



Global Perspective.

**LOPEZ LEVI
LOWENSTEIN
GLINSKY**

Individual Focus.

ABOUT OUR FIRM



- Founded in South Florida almost 30 years ago
- Specialized international tax consulting serving international and domestic private clients
- Multi-lingual professionals:
 - Arabic, French, Mandarin, Portuguese, Russian, Spanish.
- Concierge-oriented services and expert advice
- Listed in the *Fast 50: 50 Fastest Growing Firms 2017* by the South Florida Business Journal



- Fundada no Sul da Florida ha quase 30 anos
- Especializada em consultoria tributaria internacional e a clientes privados.
- Profissionais Multi-lingues:
 - Arabe, Frances, Mandarin, Portugues, Russo, Espanhol.
- Servicos em estilo concierge
- Premiada no *Fast 50: 50 Fastest Growing Firms 2017* pelo “ The South Florida Business Journal”

RAIMUNDO LOPEZ LEVI

MANAGING PARTNER AT LOPEZ LEVI LOWENSTEIN
GLINSKY

- Nearly 30 years of experience
- Worked for Arthur Andersen in both the audit and tax divisions
- Bachelor of Accounting from Florida International University
- Master in Accounting from St. Thomas University
- Certified Public Accountant (CPA)
- Certified in Financial Forensics (CFF)
- Certified Valuations Analysis (CVA)
- Featured in “Power Leaders in Accounting 2017” by the *South Florida Business Journal*

Member of:

- *American Institute of Certified Public Accountants (AICPA)*
- *Florida Institute of Certified Public Accountants (FICPA)*
- *Associations of Certified Fraud Examiners (ACFE)*
- *National Associations of Valuations Analysis*

RAIMUNDO LOPEZ LEVI

SÓCIO-GERENTE DA LOPEZ LEVI LOWENSTEIN GLINSKY

- Quase 30 anos de experiência
- Iniciou carreira na multinacional Arthur Andersen.
- Bacharel em Ciências Contábeis - Florida International University
- Mestre em Contabilidade - St. Thomas University
- Contador de fé pública (CPA)
- Perito Contábil (CFF)
- Certificado em Análise de Avaliação (CVA)
- Premiado em “Power Leaders in Accounting 2017” pelo *South Florida Business Journal*

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DIRECTOR OF INTERNATIONAL TAX

OLGA VODOLAZSCHI

- Olga advises individuals, families and businesses on establishing their presence in the U.S. and the relevant U.S. federal tax implications and compliance
- B.A. from Skidmore College
- J.D. from Seton Hall University School of Law
- LL.M from University of Miami School of Law
 - Licensed in Florida and New York
 - Olga is fluent in English, French, Romanian, Russian and Spanish
 - *Contact: OVodolazschi@LLLGPA.com*



DIRETORA DE TRIBUTAÇÃO INTERNACIONAL

OLGA VODOLAZSCHI

- Olga aconselha indivíduos, famílias e empresas no estabelecimento da sua presença nos EUA e com as implicações e cumprimento tributários relevantes ao seu caso.
- Bacharel pelo Skidmore College
- Juris Doctor pela Universidade de Direito Seton Hall.
- LL.M Especialização em Direito Tributário pela Universidade de Miami.
 - Licenciada na Florida e em New York
 - Olga é fluente em English, Francês, Romeno, Russo e Espanhol.
 - *Contato: OVodolazschi@LLLGPA.com*



LOPEZ LEVI LOWENSTEIN GLINSKY

Global Perspective. Individual Focus.

