

2019 Instructions for FTB 3520-BE

Business Entity or Group Nonresident Power of Attorney Declaration

Important Information

Beginning January 1, 2019, our online submission process and our Power of Attorney (POA) Declaration form allow you to request full online account access for your tax professional at the time of submission. See Part V, Request or Retain MyFTB Full Online Account Access for Tax Professional(s).

- For purpose of these instructions, a tax professional is a representative that has a professional identification number that is eligible for registration for a tax professional online account in MyFTB.
- We will only accept form FTB 3520-BE, Business Entity or Group Nonresident Power of Attorney Declaration.
- We will reject form FTB 3520-C1, Power of Attorney Declaration, and non-FTB POA Declaration forms.
- Use the most current version of form FTB 3520-BE.
- We will no longer automatically revoke previously accepted POA Declarations with overlapping tax years or income periods upon filing of a new POA.
- All representatives listed on a POA Declaration will have the ability to remove another representative from the POA Declaration.
- A valid signature is required. See Part VI, Signature Authorizing Power of Attorney Declaration, for instructions on valid signatures.
- Tax professionals are granted limited online account access to your tax information when we approve the POA Declaration, see Part V, Request or Retain MyFTB Full Online Account Access for Tax Professional(s).
- You or your tax professional must request full online access to your tax information and you must authorize this request before we grant full online account access, see Part V, Request or Retain MyFTB Full Online Account Access for Tax Professional(s). If full online account access is not granted to your tax professional(s) they will still be able to represent you before the Franchise Tax Board (FTB) or obtain information by phone, in person, and in writing.

General Information

To file a POA Declaration use the online submission in **MyFTB** for faster processing. However, the following paper forms are available for taxpayers without online access:

- **Form FTB 3520-PIT**, Individual or Fiduciary Power of Attorney Declaration, authorizes an individual to represent and receive confidential information on all matters before FTB for an individual, estate, or trust.
- **Form FTB 3520-BE**, Business Entity or Group Nonresident Power of Attorney Declaration, authorizes an individual to represent and receive confidential information on all matters before FTB for a business entity or a business entity that files a Form 540NR, California Nonresident or Part-Year Resident Income Tax Return, for a group.
- **Form FTB 3520-RVK**, Power of Attorney Declaration Revocation, revokes existing Power of Attorney (POA) Declaration(s) on file with FTB.

A Purpose

Use form FTB 3520-BE to authorize an individual to represent you in any matter before FTB, and to request, receive and inspect your confidential tax information. Information that FTB may release includes, but is not limited to estimated payments, notices, account history or compliance status. FTB may release information over the phone, in writing, or through MyFTB.

B General Authorizations

The representative(s) listed in Side 1, Part II, Representative(s) and on Side 4 of form FTB 3520-BE, will be authorized as attorney(s)-in-fact to:

- Talk to FTB agents about your account.
- Receive and inspect your confidential information.
- Represent you in all matters before FTB.
- Request information we receive from the Internal Revenue Service (IRS).

If additional authorizations are needed, complete Side 2, Part IV, Additional Authorizations.

C Duration

Generally, a POA Declaration will remain in effect until either:

- The expiration, which is generally **six years** from the date the POA Declaration is signed.
- A POA Declaration Revocation is filed.
- The POA relationship is revoked online in MyFTB.

Important: Submitting this form FTB 3520-BE will not revoke any previously submitted POA Declarations with overlapping authorizations. If you filed a POA Declaration before January 1, 2018, your POA Declaration will generally remain in effect until revoked or expired.

D Where to File

Use one of the following methods to file form FTB 3520-BE:

- For faster processing, submit electronically. Go to ftb.ca.gov, log in to MyFTB, and select **File a Power of Attorney**. For more information, go to ftb.ca.gov/poa.
- Mail form FTB 3520-BE separately from the tax return(s) or other correspondence to the following address:
POA/TIA UNIT
FRANCHISE TAX BOARD
PO BOX 2828
RANCHO CORDOVA CA 95741-2828

E Revocations

Business Entity: It is your responsibility to revoke your POA Declaration when you are no longer working with a representative.

Representatives: If you no longer represent a business entity, it is your responsibility to revoke that POA Declaration to ensure you do not receive confidential information you are not entitled to access.

To revoke a POA Declaration, get form FTB 3520-RVK, or go to ftb.ca.gov/poa, or log on to MyFTB.

F Representative Notices

We no longer mail copies of most notices to POA representatives. POA representatives who provide a valid email address on the POA Declaration will receive electronic notifications each time we send a notice to one of their clients. Representatives with a MyFTB account, who do not provide an email address, will be able to view the notices for their clients. However, the representative will not receive a notification when a notice is issued. The taxpayer must provide paper copies of notices to representatives who are not able to register for MyFTB.

Specific Line Instructions

To ensure form FTB 3520-BE is processed accurately, it is important that all requested information is included when available.

Part I – Business Entity Information

Check only one box and fill out corresponding information or the POA Declaration may be invalid.

