 U.S.C. 45G during the taxable year, the supporting documentation must include federal Form 8900 (Qualified Railroad Track Maintenance Credit) or its equivalent.

(b) If the qualifying railroad is a taxpayer under Chapter 220, F.S., it must submit Form F-11915 when it files its Florida Corporate Income/Franchise Tax Return (Form F-1120, incorporated by reference in Rule 12C-1.051, F.A.C.).

(c) If the qualifying railroad is not a taxpayer under Chapter 220, F.S., it must submit Form F-11915 to the Department no later than May 1 of the calendar year following the year in which the qualified expenditures were made. If the May 1 due date falls on a Saturday, Sunday, or legal holiday, Form F-11915 will be considered timely if the form is postmarked or electronically submitted on the next succeeding day that is not a Saturday, Sunday, or legal holiday. The May 1 due date may not otherwise be extended.

1. Example: Qualifying railroad X is not a taxpayer under Chapter 220, F.S. Qualifying railroad X operates on a calendar year basis. X has qualified expenditures during calendar year 2023. X must apply for a credit by submitting Form F-11915 with the Department no later than May 1, 2024.

2. Example: Qualifying railroad Y is not a taxpayer under Chapter 220, F.S. Qualifying railroad Y operates on a fiscal year basis, with a January 31 year end. Y has qualified expenditures during the fiscal year beginning February 1, 2023, and ending January 31, 2024. Y must apply for a credit by submitting Form F-11915 with the Department no later than May 1, 2025.

(d) If the qualifying railroad is a disregarded entity for federal tax purposes, Form F-11915 must be submitted in the name of the owner of the disregarded entity.

(4) Determination of Carryforward or Transfer of Unused Credits. When a credit is not fully used during a taxable year, either because the qualifying railroad that earned the credit has insufficient tax liability or because the qualifying railroad is not a taxpayer under Chapter 220, F.S., the credit may be carried forward or may be transferred in accordance with subsection (5). The carryforward or transferred credit may be used in any of the 5 subsequent taxable years in which the credit was earned, when the tax imposed by Chapter 220, F.S., for that taxable year exceeds the credit for which the qualifying railroad or transferee is eligible in that taxable year, after applying the other credits and unused carryovers in the order provided by Section 220.02(8), F.S.

(a) If the qualifying railroad is a taxpayer under Chapter 220, F.S., the Department will notify the qualifying railroad by letter within 30 days after the receipt of a completed Florida Credit for Qualified Railroad Reconstruction or Replacement Expenditures Application for Credit (Form F-11915), indicating the amount of credit that may be carried forward or transferred.

(b) If the qualifying railroad is not a taxpayer under Chapter 220, F.S., the Department will notify the qualifying railroad by letter within 30 days after the receipt of completed Form F-11915, indicating the amount of credit that may be transferred.

(c)1. Amounts that exceed the limitation of \$3,500 multiplied by the number of miles of railroad track owned or leased in Florida by the qualifying railroad as of the end of the taxable year in which the qualified expenditures were incurred, as provided in subsection (2), may not be carried forward to a subsequent taxable year or transferred.

2. Example: Qualifying railroad Corporation A is a taxpayer under Chapter 220, F.S., that incurs \$20,000 of qualified expenditures during its taxable year. Corporation A owns 2 miles of railroad track within Florida as of the end of its taxable year.

Corporation A's credit is equal to 50 percent of the \$20,000 qualified expenditures incurred in the taxable year but may not exceed \$3,500 multiplied by the number of miles owned or leased in Florida at the end of its taxable year.



Credit computation: 50% x \$20,000 = \$10,000 but may not exceed \$7,000 (\$3,500 x 2 miles of railroad track). Therefore, Corporation A receives a \$7,000 credit for qualified railroad reconstruction or replacement expenditures.

The amount of computed credit exceeding the limitation amount (\$3,000 = \$10,000 - \$7,000) cannot be used, carried forward, or transferred.