LLLG EXPERIENCE

Big 4
Expertise and
Quality

LLLG
Experience

Boutique
Client
Relationship

**WHAT SHOULD YOU KNOW
ABOUT
U.S. TAX SYSTEM AND THE NEW
TAX BILL?**

2018

**O QUE VOCE PRECISA SABER
SOBRE O SISTEMA TRIBUTÁRIO
AMERICANO E A NOVA LEI DE
IMPOSTO DE RENDA**

2018

**RELEVANT TOPICS FOR
U.S. FISCAL RESIDENTS
TAXED ON WORLDWIDE INCOME**

- ✓ **DO YOU OWN ANY COMPANIES ABROAD?**
- ✓ **ARE YOU A PARTIAL OWNER IN A FAMILY BUSINESS?**

**TÓPICOS RELEVANTES PARA
RESIDENTES FISCAIS DOS USA
TRIBUTADOS SOBRE A RENDA GLOBAL**

- ✓ **VOCE E DONO DE EMPRESAS FORA DOS USA?**
- ✓ **VOCE TEM PARTICIPACAO EM NEGOCIOS DE FAMILIA?**

PARTICIPATION EXEMPTION SYSTEM / SISTEMA DE ISENÇÃO POR PARTICIPAÇÃO

✓ 100% dividends received deduction

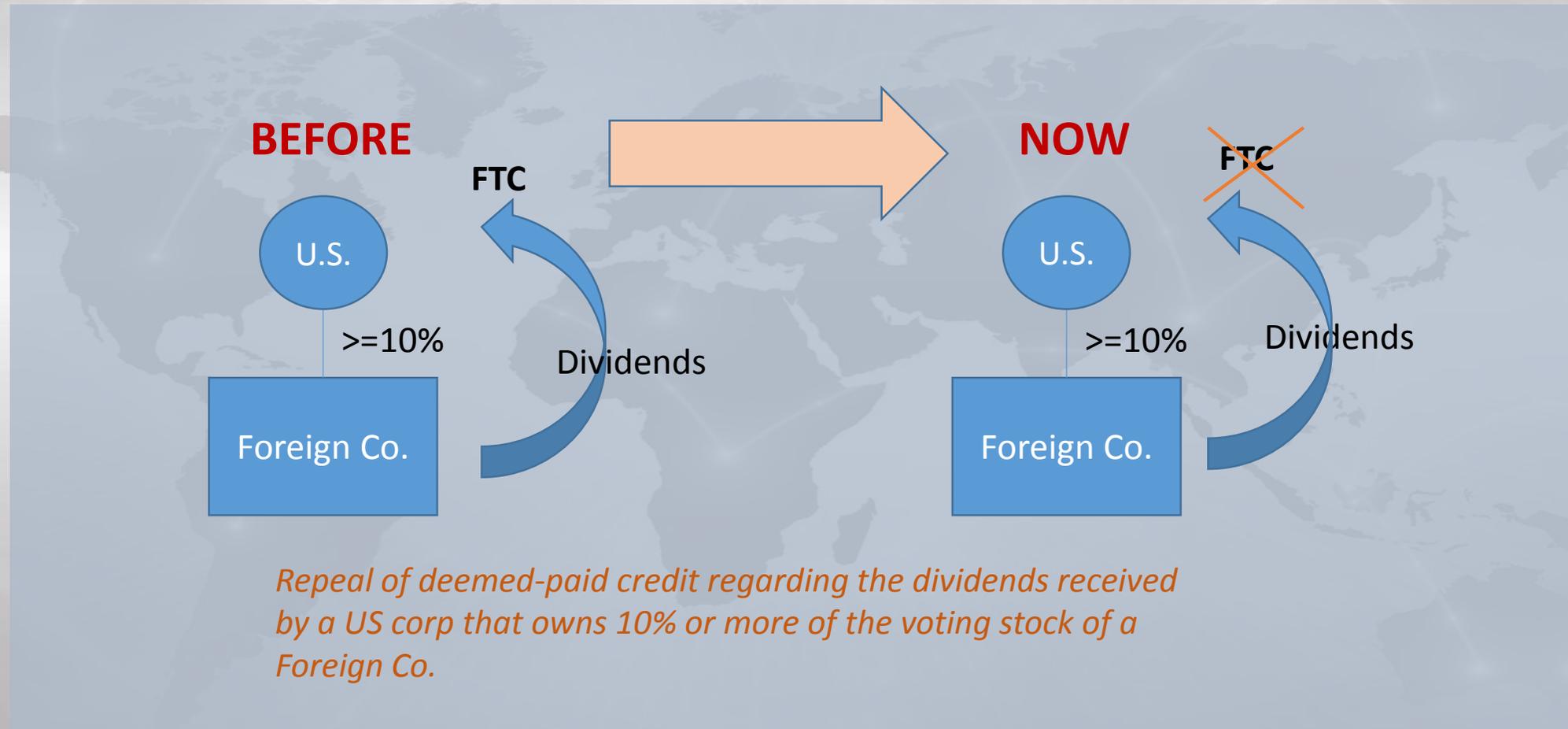
- ✓ Direct actual dividends
- ✓ Dividends indirectly received through a PRS
- ✓ Applies to foreign-source dividends from a “specified 10% owned foreign corporation” after Dec. 31st 2017 (SFC)
- ✓ DRD applies only to domestic corporate shareholders
- ✓ Must be a US shareholder under 951(b)
- ✓ One year holding period requirement