Important - A business entity should file two separate POA Declarations: one for matters regarding the business entity return and one for matters regarding the Form 540NR for a group. If both the Business Entity and 540NR Group Nonresident Return boxes are selected, the POA Declaration will be invalid and will be rejected.

Business Entity

- Check the Business Entity box if you are preparing form FTB 3520-BE for matters concerning any type of business entity and fill out corresponding information.
- Business entities should provide the California corporation number when available, otherwise provide the FEIN.
- Partnerships, Limited Liability Companies (LLCs), and Real Estate Mortgage Investment Conduits (REMICs) should provide the California Secretary of State (SOS) number when available, otherwise provide the FEIN.
- If the full legal business name is not provided, form FTB 3520-BE may be rejected.
- If preparing this form for corporations who have elected to file a unitary taxpayers' group tax return by filing Schedule R-7 and representation concerns matters related to the unitary taxpayers' group tax return, do not attach a list of all members of the group. Only the "key corporation" information is required in Part I. A taxpayer that was previously included in a unitary taxpayers' group tax return must file its own POA Declaration covering any tax return that must be filed separately from the unitary taxpayers' group tax return.
- If the POA Declaration is being filed for only non-tax debt matters, complete all of the following:
 - Fill out Part I and Part II.
 - Leave Part III blank.
 - In Part IV, check the "Yes" box to question 5 and write "nontax debt only" on Side 5, Other Acts Authorization(s).
 - Complete Part VI.

540NR Group Nonresident Return

- Select the 540NR Group Nonresident Return box if your business entity is preparing form FTB 3520-BE for matters related to a Form 540NR, for a group.
- Provide FEIN.
- If the 540NR Group Nonresident Return box is not checked, the POA Declaration will be processed to the business entity account and not the Form 540NR group nonresident return account.
- Your representative(s) will not have access to your information online, but they can call 800.852.5711 and get information.

Foreign Address

If you have a foreign address, follow the country's practice for entering the city, county, province, state, country, and postal code, as applicable, in the appropriate boxes. **Do not** abbreviate the country name.

Part II – Representative(s)

- Only individuals may be named as representatives.
- The POA Declaration only establishes the relationship between a business entity and a representative, **not** the organization in which a representative works.
- A primary representative must be listed in Part II.
- To name more than two representatives, use Side 4 of form FTB 3520-BE. Include as many copies of Side 4 as needed.

- If the representative's contact information has changed, FTB does not require a new form FTB 3520-BE. However, we advise that you update the representative's email address listed on the POA Declaration so the representative can receive email notifications. For more information on how to update a representative's email address, go to ftb.ca.gov/poa, or call us at 800.852.5711 for assistance.

Foreign address: If the representative has a foreign address, enter the information in the following order: city, province or state, and country. Follow the country's practice for entering the postal code. **Do not** abbreviate the country name.

Part III – Authorization for All Years or Specific Income Periods Your POA Declaration Covers

You must check either the "Yes" or "No" box to question 1 and 2. Your selection authorizes representatives in Part II and on Side 4 to contact FTB about your account, receive and inspect your confidential information, represent you in all FTB matters, and request information we receive from the IRS for years selected.

If you checked the "Yes" box to both question 1 and 2, the specific years listed in boxes 2a through 2d privilege prevails.

1. All Years

You must check the "Yes" or "No" box to authorize or deny your representative(s) in Part II and on Side 4 to represent and receive confidential information regarding all FTB matters, regardless of the tax year involved. If you do not check either the "Yes" or "No" box or check both the "Yes" and "No" box, we will process the authorization as a "No". This may cause your POA Declaration to be invalid and it may be rejected. If you authorized "all years", this will include previous, current, and future years up to the expiration date.

For example: If the POA Declaration is signed on March 1, 2019, the POA Declaration will include all years up to March 1, 2025.

2. Specific Income Periods

You must check the "Yes" or "No" box. If you check "Yes", you must indicate specific years you want covered by this POA Declaration within boxes 2a through 2d and mark not applicable (**NA**) in any blank begin and end year boxes not filled in. If you check the "No" box, mark (**NA**) in all begin and end year boxes. If you do not check either the "Yes" or "No" box or select both the "Yes" and "No" box, we will process the authorization as a "No". This may cause your POA Declaration to be invalid and it may be rejected.

You may designate:

- Any current or past years as of the date you sign the POA Declaration.
 - To designate a single income period, list both the year beginning on and year ending on.
Example: 01/01/2019-12/31/2019.
 - To designate a short income period, list both the year beginning on and year ending on.
Example: 01/01/2019-06/30/2019.
 - To designate multiple income periods, list the year beginning on and year ending on.
Example: 01/01/2017-12/31/2019.
- Up to five future income periods starting after December 31 from the year we receive the POA Declaration for a calendar year filer.
Example: if the POA Declaration is signed on December 31, 2019, the POA Declaration can include 01/01/2020-12/31/2024.

Important: Do not use a general reference such as "all years" or "all taxes." A POA Declaration with a general reference is invalid and will be rejected.