When it files its Florida Corporate Income/Franchise Tax Return (Form F-1120), Corporation A has \$5,000 tax due after application of all credits required to be claimed prior to application of the credit for qualified railroad reconstruction or replacement expenditures. Assuming the Department does not have to make any adjustments to Corporation A's Form F-1120, the Department will issue a letter to Corporation A indicating that the amount of credit available to carry forward or transfer is \$2,000 (\$7,000 - \$5,000).

(5) Transfer of credit. For taxable years beginning on or after January 1, 2023, an unused credit may be transferred. The transfer of a credit does not affect the time limit for taking the credit, and the credit is subject to the same limitations imposed on the transferor in accordance with subsection (4).

(a) Credits may be transferred to a taxpayer under Chapter 220, F.S., who also:

1. Transports property using the rail facilities of the qualifying railroad, or
2. Furnishes railroad-related property or services to any railroad operating in Florida, or
3. Is a Class II or Class III railroad.

(b) The transferor is required to notify the Department of a credit transfer by submitting a Florida Credit for Qualified Railroad Reconstruction or Replacement Expenditures Notice of Intent to Transfer a Credit (Form F-11915T, incorporated by reference in Rule 12C-1.051, F.A.C.) to the Department within 30 days after the transfer. A separate notice must be submitted for each taxpayer receiving a transfer of credit.

(c) The Department will provide a letter to the transferor and transferee acknowledging the transfer of credit. The transferee must attach the letter to its Florida Corporate Income/Franchise Tax Return (Form F-1120) on which the credit is taken.

(6) Every taxpayer claiming a credit must retain documentation that substantiates and supports the credit until tax imposed by Chapter 220, F.S., may no longer be determined and assessed under Section 95.091(3) or Section 220.23, F.S. Documentation to substantiate and support the credit includes copies of: the completed credit application submitted to the Department; documentation related to any federal credit earned under 26 U.S.C. 45G; documentation related to any qualified expenditures incurred by the qualifying railroad, and the transfer letter issued by the Department reflecting the credit amount transferred.

Rulemaking Authority 213.06(1), 220.1915(7) FS. Law Implemented 220.02(8), 220.1915 FS. History—New X-X-23.

**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) Copies of these forms are available, without cost, by one or more of the following methods: 1) downloading the form from the Department's website at [www.floridarevenue.com/forms](http://www.floridarevenue.com/forms); or, 2) calling the Department at (850)488-6800, Monday through Friday, (excluding holidays); or, 3) ~~visiting any local Department of Revenue Service Center; or,~~ 4) writing the Florida Department of Revenue, Taxpayer Services, 5050 West Tennessee Street, Tallahassee, Florida 32399-0112. Persons with hearing or speech impairments may call the Florida Relay Service at 1(800)955-8770 (Voice) and 1(800)955-8771 (TTY).

Form Number	Title	Effective Date
(2) through (10) No change		
(11)(a)	Florida Credit for Qualified Railroad Reconstruction or Replacement Expenditures Application for Credit (R. XX/XX) ( <a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-_____">http://www.flrules.org/Gateway/reference.asp?No=Ref-_____</a> )	XX/X X
(b)	F-Florida Credit for Qualified Railroad Reconstruction or Replacement Expenditures Notice of Intent to Transfer a Credit (R. XX/XX) ( <a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-_____">http://www.flrules.org/Gateway/reference.asp?No=Ref-_____</a> )	XX/X X
(11) through (15) Renumbered (12) through (16) No change.		

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. Law Implemented 119.071(5), 212.08(5)(p), 213.755(1), 220.11, 220.12, 220.13(1), (2), 220.15, 220.16, 220.181, 220.182, 220.183, 220.184, 220.1845, 220.185, 220.186, 220.1875, 220.1895, 220.1896, 220.1899, 220.191, 220.1915, 220.193, 220.194, 220.195, 220.196, 220.198, 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. 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, 1-19-15, 1-11-16, 1-10-17, 1-17-18, 1-8-19, 12-12-19, 5-23-22, 1-1-23, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Brinton Hevey  
NAME OF AGENCY HEAD WHO APPROVED THE  
PROPOSED RULE: Governor and Cabinet  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: May 23, 2023  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAR: March 30, 2023

