



FUBA
FLORIDA UNITED BUSINESSES ASSOCIATION

ISSUES

OUR BUSINESS IS SMALL BUSINESS

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LEGISLATIVE UPDATE

Here is a list of the business-related bills that the Florida Legislature approved during the 2016 Legislative Session that ended on March 11, 2016.

Contracting:

House Bill 535 (Eagle) prohibits local governments from charging contractors extra fees for providing proof of licensure; recording a contractor's license; or providing, recording or filing evidence of workers' compensation coverage by a contractor. The bill also allows employees of some apartment communities and community management companies to be exempt from getting a state contractor's license if they make minor repairs to existing electric water heaters or to existing electric HVAC systems if certain circumstances are met. The bill has been signed by the Governor and will become effective July 1, 2016.

Regulation:

House Bill 7007 (Raburn) allows the Florida Department of Agriculture and Consumer Services to regulate the use of Styrofoam under Florida's Food Safety Act. Some local governments in Florida wanted to prohibit restaurants and grocery stores from using Styrofoam take-out containers for food, so the state stepped in to prevent this. This bill is retroactive back to January 1, 2016.

Taxes:

House Bill 7099 (Gaetz) contains two important

tax provisions: First, it creates a sales tax holiday for clothing and school supplies from 12:01 am August 5, 2016 to 11:59 pm August 7, 2016. In addition to school supplies, certain clothing priced at \$60 or less and certain school supplies priced at \$15 or less will also be tax exempt.

Second, the bill makes permanent a sales and use tax exemption for manufacturers who purchase industrial machinery and equipment used at a fixed location in Florida to manufacture, process, compound or produce items of tangible personal property. This tax exemption, created in 2014, was scheduled to be repealed on April 30, 2017. House Bill 7099 removes the scheduled repeal and makes this manufacturing equipment sales and use tax exemption permanent.

CORPORATIONS AND LLC'S: TIME IS RUNNING OUT TO FILE YOUR 2016 ANNUAL REPORT

If your business is a Florida corporation (INC) or limited liability company (LLC), this is your last reminder from FUBA that the deadline to file your company's Annual Report with the State is rapidly approaching. All Florida corporations and LLC's must file an Annual Report by May 1st with the State of Florida's Department of State at sunbiz.org. The only exception is for corporations and LLC's that were initially formed in 2016; these entities do not have to file an Annual Report until 2017. If you have already filed your Annual Report for

2016, you can disregard this reminder. Not sure and would like to double-check that you have filed it? Go to the Division of Corporations' website at **sunbiz.org** and click on "Search Our Records" and then "Inquire by Name." Enter your company's name, and a list will pop up. Find your company's name in the list and click on it. This will bring up all the information about your company that the state of Florida has on file. If you scroll down towards the bottom of the screen, you will see a section called "Annual Reports" which lists all the Annual Reports your company has filed with the State of Florida.

If you see an Annual Report filed for 2016, you are all set. If you don't, you need to file your Annual Report by May 1st. To file your Annual Report, go to **sunbiz.org** and click on the "File Current Year Annual Report or Amended Annual Report."

If you do not file your Annual Report by May 1st, the State of Florida will charge you a mandatory \$400 late fee. The state cannot waive this late fee.

Please do not confuse this Annual Report requirement with "Annual Minutes." Some private companies are sending mail to Florida businesses offering to prepare "Annual Minutes" for their corporation for \$125 or more. Some businesses have been confused into thinking that they were satisfying their Annual Report requirement when instead they were sending \$125 to a private company for corporate minutes. These companies who are soliciting you for "Annual Minutes" do not file your Annual Report for you, so if you have paid money for minutes, please make sure your 2016 Annual Report has been filed with the state.

If you have any questions about your Annual Report, you can email the Florida Division of Corporations at **corp@dos.state.fl.us** or call them at 850-245-6056. Or, you can call the FUBA offices at 800-262-4483 and ask for Karen, Lance or Erin. Even though the Annual Report and filing fees are a State of Florida requirement, we can try to answer any questions you may have.

ATTENTION CONTRACTORS: LADDER AND SCAFFOLD SAFETY INFORMATION AVAILABLE

According to the Occupational Safety & Health Administration (OSHA), the federal agency that regulates workplace safety, falls on construction sites are one of the four leading causes of employee deaths in the Southeast, and thousands more construction workers suffer catastrophic and debilitating on-the-job injuries from falling.

In addition to endangering their employees, construction businesses without the proper fall protection can be cited and fined by OSHA. Catastrophic injuries on the job may also jeopardize workers' compensation coverage.

Workers using ladders or scaffolds are at risk for serious injury or death if they should fall or if the equipment is not in good condition. To protect these workers, all construction businesses are required by OSHA to provide fall protection and equipment that is in good working order.

For more information about fall protection and what OSHA requires for construction businesses, visit **OSHA.gov/stopfalls**. We also have information on our website, in English and in Spanish, about how to work safely with ladders and scaffolds. This information includes checklists to give employees to make sure they are working safely, as well as quizzes you can give your employees to make sure they understand what they can do to protect themselves while working on ladders or scaffolds. You can find this information on our website at **FUBA.org** under the Small Business Alert tab on the left-hand side of the home page.