✓ 100% de dedução dos dividendos recebidos

- ✓ Dividendos recebidos diretamente
- ✓ Dividendo recebido indiretamente através previdencia privada (PRS)
- ✓ Se aplica a dividendos de fonte no exterior sendo “participação específica de mais de 10% numa Corp. estrangeira” após 31 Dez 2017 (SFC).
- ✓ Dedução se aplica apenas a acionistas corporativos domésticos.
- ✓ Deve satisfazer os critérios de acionista segundo 951(b)
- ✓ Participação de mais de um ano

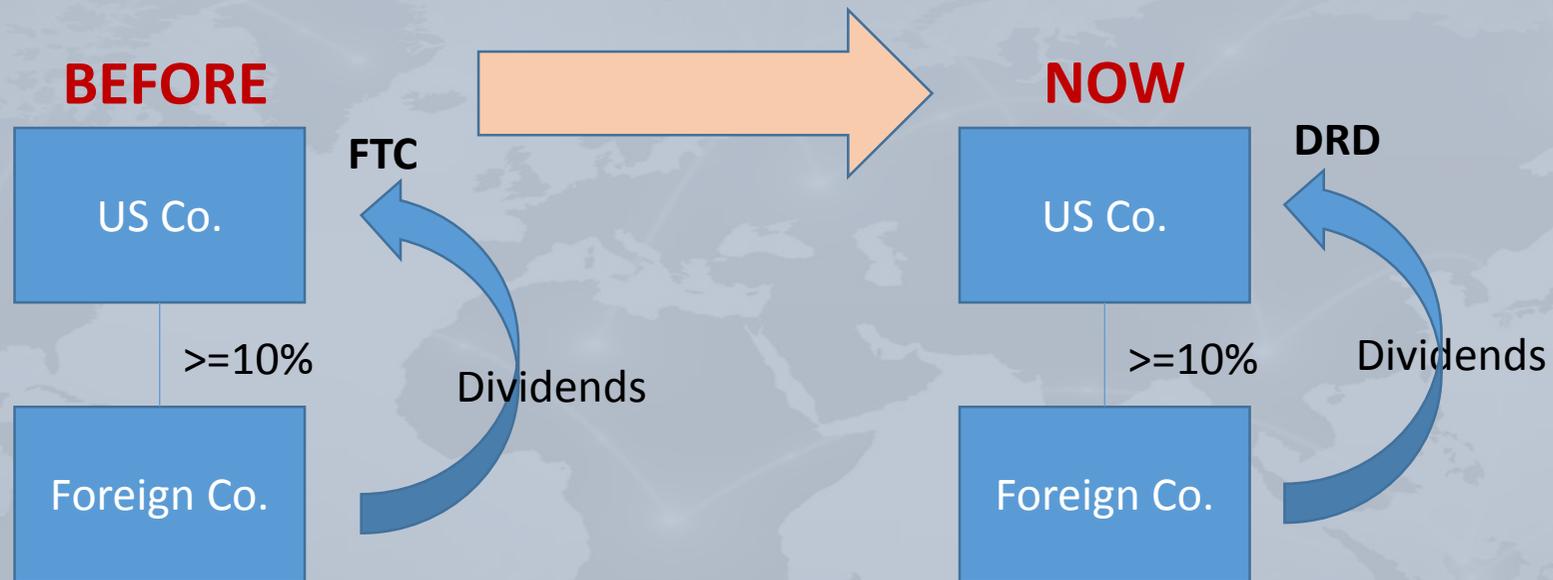
LAW BEFORE JANUARY 1ST, 2018: INDIRECT TAX CREDIT

LAW AFTER JANUARY 1ST, 2018: PARTICIPATION EXEMPTION SYSTEM



LAW BEFORE JANUARY 1ST, 2018: INDIRECT TAX CREDIT

LAW AFTER JANUARY 1ST, 2018: PARTICIPATION EXEMPTION SYSTEM



