

## The Florida Bar Tax Section

This has been an eventful year for the Tax Section on the heels of major tax reform legislation. We celebrated the beginning of summer with our longstanding tradition of gathering at Amelia Island to organize our year and spend time with our families. Mark A. Prater, former Chief Tax Counsel to the U.S. Senate Finance Committee, served as keynote speaker during the annual *Ullman Year in Review* CLE program, and we honored him as the 2018-2019 Marvin C. Gutter Outstanding Public Service Award recipient. His unique perspective and comprehensive knowledge on the passage of the 2017 Tax Cuts and Jobs Act (TCJA) was invaluable to us as we continue to feel the reverberations of this legislation and its proposed regulations.

In keeping with our goal this year to emphasize the Section's involvement in federal tax policy and to have a seat at the proverbial table regarding the implementation of the TCJA, we traveled for the first time in over a decade to Washington, D.C. for our Fall Meeting. We met with various key federal officials and agencies (such as the senior tax staff of the House Ways and Means Committee and Senate Finance Committee, IRS, and Department of Treasury) involved with the drafting and interpretation of the TCJA pursuant to the regulations to be promulgated thereunder. Following these in-person meetings, our International Tax Committee of the Federal Tax Division submitted regulatory comments under the guidance of Steven Hadjilogiou, Shawn Wolf, Michael Bruno, Keith Hagan, and James Barrett. Their comments were adopted on March 4, 2019, by the Treasury Department and the IRS in the form of proposed regulations to Section 250 regarding Global Intangible Low-Taxed Income (GILTI) deduction eligibility. This was a significant achievement for the Tax Section, and a testament to the engagement of the Tax Section's international tax attorneys and the value of establishing and maintaining contacts at the federal level as a means of having a positive impact on tax policy and administration. Active involvement in the Tax Section provides one a platform to have that "seat at the table" to effectuate such change!

The wealth of substantive information we gleaned from our D.C. meetings fueled a subsequent five-part audio webcast CLE series for those who were unable to attend in person. Members of our Federal Tax Division have also authored comments on the proposed regulations for the Section 199A deduction, Opportunity Zones under Section 1400Z, and clarification of potential "clawback" provisions associated with estate and gift tax law changes.

On the state and local front, State Tax Division Director H. French Brown, IV has submitted comments on behalf of the Tax Section on the impact of the TCJA upon Florida corporate income tax and made recommendations regarding various piggyback and decoupling issues associated therewith. The Section is also actively engaged in a variety of legislative drafting efforts in association with other Sections, such as the Business Law Section and the Real Property, Probate, and Trust Law Section.

January opened with record attendance at the 37<sup>th</sup> *Annual International Tax Conference* in Miami, co-sponsored by the Florida Institute of Certified Public Accountants. Almost immediately following this signature event, our Directors' Committee held a Long-Range Planning Mini Retreat to review the progress made to date on the Long-Range Plan adopted by the Section during Immediate Past Chair Joseph Schimmel's tenure. Bylaws Amendments were reviewed in order to implement the changes recommended by the Long-Range Plan. Members of the New Tax Lawyers Division were invited to attend and participate in the mini retreat, as a reflection of the Section's priority this year to foster more collaboration between seasoned Section members and those who are relatively new to tax practice.

This year, the Tax Section partnered for the first time with the University of Florida's Graduate Tax Program for the 30<sup>th</sup> Annual National Tax Moot Court Competition, held at the UF Levin College of Law. Twelve student teams from across the country (one team traveled from Oregon) participated in this year's event, and we welcomed dozens of attorneys as volunteer oral argument judges. Three U.S. Tax Court judges returned this year for the consolation and final rounds on the last day of the competition, which, as always, offered an invaluable learning experience to tomorrow's tax lawyers. Congratulations to this year's champion, Liberty University School of Law!

We offered a half-day CLE on *Creditor Protection Nuts and Bolts* in April and ran headlong into the culmination of our year at our Annual Meeting, held May 2-4, 2019, at Rosen Shingle Creek in Orlando. We offered a full-day CLE on *Choice of Entity Post-TCJA* during our Annual Meeting, and welcomed back Mark A. Prater as a featured speaker, along with Dr. Jerry Parrish, Chief Economist for the Florida Chamber Foundation. We concluded our meeting by honoring past Tax Section chairs Leslie J. Barnett and Bruce Bokor, both of the Tampa Bay area, as co-recipients of the 2018-2019 Gerald T. Hart Outstanding Tax Attorney of the Year Award and hosted a Kentucky Derby-themed reception and dinner to celebrate their accomplishments.

Our Section has responded to the evolving needs and landscape of our membership this year by forming a freestanding International Tax Division, to be formally instituted following a Bylaws revision. We are also expanding the focus of our Membership Recruitment Committee (now known as the Marketing and Membership Committee) to include a more active marketing function. Our Section members have benefitted from an active telephonic CLE program, and we have offered twelve telephonic CLEs free of charge to our valued members. Participation in these free CLE offerings averages 150 attendees per call.

Last October, Hurricane Michael adversely impacted numerous counties in Florida, and many are still recovering. Governor Rick Scott declared a State of Emergency for 35 Florida counties and President Trump issued a Major Disaster Declaration for Hurricane Michael. The Florida Institute of Certified Public Accountants (FICPA) and the Tax Section came together and submitted a letter to Senators Bill Nelson and Marco Rubio requesting they direct the IRS to extend the October 15, 2018, filing deadline for 2017 returns. This joint request was granted, and the IRS extended the deadline to February 28, 2019, for those individuals and businesses located within any Major Disaster Declaration area designated by FEMA as qualifying for either individual or public assistance.

At the invitation of the First District Court of Appeal, the Tax Section assembled a team comprised of Benjamin Phipps, Mitchell Horowitz, and Jerry Donnini to prepare an *amicus curiae* brief in the case of *Crapo v. Academy for Five Elements Acupuncture, Inc.* The issue we were asked to address concerned whether a value adjustment board determination of tax exemption in prior years, which is not litigated, is subject to administrative finality, or any other preclusive doctrine, in a current year where the property appraiser does decide to litigate the exemption issue. We submitted the brief on January 22, 2019.

Last spring, we lost a dear friend, mentor, ambassador, and legend of the Tax Section with the passing of Samuel C. Ullman, who served as Section Chair from 1977-1978, founded the annual *Ullman Year in Review* CLE program, helped found the Tax Law Certification program approved in 1982, and served as professor and mentor to many. During last year's Annual Meeting, our Executive Council unanimously passed a motion that the Tax Section would commit \$30,000 over the next six years to endow a memorial scholarship in Sam's memory for students of the Graduate Tax program at the University of Florida Levin College of Law. Individual pledges were also welcomed from any who wished to contribute

to Sam's memory. By December 2018, *The Florida Bar Tax Section and Friends of Samuel C. Ullman Endowed Memorial Graduate Tax Scholarship* had pledges in excess of \$108,000. It is our continued hope that this scholarship will serve to perpetuate the legacy of our dear friend and colleague.

As the year draws to a close, it strikes me how many of our members have risen to the occasion over this past year to make this year such a huge success and to provide the momentum we now enjoy as we prepare the Tax Section to address the challenges of the future. It has been a great privilege and honor to serve as Chair this year and we look forward to continued progress on implementing our Long-Range Plan next year under the leadership of Janette McCurley.

Michael D. Minton, Chair