**DEPARTMENT OF REVENUE**

**Division of Child Support Enforcement**

RULE NOS.:	RULE TITLES:
12E-1.012	Consumer Reporting Agencies
12E-1.023	Suspension of Driver License; Suspension of Motor Vehicle Registration
12E-1.027	Written Agreements for Payment of Past-Due Support
12E-1.028	Garnishment by Levy
12E-1.029	Financial Institution Data Matches
12E-1.030	Administrative Establishment of Child Support Obligations
12E-1.036	Administrative Establishment of Paternity and Support Obligations
12E-1.039	Request for Services
12E-1.040	Intergovernmental Forms
12E-1.041	Review for Modification of Support Order
12E-1.042	Income Withholding

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12E-1.012, F.A.C. (Consumer Reporting Agencies), is to adopt the updated Notice of Intent to Report to Consumer Reporting Agencies (CS-EF32).

The purpose of the proposed amendments to Rule 12E-1.023, F.A.C. (Suspension of Driver License; Suspension of Motor Vehicle Registration), is to adopt the updated Notice of Intent to Suspend Driver License and Motor Vehicle Registration(s) (CS-EF55).

The purpose of the proposed amendments to Rule 12E-1.027, F.A.C. (Written Agreements for Payment of Past-Due Support), is to adopt the updated Payment Agreement for Past-Due Support (CS-EF91).

The purpose of the proposed amendments to Rule 12E-1.028, F.A.C. (Garnishment by Levy), is to adopt the updated Thrift Savings Plan Income Withholding Order For State Agencies, 12/2022 (TSP-CS-1).

The purpose of the proposed amendments to Rule 12E-1.029, F.A.C. (Financial Institution Data Matches), is to adopt the updated Multistate Financial Institution Data Match Specifications Handbook, Version 3.0, December 30, 2020, adopt a new Agreement for Financial Institution Data Matching (CS-EF134), and remove provisions for the payment of fees for data match services to financial institutions doing business in

Florida that are provided in the Agreement for Financial Institution Data Matching (CS-EF134).

The purpose of the proposed amendments to Rule 12E-1.030, F.A.C. (Administrative Establishment of Child Support Obligations), is to delete statements that are included as revised in proposed rule 12E-1.041, Review for Modification of Support Order and adopt changes to forms used to establish administrative support orders.

The purpose of the proposed amendments to Rule 12E-1.036, F.A.C. (Administrative Establishment of Paternity and Support Obligations), is to adopt changes to forms used to establish administrative paternity and support orders. These changes allow proposed and final orders to be printed and mailed at the local office when parenting time is included, there is a family violence indicator on the case, and when the order is rendered centrally. The genetic testing forms provide a new option for use when the Department implements unscheduled sample collection for genetic testing.

The purpose of the proposed amendments to Rule 12E-1.039, F.A.C. (Request for Services), is to adopt updates to forms used when an individual applies for services.

The purpose of the proposed amendments to Rule 12E-1.040, F.A.C. (Intergovernmental Forms), is to adopt forms used in intergovernmental cases involving child support programs in other states, foreign countries, and tribes, as required by 45 CFR 303.7(a)(4).

The purpose of proposed Rule 12E-1.041, F.A.C. (Review for Modification of Support Order), is to create a new rule for reviewing support orders for modification and adopt forms.

The purpose of proposed Rule 12E-1.042, F.A.C. (Income Withholding), is to create a new rule to adopt the notice used for income withholding.

SUMMARY: The proposed amendments to Rules 12E-1.012, 12E-1.023, 12E-1.027, 12E-1.028, 12E-1.029, 12E-1.030, 12E-1.036, 12E-1.039, and 12E-1.040 F.A.C., update the Department’s procedures for credit reporting, driver license suspension, written agreements, levies, agreements with financial institutions, establishment of administrative orders for paternity and child support, applications for services, cases involving other states and foreign countries, and incorporate, by reference, new and revised forms. Proposed Rules 12E-1.041 and 12E-1.042 F.A.C., codify procedures and forms used to review and modify support orders and conduct income withholding and incorporate, by reference, new forms.

