

# Tax Section of the Florida Bar

August 2016 E-Newsletter

[www.floridatallaxlawyers.org](http://www.floridatallaxlawyers.org)

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## **MEETINGS** **(SAVE THESE DATES)**

### **2016 Fall Meeting**

**October 13-15, 2016**

**The Vinoy® Renaissance St. Petersburg Resort & Golf Club**

501 5th Ave NE, St. Petersburg, FL 33701

(727) 894-1000

### **Tentative Schedule**

**Thursday, October 13** - 4:00-6:00 pm - Directors' Committee  
7:00-? Cocktails followed by Dinner (offsite)

**Friday, October 14** - 8:30-5:30 pm - Fall CLE Program  
5:30-7:00 pm - Chair's Welcome Reception  
Dinner on your own

**Saturday, October 15** - 7:30-9:30 am - Breakfast Buffet  
8:00-Noon - Section Division and Committee Meetings  
Noon-2:00 pm - Executive Council Meeting and Luncheon  
12:30-2:00 pm - Spouse/Guests Luncheon  
2:15 pm - Departure for Docent Tour of Salvador Dali Museum  
Dinner on your own

**[CLICK HERE FOR THE VINOY RESERVATIONS](#)**

**Fall CLE program on October 14th  
on the topic of Advanced Income Tax Planning for Family Businesses,  
their Owners and related Family Charitable Entities**

**At the Fall Meeting – State Tax Division Meeting:  
Don't Miss Dick Jacobs' Discussion on Sea Level Rise**

During the State Tax Division meeting at the Fall Meeting on October 15th, Past Chair of the Tax Section, attorney and author Richard O. "Dick" Jacobs of Johnson Pope will speak about the tax implications of sea level rise in Florida.

The potential impact of rising sea levels on Florida is staggering. It is a huge potential issue that implicates numerous parts of our government and political system. In October, we will examine the issue through the lens of Florida's tax system. Florida's local governments are heavily dependent on property taxes, particularly property taxes supported by high coastal values. What might happen if waterfront areas are "underwater" – literally – due to sea level rise? With the threat of sea level rise to South Florida, Tampa Bay, and other coastal regions, this tax system may not be able to generate ample revenues for necessary governmental services. How could the Florida tax system adjust to finance critical infrastructure to handle the future? Working on a revision to our state and local tax system will be an important tool for future state leaders.

**ITC and ITC Bootcamp**

**January 4–6, 2017**

JW Marriott Miami

Special Group Rate Starts at \$309 Per Night

**Directors' Committee Meeting and Past Chairs' CLE**

**March 2-5, 2017**

Villagio Inn and Spa, Yountville, California

**2017 Annual Meeting**

**May 4 -7, 2017**

The Breakers, Palm Beach

Visit the Tax Section website for more information: <http://www.floridatlawyers.org>

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## PHONE CLE

- **Division:** Fed Tax Division of the Florida Bar Tax Section  
**Date:** 9/14/2016 12 p.m. – 1 p.m.  
**Speakers:** James Schmidt  
**Topic:** Rev. Proc. 2002-22 and tax rules relating to tenant in common structures  
The CLE will be free and worth 1 credit.  
**Location:** Tel: (712) 432-0900, Code: 611713
- **Division:** Fed Tax Division of the Florida Bar Tax Section  
**Date:** 9/28/2016 12 p.m. – 1 p.m.  
**Speakers:** Steven Hadjilogiou & Mike Bruno  
**Topic:** US Tax Issues of Cuba Investment  
**Location:** Tel: (712) 432-0900, Code: 611713

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## WRITING OPPORTUNITIES

### Florida Bar Tax Section Bulletin

Are you interested in publishing an article that will be circulated to the 2000 plus members of the Tax Section? If so, preparing an article for the Tax Section Bulletin is a great way to gain notoriety in the Section and beyond. Please contact any one of the following Tax Section representatives if you are interested:

Greg McLaughlin      954-760-4925      [gam@trippscott.com](mailto:gam@trippscott.com)

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## Tax Section Comments on IRS Regulation Projects

The Tax Section has members working on comments on the following IRS regulation projects. If you are interested in participating in either comment project contact Brian Harris at [brian.harris@akerman.com](mailto:brian.harris@akerman.com).

(1) **Transfers of Property to Partnerships with Related Foreign Persons.** We are looking at putting together a group and are soliciting volunteers to prepare comments in response to Notice 2015-54, Transfers of Property to Partnerships with Related Foreign Partners and Controlled Transactions Involving

Partnerships. Notice 2015-54 is aimed at IP migrations that utilize partnerships. A typical IP migration involves a transfer of IP from a US company to a foreign company. As such, the use of partnerships is the less frequently used approach. Portions of Notice 2015-54 mandate the use of the remedial method under Code Section 704(c) to cause the US contributor to have income, and portions seemingly apply IRC 482 principles in a manner this is possibly inconsistent with the *Veritas* decision and invokes the income allocation rules used by the current cost sharing rules under Treas. Reg. Section 1.482-7. The cost sharing rules require that a significant amount of profits earned by contributed IP be allocated to the contributing cost sharing participant. As such, the application of the cost sharing approach to partnerships may exceed the IRS's authority. The impact of the Notice 2015-54 may extend to other areas of partnership tax and maybe even estate and gift tax planning.

(2) **FIRPTA Reorganizations.** We are currently looking at the Requested Exclusion of FIRPTA Reorganizations from Corporate Inversion Rules. The principal covered Code Sections are 7874 and 897. Participants include: Jim Barrett, Bob Hudson, Steve Hadjilogiou, Jeff Rubinger, Joe McFarland, James Schmidt, Summer LePree, Ceci Hassan, Bobby Moore, Michael Bruno, Adam Smith, Alfredo Tamayo and Hans Tanzler IV. There is no comments deadline and this project is ongoing.

(3) **Partnership Audit Rules.** We are looking at putting together a group and are soliciting volunteers to prepare comments in response to Notice 2016-23, Implementation of the New Partnership Audit Regime Enacted as Part of the Bipartisan Budget Act of 2015.

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## Pro Bono Volunteer Opportunities

Florida's Low Income Taxpayer Clinics (LITCs) assist low income taxpayers with IRS controversies, including, collections, liability disputes and Tax Court petitions. Studies show that representation significantly increases positive outcomes for low income taxpayers. If interested in representing a low income taxpayer, please directly contact the LTC nearest you (for a complete list of the LITCs in Florida, go to [www.lsgmi.org](http://www.lsgmi.org) and click on Low Income Taxpayer Clinic under Quick Links.

Volunteers needed for the U.S. Tax Court Pro-Bono Calendar Call Program. The Program is designed to have local tax practitioners volunteer their time to pro se taxpayers during Small Case calendar call sessions without entering their name as the attorney of record. If you are interested in participating, please contact Karen J. Lapekas at 305-600-1485 or [karen@lapekaslaw.com](mailto:karen@lapekaslaw.com).

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## Fed Tax and State Tax ListServ's

The Tax Section has made Listserv's available to members to exchange ideas, opinions, information, and comments in a positive and professional environment. The Tax Section Listserv sign up, how the Tax Section Listserv works and the applicable rules for participants can be found at <http://floridatlawyers.org/listserv/>.

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## Sponsors

The Tax Section thanks the following businesses for supporting Tax Section activities:

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**Questions or comments, please email Chris Hargett at  
chargett@flabar.org or visit our website at  
[www.floridatlawyers.org](http://www.floridatlawyers.org)**