



Florida Taxpayer's Bill of Rights

Do you know your rights under Florida law ?

The Department of Revenue is responsible for administering the tax laws of Florida in a fair and efficient manner. Promoting voluntary compliance, which ensures that all taxpayers pay their applicable taxes, is an important part of the Department's mission. The Department also has an obligation to monitor compliance and to take action when taxpayers fail to comply with relevant tax laws. The provisions in the Taxpayer's Bill of Rights protect taxpayers' privacy and assets during any actions taken by the Department of Revenue.

The 1992 Florida Legislature passed legislation creating the Taxpayer's Bill of Rights. It is a single document that explains, in simple and non-technical terms, the rights and obligations of both the taxpayer and the Department. The basic rights, as granted by section 213.015, Florida Statutes (F.S.), are outlined in this brochure.

1. The right to available information and prompt, accurate responses to questions and requests for tax assistance.
2. The right to request assistance from a taxpayers' rights advocate of the Department, who shall be responsible for facilitating the resolution of taxpayer complaints and problems not resolved through the normal administrative channels within the Department, including any taxpayer complaints regarding unsatisfactory treatment by Department employees. The taxpayers' rights advocate may issue a stay order if a taxpayer has suffered or is about to suffer irreparable loss as a result of an action by the Department (see ss. 20.21(3) and 213.018, F.S.).
3. The right to be represented or advised by counsel or other qualified representatives at any time in administrative interactions with the Department, the right to procedural safeguards with respect to recording of interviews during tax determination or collection processes conducted by the Department, the right to be treated in a professional manner by Department personnel and the right to have audits, inspections of records, and interviews conducted at a reasonable time and place except in criminal and internal investigations (see ss. 198.06, 199.218, 201.11(1), 203.02, 206.14, 211.125(3), 211.33(3), 212.0305(3), 212.12(5)(a), (6)(a), and (13), 212.13(5), 213.05, 213.21(1)(a) and (c), 213.34, F.S.).
4. The right to freedom from penalty attributable to any taxes administered by the Department of Revenue; freedom from payment of uncollected sales, use, motor or diesel fuel, or other transaction-based excise taxes administered by the Department of Revenue; and to abatement of interest attributable to any taxes administered by the Department of Revenue, when the taxpayer reasonably relies upon binding written advice furnished to the taxpayer by the Department through authorized representatives in response to the taxpayer's specific written request which provided adequate and accurate information (see ss. 120.565 and 213.22, F.S.).
5. The right to obtain simple, nontechnical statements which explain the reason for audit selection and the procedures, remedies, and rights available during audit, appeals, and collection proceedings. These rights include, but are not limited to, the rights pursuant to this Taxpayer's Bill of Rights and the right to be provided with a narrative description which explains the basis of audit changes, proposed assessments, assessments, and denials of refunds; identifies any amount of tax, interest, or penalty due; and states the consequences of the taxpayer's failure to comply with the notice.