**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



**Florida Credit for Qualified Railroad  
Reconstruction or Replacement Expenditures  
Application for Credit**

For taxable years beginning on or after January 1, 2023, Florida law provides a credit against the Florida corporate income tax imposed by Chapter 220, Florida Statutes (F.S.), equal to 50 percent of a qualifying railroad’s qualified expenditures incurred in Florida during the taxable year. The amount of the credit may not exceed \$3,500 multiplied by the number of miles of railroad track owned or leased within Florida by the qualifying railroad as of the end of the taxable year in which the qualified expenditures were incurred. **A separate application is required for each taxable year.**

<b>Business Information:</b>			
Business Name:		Federal Employer Identification Number (FEIN):	
Mailing Address:			
City:		State:	ZIP:
Contact Name:	Telephone Number:	Email Address*:	
If you are included in a consolidated Florida corporate income/franchise tax return, provide:			
Parent Corporation’s Name:		Parent FEIN:	

\* 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), F.S.

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 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.)

**Requested Credit for Qualified Railroad Reconstruction or Replacement Expenditures:**

The qualifying railroad (check one):

is a taxpayer subject to the Florida corporate income tax code under Chapter 220, F.S. Submit this application with your Florida corporate income/franchise tax return (Form F-1120). Attach documentation/information to demonstrate your eligibility for the credit, including the qualified expenditures incurred.

Tax year: \_\_\_\_\_ - \_\_\_\_\_

is **not** a taxpayer under Chapter 220, F.S. Submit this application directly to the Department **no later than May 1** of the calendar year following the year in which the qualified expenditures were made. Attach documentation/information to demonstrate your eligibility for the credit, including the qualified expenditures incurred.

**Florida Credit for Qualified Railroad  
Reconstruction or Replacement Expenditures  
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**Requested credit computation:**

(1) Enter the amount of qualified expenditures in Florida during the taxable year.	1	
(2) Enter 50 percent (50%) of Line 1.	2	
(3) Enter the number of miles of railroad track in Florida owned or leased by the qualifying railroad at the close of the taxable year.	3	
(4) Multiply Line 3 by \$3,500.	4	
(5) Requested credit. Enter the lesser of Line 2 or Line 4.	5	

A “qualifying railroad” means any Class II or Class III railroad operating in Florida on the last day of the taxable year for which the credit is claimed, pursuant to the classifications in effect for that year as set by the United States Surface Transportation Board. See also 49 C.F.R. § 1201 (1-1 *Classification of carriers.*).

“Qualified expenditures” means gross expenditures made in Florida by a qualifying railroad during the taxable year in which the credit is claimed, provided such expenditures were made for track that was owned or leased by the qualifying railroad and were:

- For the maintenance, reconstruction, or replacement of railroad infrastructure, including track, roadbed, bridges, industrial leads and sidings, or track-related structures which were owned or leased by the qualifying railroad; or
- For new construction by the qualifying railroad of industrial leads, switches, spurs and sidings, and extensions of existing sidings located in Florida.

**Required documentation:** A copy of federal Form 8900 (*Qualified Railroad Track Maintenance Credit*) if filed with the Internal Revenue Service and any documentation/information to demonstrate your eligibility for the credit, including the qualified expenditures incurred.

Under penalties of perjury, I declare that I have read the foregoing application, including accompanying documentation, and the facts stated in it are true and correct.