Repeal of deemed-paid credit regarding the dividends received by a US corp that owns 10% or more of the voting stock of a Foreign Co.

TRANSITION TAX / IMPOSTO DE TRANSIÇÃO – NEW LAW!

APPLIES TO WHO?

- Applies to U.S. Shareholders of CFCs, or FCs with at least 10% US corporate SH, and the SFC must have deferred income

Applies on What?

- For the last year before 2018, a U.S. shareholder must include in income its pro rata share of the undistributed, previously untaxed post-1986 foreign earnings of the specified foreign corporation (SFC), determined as of November 2, 2017 or December 31, 2017, whichever amount is higher

A QUEM SE APLICA?

- Se aplica a acionistas americanos de “CFCs” ou “FCs” com pelo menos 10% de participação Americana, e que a “SFC” tenha renda diferida/acumulada.

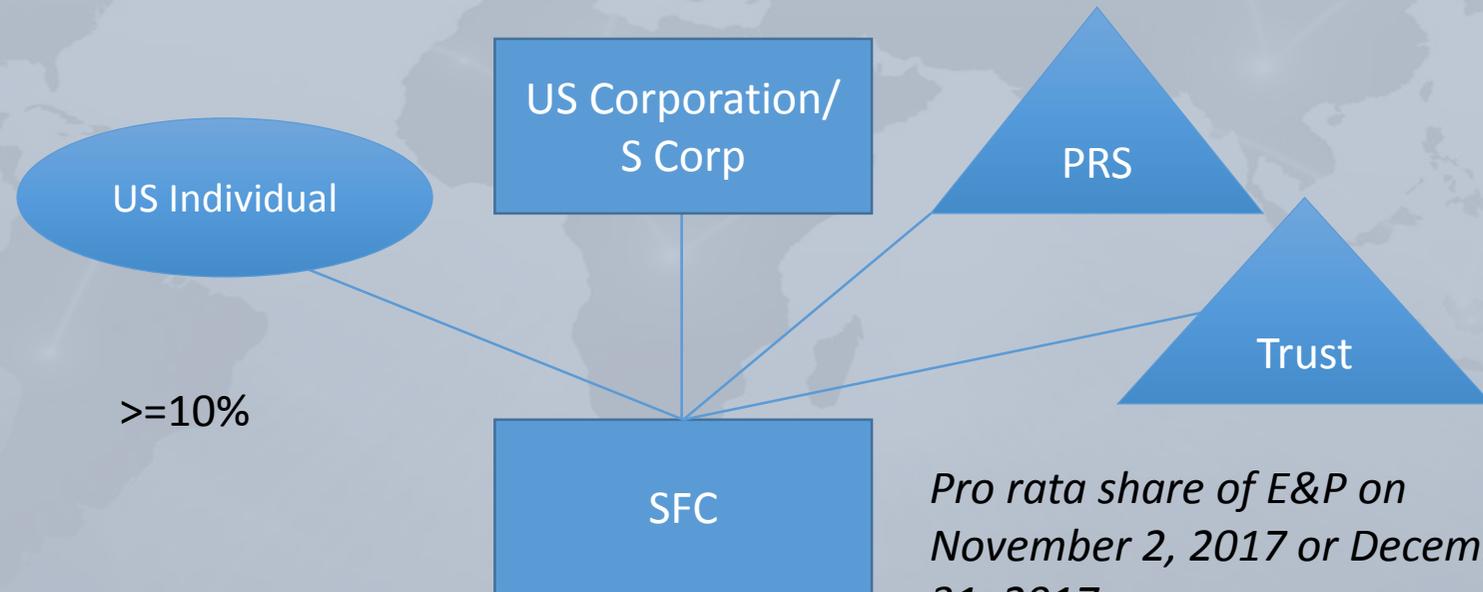
A que se aplica?

