



**Affidavit of No Florida Estate Tax Due
When Federal Return is Required**

**DR-313
R. 01/21
Rule 12C-3.008, F.A.C.
Effective 01/21
Page 1 of 2**

(This space available for case style of estate probate proceeding)

(For official use only)

I, the undersigned, _____, do hereby state:
(print name of personal representative)

- I am the personal representative as defined in section 198.01 or section 731.201, Florida Statutes (F.S.), as the case may be, of the estate of _____.
(print name of decedent)
- The decedent referenced above died on ____/____/____, and was domiciled (as defined in section 198.015, F.S.) at the time of death in the state of _____.
(date of death)

On date of death, the decedent was (check one): a U.S. citizen not a U.S. citizen

- A federal estate tax return (federal Form 706 or 706-NA) is required to be filed for the estate.
- The estate does not owe Florida estate tax pursuant to Chapter 198, F.S.
- The estate is not required to file a Florida estate tax return (Form F-706) according to section 198.13(4), F.S.
- I acknowledge personal liability for distribution in whole or in part of any of the estate by having obtained release of such property from the lien of the Florida estate tax.

Under penalties of perjury, I declare that I have read the foregoing Affidavit and that the facts stated in it are true to the best of my knowledge and belief. This Affidavit is based on all information of which the personal representative has any knowledge.

Signature _____

Print name _____ Telephone number _____

Mailing address _____ City/State/ZIP _____

File this form with the appropriate clerk of the court. Do not mail to the Florida Department of Revenue.

Instructions for Completing Form DR-313

File this form with the appropriate clerk of the court. Do not mail to the Florida Department of Revenue.

General Information

If Florida estate tax is not due and a federal estate tax return (federal Form 706 or 706-NA) is required to be filed, the personal representative is to complete Florida Form DR-313, *Affidavit of No Florida Estate Tax Due When Federal Return is Required*, provided a Florida return is not due according to section 198.13(4), F.S.

NOTE:

- A) The definition of “personal representative” in Chapter 198, F.S., includes any person who is in actual or constructive possession. Therefore, this affidavit may be used by “persons in possession” of any property included in the decedent’s gross estate.
- B) Estates that are not required to file federal Form 706 or 706-NA, should use form DR-312, *Affidavit of No Florida Estate Tax Due*.

When to Use Form DR-313

This form is used when:

- the decedent’s date of death is on or after January 1, 2005,
- the estate is not subject to Florida estate tax under Chapter 198, F.S.,
- a federal estate tax return (federal Form 706 or 706-NA) is required to be filed, and
- a Florida return is not due according to section 198.13(4), F.S.

Form DR-313 is admissible as evidence of nonliability for Florida estate tax and will remove the Department’s estate tax lien. The Florida Department of Revenue will no longer issue *Nontaxable Certificates* for estates for which the DR-313 has been duly filed and federal Form 706 or 706-NA is due.

Where to File Form DR-313

Form DR-313 should be filed with the clerk of the court and duly recorded in the public records of the county or counties where the decedent owned property. **Do not** send this form to the Florida Department of Revenue.

If an administration proceeding is pending for an estate, Form DR-313 may be filed in that proceeding. The case style of the proceeding should be added in the large blank space in the upper left portion of the DR-313. The 3-inch by 3-inch space in the upper right corner of the form is for the exclusive use of the clerk of the court. Do not write, mark, or stamp in that space.

Federal thresholds for filing federal Form 706 and 706-NA:

For current and prior year federal threshold information, please visit the Internal Revenue Service (IRS) Internet site at www.irs.gov or contact your local IRS office.

Contact Us

Information, forms, and tutorials are available on the Department’s website at floridarevenue.com.

If you have questions or need assistance, call Taxpayer Services at 850-488-6800, Monday through Friday, excluding holidays.

To find a **taxpayer service center** near you, visit floridarevenue.com/taxes/servicecenters.

For written replies to tax questions, write to:

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

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Subscribe to receive an email when Tax Information Publications and proposed rules are posted to the Department’s website. Subscribe today at floridarevenue.com/dor/subscribe.

Reference Material

Rule Chapter 12C-3, Florida Administrative Code and Chapter 198, Florida Statutes. Tax statutes and rules are available online at <http://revenuелaw.floridarevenue.com>.

Reference

*The following document was mentioned in this form and is incorporated by reference in the rule indicated below.
The form is available online at floridarevenue.com/forms.*

Form DR-312

Affidavit of No Florida Estate Tax Due

Rule 12C-3.008, F.A.C.