\_\_\_\_\_  
Signature of Officer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

**Contact Information**

For additional information regarding the Florida Credit for Qualified Railroad Reconstruction or Replacement Expenditures, contact Revenue Accounting:

**Phone:** 850-617-8586                      **Fax:** 850-921-1171                      **Email:** CreditTrackingGroup@floridarevenue.com

**If you are not subject to Chapter 220, F.S., submit your completed application to:**

Florida Department of Revenue    or    **Fax:** 850-921-1171            or    **Email:** CreditTrackingGroup@floridarevenue.com  
Revenue Accounting  
PO Box 6609  
Tallahassee, FL 32314-6609



**Florida Credit for Qualified Railroad  
Reconstruction or Replacement Expenditures  
Notice of Intent to Transfer a Credit**

Pursuant to section 220.1915(4), Florida Statutes (F.S.), a qualifying railroad may transfer an unused credit for qualified railroad reconstruction or replacement expenditures at any time during the 5 taxable years following the taxable year the credit was originally earned by the qualifying railroad.

The taxpayer to which the credit is transferred must either:

- transport property using the *rail facilities* of the qualifying railroad;
- furnish *railroad-related property or services* to any Class II or Class III railroad operating in Florida; or
- be a *railroad*,

as the italicized terms are defined in 26 C.F.R. s. 145G-1(b).

**This form must be filed with the Department of Revenue within 30 days after the transfer.**

<b>Part I – Transferring Business Information</b>			
Business Name:	Federal Employer Identification Number (FEIN):		
Mailing Address:			
City:	State:	ZIP:	
Contact Name:	Telephone Number:	Email Address:*	
If you are included in a consolidated Florida corporate income/franchise tax return (Form F-1120), provide:			
Parent Corporation's Name:		Parent FEIN:	

\* 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), F.S.

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 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.)

<b>Transfer of Credit or Carryforward Credit</b>	
Original amount of credit earned by the qualifying railroad	\$
Taxable year credit was originally earned by the qualifying railroad	
Amount of credit or carryforward credit used	\$
Taxable year(s) credit or carryforward credit used	
Credit available for transfer	\$
<b>Requested transfer of credit or carryforward credit</b> (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.)	\$
Remaining taxable years for which the credit may be claimed	

**Florida Credit for Qualified Railroad  
Reconstruction or Replacement Expenditures  
Notice of Intent to Transfer a Credit**

<b>Part II – Receiving Business Information</b> - <i>A separate notice is required for each receiving business.</i>			
Business Name:		Federal Employer Identification Number (FEIN):	
Mailing Address:			
City:	State:	ZIP:	
Contact Name:	Telephone Number:	Email Address:*	
If transferee is included in a consolidated Florida corporate income/franchise tax return (Form F-1120), provide:			
Parent Corporation's Name:		Parent FEIN:	

<p>* 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), F.S.</p>
<p>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 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.'</p> <p><input type="checkbox"/> Yes. I authorize the Florida Department of Revenue to send information regarding this application using unencrypted email.</p> <p><input type="checkbox"/> 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.)</p>

<p><b>The receiving business is subject to tax under Ch. 220, F.S., and: (check all that apply; at least one box must be checked)</b></p>	
Include documentation supporting the box checked below when filing your form.	
<input type="checkbox"/>	The receiving business transports property using the rail facilities of the transferring qualifying railroad.
<input type="checkbox"/>	The receiving business furnishes railroad-related property or services to any Class II or Class III railroad operating in Florida.
<input type="checkbox"/>	The receiving business is a Class II or Class III railroad.

**Florida Credit for Qualified Railroad  
Reconstruction or Replacement Expenditures  
Notice of Intent to Transfer a Credit**

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

I understand that the Department of Revenue will provide information regarding the transfer of a credit authorized under section 220.1915, F.S., *Credit for qualified railroad reconstruction or replacement expenditures*, to the Receiving Business. Under penalties of perjury, I declare that I have read the foregoing application, including accompanying documentation, and the facts stated in it are true and correct.

\_\_\_\_\_  
Signature of Officer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

**Contact Information**

For additional information regarding the Florida Credit for Qualified Railroad Reconstruction or Replacement Expenditures, contact Revenue Accounting:

**Phone:** 850-617-8586

**Fax:** 850-921-1171

**Email:** CreditTrackingGroup@floridarevenue.com

**Submit your completed *Notice of Intent to Transfer a Credit* to:**

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

or

**Fax:** 850-921-1171

or

**Email:** CreditTrackingGroup@floridarevenue.com