- No ano anterior a 2018, um acionista americano tem que incluir como renda, o valor correspondente à sua participação na renda estrangeira da corporação especificada (SFC), que não tenha sido previamente tributada “pós-1986”, e determinada em 02 de Novembro de 2017 ou 31 de Dezembro de 2017 – o que for maior.

TRANSITION TAX – APPLIES TO WHO?/ IMPOSTO DE TRANSIÇÃO A QUEM SE APLICA? ANY US SHAREHOLDER/ QUALQUER ACIONISTA AMERICANO

Note: S Corporations can elect until a triggering event occurs

Obs: “S Corporations” podem optar por não participar até que ocorra um fator gerador



Pro rata share of E&P on November 2, 2017 or December 31, 2017

TRANSITION TAX / IMPOSTO DE TRANSIÇÃO

Taxed at What Rate?

- Taxed at reduced rates:
 - **15.5% on deferred earnings held in cash or cash equivalents (17.5% for individuals)**
 - Cash, A/R, and fair market value of similarly liquid assets (i.e. personal property that is actively traded on an established financial market, government securities, certificates of deposit, commercial paper, foreign currency, and short-term obligations.
 - **8% on non-cash amounts (i.e. IP, etc.) (9.05% for individuals)**
- One-time transition tax is payable over an 8-year period (election)
 - 8% for years 1-5
 - 15% for year 6
 - 20% for year 7
 - 25% for year 8
 - No interest on the installment payments

Qual a alíquota do Transition Tax?

- Tributado em alíquota reduzida:
 - **15.5% em renda acumulada em forma de espécie ou equivalente (17.5% para pessoa física)**
 - Espécie, Contas a Receber e ativos líquidos ou similares em valor de mercado (ex. Bens pessoais que podem ser ativamente negociados no Mercado, títulos do governo, certificados de depósito, nota promissória, moeda estrangeira, e obrigações a curto prazo.
 - **8% em bens não-monetários (ex. P.I., etc.) (9.05% para pessoa física)**
- O imposto de transição pode ser pago em um período de 8 anos (solicitação)
 - 8% de 1-5 anos
 - 15% em 6 anos
 - 20% em 7 anos
 - 25% em 8 anos
 - Não há juros nos planos de pagamento

TRANSITION TAX - EXAMPLE

U.S. Ind.

Foreign Co.