Part IV – Additional Authorizations

A POA Declaration gives representatives general privileges listed in Part III. Use Part IV to indicate additional acts your named representative(s) can perform by checking the “Yes” or “No” box for questions 1 through 5. Common additional authorizations are listed on the next page. If you did not check the “Yes” or “No” box or checked both the “Yes” and “No” box, we will not grant the specific additional authority.

You may designate:

1. **Add representative(s)**

Authorizes your representative to add additional representatives to the POA Declaration. Any representative they add will also have the same authorization to add or remove representatives to the POA Declaration.

2. **Receive, but not endorse, refund check(s)**

Authorizes refund checks to be sent to your representative instead of the address listed on your tax return. To make arrangements for us to send your refund check to your authorized representative, call us at 800.852.5711.

3. **Waive the California statutes of limitations (SOL)**

Authorizes your representative to waive the California statutes of limitations. The California statutes of limitations are time limits imposed by law on the rights of both the state and the taxpayer.

4. **Execute settlement and closing agreements**

Authorizes your representative to execute settlement and closing agreements.

5. **Other Acts**

Authorizes other acts for your representative. Describe these specific acts on Side 5, Other Acts Authorization.

Important: Privileges listed in on Side 2, Part III and Part IV prevail over conflicting limiting privileges listed on Side 5. You must check the “Yes” box to question 5 for us to grant other acts authorizations listed on Side 5.

Part V – Request or Retain MyFTB Full Online Account Access for Tax Professional(s)

You must check either the “Yes” or “No” box to request or deny full online account access. If you check the “Yes” box, an authorization code will be mailed to you in a separate notice to approve the full online account access. Your authorization of full online account access is specific to each tax professional. An authorization code will be provided for each tax professional listed on the POA Declaration for you to authorize or deny their full online account access. An authorization code will not be sent for tax professional(s) if they do not have MyFTB access or if they currently have full online account access.

If you check the “No” box, check both the “Yes” and “No” box, or do not check any box, then we will process the authorization request as a “No” and your tax professional(s) will be granted limited online account access. Any existing relationships with tax professional(s) listed on this declaration with full online account access will be changed to limited online account access.

Limited Online Account Access - Allows your tax professional(s) to view available notices and correspondence issued by FTB within the last 12 months.

Full Online Account Access - Allows your tax professional(s) to take available actions, view your estimated tax payments, available notices and correspondence, balance due, and account summary information for the year(s) authorized on your POA Declaration.

If multiple relationships exist between a taxpayer and tax professional, the most recent online account access authorization will override any existing online account access authorization level for that tax professional.

Example 1: Entity ABC Corporation has authorized tax professional John Smith as a POA representative, with full online account access. ABC Corp. later files form FTB 3534, Tax Information Authorization, naming John, as a TIA representative with limited online account access. Upon approval of the TIA, John's access to ABC Corp.'s account will be changed to limited for both the POA and TIA relationships.

Example 2: Entity ABC Corporation has authorized tax professional John Smith as a POA with limited online account access. Entity ABC Corp. later files a TIA, naming John, as TIA representative with full online account access. Upon authorization of the full online account access, John's access to Entity ABC Corp.'s account will be changed from limited to full for both the POA and TIA relationships.

For more information about online account access, go to ftb.ca.gov/access.

This online account access authorization does not affect the ability of your tax professional(s) to take actions on your behalf or the information they can receive by phone, chat, or in person.

If you do not want your tax professional to have any online account access to your tax information, you will need to contact us at 800.852.5711, to request online access to your tax information to be disabled. If requested, you will not be able to access your tax information online as a result.

If your POA Declaration is rejected, this request for online account access will not be processed and no updates will be made to online account access levels for any existing relationships.

Note: Online access is not available for 540NR Group Nonresident Return accounts.

Part VI – Signature Authorizing a Power of Attorney Declaration

FTB does not accept electronic or stamped signatures on paper or uploaded POA Declarations.

Important: If you are signing form FTB 3520-BE, on behalf of an individual for a business, and attached the general/durable POA Declaration, you must use one of the following acceptable formats to sign the POA Declaration in order for it to be valid:

- John Doe, Attorney-in-Fact for Jane Doe, CEO, XYZ Corp
- Jane Doe, CEO, by John Doe, Attorney-in-Fact, XYZ Corp
- Jane Doe, CEO, by John Doe, Power of Attorney, XYZ Corp

Corporations or Associations

Form FTB 3520-BE may only be signed by an officer or individual with the authority to bind the company. The signing party must also enter their title in the applicable section and date the document for it to be valid.

Examples of officers that have the authority to sign are:

- President
- Vice President
- Chief Financial Officer (CFO)
- Chief Executive Officer (CEO)
- Chief Operating Officer (COO)

General and Limited Partnerships

The tax matter partner or general partner must sign, date, and enter their title for form FTB 3520-BE to be valid.

Limited Liability Company (LLC) and Limited Liability Partnership (LLP)

An authorized managing member or tax matter partner must sign, date, and enter their title for form FTB 3520-BE to be valid.