6. The right to be informed of impending collection actions which require sale or seizure of property or freezing of assets, except jeopardy assessments, and the right to at least 30 days' notice in which to pay the liability or seek further review (see ss. 198.20, 199.262, 201.16, 206.075, 206.24, 211.125(5), 212.03(5), 212.0305(3)(j), 212.04(7), 212.14(1), 213.73(3), 213.731, and 220.739, F.S.).
7. The right to have all other collection actions attempted before a jeopardy assessment unless delay will endanger collection and, after a jeopardy assessment, the right to have an immediate review of the jeopardy assessment (see ss. 212.15, 213.73(3), 213.732, and 220.719(2), F.S.).
8. The right to seek review, through formal or informal proceedings, of any adverse decisions relating to determinations in the audit or collections processes and the right to seek a reasonable administrative stay of enforcement actions while the taxpayer pursues other administrative remedies available under Florida law (see ss. 120.80(14)(b), 213.21(1), 220.717, and 220.719(2), F.S.).
9. The right to have the taxpayer's tax information kept confidential unless otherwise specified by law (see s. 213.053, F.S.).
10. The right to procedures for retirement of tax obligations by installment payment agreements which recognize both the taxpayer's financial condition and the best interests of the state, provided that the taxpayer gives accurate, current information and meets all other tax obligations on schedule (see s. 213.21(4), F.S.).
11. The right to procedures for requesting cancellation, release, or modification of liens filed by the Department and for requesting that any lien which is filed in error be so noted on the lien cancellation filed by the Department, in public notice, and in notice to any credit agency at the taxpayer's request (see ss. 198.22, 199.262, 212.15(4), 213.733, and 220.819, F.S.).
12. The right to procedures which assure that the individual employees of the Department are not paid, evaluated, or promoted on the basis of the amount of assessments or collections from taxpayers (see s. 213.30(2), F.S.).
13. The right to an action at law within the limitations of s. 768.28, relating to sovereign immunity, to recover damages against the state or the Department of Revenue for injury caused by the wrongful or negligent act or omission of a Department officer or employee (see s. 768.28, F.S.).
14. The right of the taxpayer or the Department, as the prevailing party in a judicial or administrative action brought or maintained without the support of justiciable issues of fact or law, to recover all costs of the administrative or judicial action, including reasonable attorney's fees, and of the Department and taxpayer to settle such claims through negotiations (see ss. 57.105 and 57.111, F.S.).
15. The right to have the Department begin and complete its audits in a timely and expeditious manner after notification of intent to audit (see s. 95.091, F.S.).
16. The right to have the Department actively identify and review multistate proposals that offer more efficient and effective methods for administering the revenue sources of this state (see s. 213.256, F.S.).
17. The right to have the Department actively investigate and, where appropriate, implement automated or electronic business methods that enable the Department to more efficiently and effectively administer the revenue sources of this state at less cost and effort for taxpayers.
18. The right to waiver of interest that accrues as the result of errors or delays caused by a Department employee (see s. 213.21(3), F.S.).
19. The right to participate in free educational activities that help the taxpayer successfully comply with the revenue laws of this state.

20. The right to pay a reasonable fine or percentage of tax, whichever is less, to reinstate an exemption from any tax which a taxpayer would have been entitled to receive but which was lost because the taxpayer failed to properly register as a tax dealer in this state or obtain the necessary certificates entitling the taxpayer to the exemption (see s. 212.07(9), F.S.).
21. The right to fair and consistent application of the tax laws of this state by the Department of Revenue.

Florida Taxpayer Rights Advocate

The Florida Taxpayer's Bill of Rights provides protection for taxpayers' privacy and assets during their interactions with Department employees. The Department of Revenue has a Taxpayer Rights Advocate who can help ensure that those rights are protected during the tax assessment, collection, refund denial, and enforcement processes.

Please keep in mind that the Taxpayer Rights Advocate is not a substitute for the Department's normal administrative procedures for appealing a tax assessment. Taxpayers who believe that they have not been treated fairly by the Department should attempt to resolve their problems through normal channels. Taxpayers who have taken these steps, but still believe that their concerns have not been timely or fairly addressed, should contact the Taxpayer Rights Advocate. To contact the Taxpayer Rights Advocate, call 850-617-8168 or write to:

Taxpayer Rights Advocate
Department of Revenue
P.O. Box 5906
Tallahassee FL 32314-5906

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Please give us your feedback on this publication by taking our one-minute survey. Go to www.floridarevenue.com and click on: "Take Our Quick Survey."

For Information and Forms

Information and forms are available on our Internet site at: www.floridarevenue.com

To speak with a Department of Revenue representative, call Taxpayer Services at 800-352-3671, Monday through Friday, excluding holidays.

For a written reply to tax questions, write:

Taxpayer Services – MS 3-2000
Florida Department of Revenue
5050 W Tennessee St
Tallahassee FL 32399-0112

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