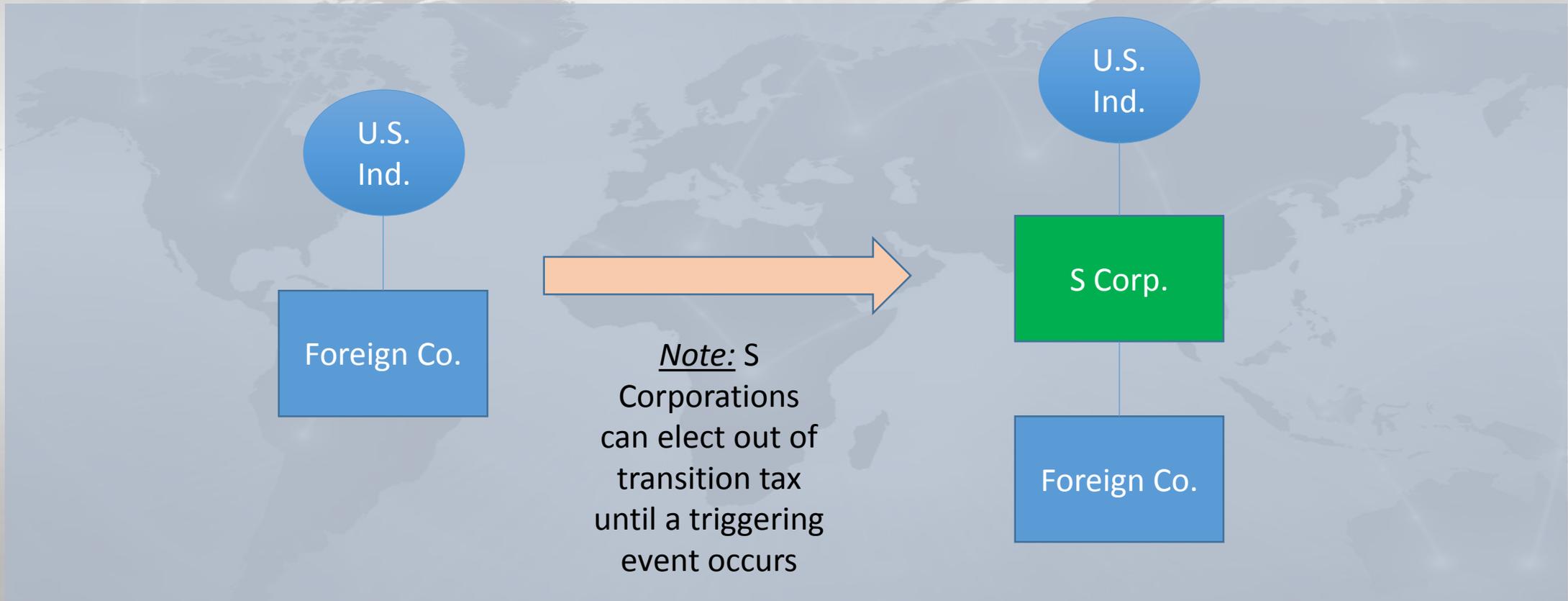
\$100 Cash

\$100 Non-Cash

- Cash = $17.5\% \times 100 = \$17.5$
- Non-Cash = $9.05\% \times 100 = \$9.05$
- Total Transition Tax Liability = $\$26.55$

- 8 year payment plan:
- Year 1-5 = $8\% \times 26.55$
- Year 6 = $15\% \times 26.55$
- Etc.

TRANSITION TAX – MITIGATING TECHNIQUE UNTIL DECEMBER 31, 2017!



U.S. Estate Tax Changes / Imposto sobre Herança

- **Previously** – U.S. tax residents can pass \$5,000,000 (adjusted annually for inflation) gift tax-free/ estate tax-free
- * *The exclusion is \$11,000,000 for married couples*
- ***For 2017, the exclusion \$5,490,000*
- **New Tax Law** – the exclusion is doubled to \$11,000,000 for individuals and \$22,000,000 for married couples
- For NRAs, the \$60,000 exemption (unadjusted for inflation) is unaffected

- **Anteriormente** – Isenção de imposto sobre herança para Residentes Fiscais = \$5,000,000 (ajustado anualmente com a inflação).
- * *Isenção de \$11,000,000 para casados*
- **Em 2017, a exclusão foi de \$5,490,000*
- **Nova Lei** – a exclusão foi duplicada de \$11,000,000 soleteiros e \$22,000,000 para casados
- Para não residentes, a isenção de \$60,000 (não ajustada pela inflação) se mantém.



