

DEPARTMENT OF REVENUE

RULE NO.: RULE TITLE:

12-6.003 Protest of Notices of Proposed Assessment Issued by the Department Which Result From an Audit

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12-6.003, F.A.C. (Protest of Notices of Proposed Assessment Issued by the Department Which Result From an Audit), is to remove the use of the term "Assessment" in the rule to refer to a Notice of Proposed Assessment to clarify when a proposed assessment for which a written protest is filed with the Department becomes a final assessment.

SUMMARY: The proposed amendments to Rule 12-6.003, F.A.C., remove all references of "Assessment" to refer to a Notice of Proposed Assessment to clarify that when a Notice of Proposed Assessment is timely protested, the notice remains a proposed assessment until such time as it becomes a final assessment.

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: 72.011(2), 213.06(1), 213.21(1) FS.

LAW IMPLEMENTED: 72.011(2), 213.21(1), 213.34 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: January 14, 2025; 9:00 a.m.

PLACE: 2450 Shumard Oak Boulevard, Building One, Room 1221, Tallahassee, Florida 32399.

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: Martha Gregory, Office of Technical Assistance, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-6041, email RuleComments@floridarevenue.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

12-6.003 Protest of Notices of Proposed Assessment Issued by the Department Which Result From an Audit.

(1)(a) A taxpayer may secure review of a Notice of Proposed Assessment (Assessment) by implementing the provisions of this section.

(b) To secure review of <u>a Notice of Proposed</u> an Assessment, a taxpayer must file a written protest postmarked or faxed within 60 consecutive calendar days (150 consecutive calendar days if the <u>notice</u> Assessment is addressed to a person outside the United States) from the date of issuance on the <u>notice</u> Assessment.

(c) Protests postmarked or faxed more than 60 consecutive calendar days (150 consecutive calendar days if the <u>Notice of Proposed</u> Assessment is addressed to a person outside the United States) after the date of issuance on the <u>notice Assessment</u> will be deemed late filed, and the <u>proposed aAssessment</u> becomes final for purposes of chapter 72, F.S., upon the expiration of 60 consecutive calendar days (150 consecutive calendar days if the <u>notice Assessment</u> is addressed to a person outside the United States) after the date of issuance on the <u>notice Assessment</u> is addressed to a person outside the United States) after the date of issuance on the <u>notice Assessment</u>, unless the taxpayer has timely secured a written extension of time within which to file a protest.

(d)1. A taxpayer may request an extension of time for filing a protest by mailing or faxing a written request to the address or fax number designated on the <u>Notice of Proposed</u> Assessment. <u>To In order for the taxpayer's request to be</u> considered timely, the request must be postmarked or faxed within 60 consecutive calendar days (150 consecutive calendar days if the <u>notice</u> Assessment is addressed to a person outside the United States) from the date of issuance on the <u>notice</u> Assessment. Each extension of time will be for 30 consecutive calendar days. Within a 30 consecutive calendar day extension period, the taxpayer may submit a request in writing to the address or fax number designated on the <u>notice</u> Assessment for an additional 30 consecutive calendar day extension within which to submit a written protest.

2. Failure to mail or fax the written protest or failure to mail or fax a written request for an additional extension within a 30 consecutive calendar day extension period <u>will shall</u> result in forfeiture of the taxpayer's rights to the proceedings provided by this rule and the proposed assessment will become a final assessment for purposes of chapter 72, F.S., at the expiration of the extended filing period.

(2)(a) The protest <u>must shall</u> be <u>mailed or faxed</u> filed by <u>mailing or faxing a written request</u> to the address or fax number designated on the <u>Notice of Proposed</u> Assessment, and shall include:

1. through 5. No change.

6. A copy of the Notice of Proposed Assessment.

7. No change.

(b)1. No change.

2. Failure to submit this information or to request an additional 15 consecutive calendar day extension within either the original 15 consecutive calendar day period or an additional 15 consecutive calendar day extension period <u>will shall</u> result in issuance of a written dismissal of the protest and forfeiture of the taxpayer's right to the proceedings provided by this rule.

3. If the taxpayer either fails to submit the required information or fails to request an extension of time within which to submit the required information, the <u>proposed</u> <u>aAssessment will shall</u> become a final <u>aAssessment for purposes of chapter 72, F.S., on the later of:</u>

a. No change.

b. The expiration of 60 consecutive calendar days after the date of issuance on the <u>Notice of Proposed</u> Assessment.

(3)(a) No change.

(b) If a protest is timely filed, Technical Assistance and Dispute Resolution will issue a Notice of Decision (NOD). The <u>NOD</u> Assessment will shall become a final <u>a</u>Assessment for purposes of chapter 72, F.S., as of the date of issuance on the NOD, unless the taxpayer timely files a petition for reconsideration of the NOD.

(4)(a)1. through (b)1. No change.

2. Failure to submit this information or to request an additional 15 consecutive calendar day extension within either the original 15 consecutive calendar day period or an additional 15 consecutive calendar day extension period <u>will shall</u> result in issuance of a Notice of Reconsideration (NOR) that dismisses the petition for reconsideration and sustains the NOD. The <u>NOR</u> Assessment will become a final <u>a</u>Assessment for purposes of chapter 72, F.S., as of the date of issuance on the NOR.

(c) If a petition for reconsideration is timely filed, the Department will issue a Notice of Reconsideration (NOR). The <u>NOR</u> Assessment will become a final <u>a</u>Assessment for purposes of chapter 72, F.S., as of the date of issuance on the NOR.

(5) No change.

Rulemaking Authority 72.011(2), 213.06(1), 213.21(1) FS. Law Implemented 72.011(2), 213.21(1), 213.34 FS. History–New 12-31-81, Formerly 12-6.03, Amended 7-1-88, 3-6-03, 1-19-15,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Martha Gregory

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 17, 2024

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 1, 2024