**TOPIC 3: GLOBAL
INTANGIBLE LOW-TAXED
INCOME (GILTI)**



**TOPIC 3: GLOBAL
INTANGIBLE LOW-TAXED
INCOME (GILTI)**

- There is a new tax on GILTI of US Shareholders of CFCs (Controlled Foreign Corporation).
- **GILTI = low-taxed income of CFC that exceeds a 10% return on capital invested in tangible depreciable property used in trade or business**
 - Does not include amount that are otherwise includable at subpart F
 - Determined on quarterly basis
 - 50% deduction available to C Corporations (deduction drops to 37.5% after 2025)
 - Section 78 gross up for C Corporations
 - Effective rate of 10.5% (rate of 13.125% after 2025)
 - 80% of foreign tax paid allocable to GILTI = FTC
- Foi criado um novo imposto sobre o **on GILTI** de um acionista Americano numa CFCs (Empresa Extranheira Controlada).
- **GILTI = tributação sobre a renda de uma CFC que exceda 10% de retorno do capital investido em bens tangíveis e depreciables usados no negócio**
 - Não inclui o valor que deveria ser incluído como renda “subpart F”
 - Calculado trimestralmente
 - 50% de dedução para “C Corporations” (diminui para 37.5% depois de 2025)
 - Seção 78 utiliza o valor bruto para C Corporations
 - Alíquota efetiva de 10.5% (13.125% depois de 2025)
 - 80% do imposto estrangeiro pago é alocado ao GILTI = FTC

GLOBAL INTANGIBLE LOW-TAXED INCOME-EXAMPLE



Example	Scenario 1	Scenario 2
GILTI (after tax)	\$85	\$90
§ 78 gross-up	15	10
Total GILTI inclusion	\$100	\$100
50% GILTI deduction	(50)	(50)
Taxable income	\$50	\$50
US corp tax rate	x 21%	x 21%
US tax	\$10.50	\$10.50
FTC (80%)	(12)	(8)
Residual US tax	0.00	\$ 2.50
Global ETR	15.0%	12.5%

Scenario 1: CFC earns \$100 and local taxes of \$15

Scenario 2: CFC earns \$100 and local taxes of \$10

**RELEVANT TOPICS FOR
ALL:
RESIDENTS
NON-RESIDENTS
& CORPORATIONS**

**TÓPICOS RELEVANTES PARA
TODOS:
RESIDENTES
NÃO-RESIDENTES
& CORPORAÇÕES**

Table 1. Single Taxable Income Tax Brackets and Rates, 2017

Rate	Taxable Income Bracket
10% / 10%	\$0 to \$9,325 / \$0 to \$9,525
15% / 12%	\$9,325 to \$37,950 / \$9,525 to \$38,700
25% / 22%	\$37,950 to \$91,900 / \$38,700 to \$82,500
28% / 24%	\$91,900 to \$191,650 / \$82,500 to \$157,500
33% / 32%	\$191,650 to \$416,700 / \$157,500 to \$200,000
35% / 35%	\$416,700 to \$418,400 / \$200,000 to \$500,000
39.60% / 37%	\$418,400+ / \$500,000+

Table 2. Married Filing Joint Taxable Income Tax Brackets and Rates, 2017

Rate	Taxable Income Bracket
10% / 10%	\$0 to \$18,650 / 0\$ to \$19,050
15% / 12%	\$18,650 to \$75,900 / \$19,050 to \$77,400
25% / 22%	\$75,900 to \$153,100 / \$77,400 to \$165,000
28% / 24%	\$153,100 to \$233,350 / \$165,000 to \$315,000
33% / 32%	\$233,350 to \$416,700 / \$315,000 to \$400,000
35% / 35%	\$416,700 to \$470,700 / \$400,000 to \$600,000
39.60% / 37%	\$470,700+ / \$600,000+

Changes at the
Individual Level Brackets

Mudanças nas alíquotas
da Pessoa Física

Pass-through Entities 20% Deduction

- The changes expire after 2025
- Examples of pass-through entities – S corporation, partnership, LLCs, disregarded entities
- These entities can deduct 20 percent of the “Qualified Business Income” tax-free
- The deduction applies if the taxable income is under \$315,000 for married couples or \$157,500 for single filers

Dedução de 20% para Entidades “de passagem”

- Expiram após 2025
- Exemplos de entidades de “passagem”: S corporation, partnership, LLCs, entidades desconsideradas.
- Estas entidades podem deduzir 20% de sua “Renda Comercial Qualificada” livre de impostos.
- A dedução se aplica se a renda tributável for abaixo de \$315,000 para casais e \$157,500 para solteiros

Mortgage Interest Payments at Individual Level

- **Previous law** – deduction of any interest on up to \$1,000,000 worth of mortgage loans
- **New Tax Law** – Interest deduction capped for \$750,000 worth of new mortgage loans

Pagamento de Juros de financiamento imobiliário na Pessoa Física

- **Lei anterior** – dedução de juros em empréstimos imobiliários de até \$1,000,000
- **Nova Lei** – Limita a dedução de juros em novos empréstimos imobiliários em \$750,000.

Limitation on Deduction of State, Local and Property Taxes at the Individual Level

- **Previous law** – the state and local and property tax deduction is unlimited
- **New Tax Law** – individuals and married couples are capped at \$10,000 for any state, local and property taxes
 - *Tax hit for states such as California, Connecticut and New York!*

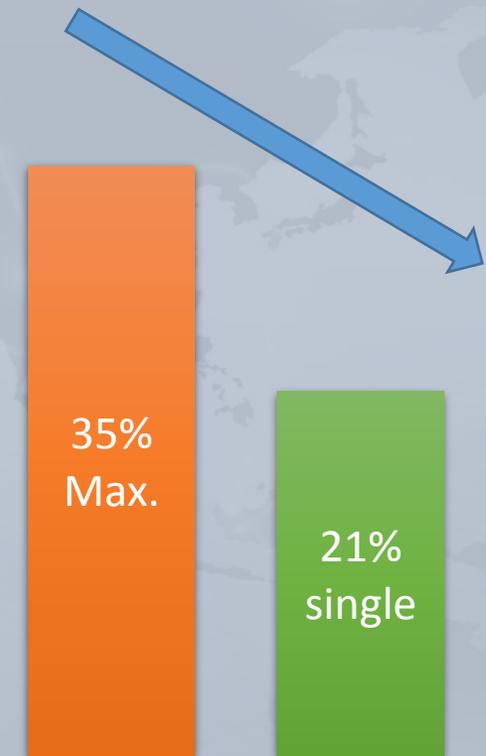
Limitação da Dedução de Impostos Estaduais, Locais e Predial na Pessoa Física

- **Lei Anterior** – a dedução de impostos pagos em nível Estadual, Local e Predial não tinha limitação.
- **Nova Lei** – solteiros e casados estão limitados em deduzir até \$10,000 dos demais impostos estaduais, locais e prediais
 - *Tax hit for states such as California, Connecticut and New York!*

Corporate Tax

- As of January 1, 2018, corporate maximum tax rate of 35% will decrease to a single tax rate of 21% - *Permanent tax cut!*

- A partir de 1ro. de Janeiro de 2018, a alíquota máxima Corporativa de 35% baixou para uma alíquota única de 21% - *Permanenteemente!*



THANK YOU FOR YOUR TIME

Raimundo Lopez Levi – Managing Partner

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