

APRIL 2013
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CORPORATIONS AND LLC'S: REMINDER TO FILE YOUR 2013 ANNUAL REPORT

If your business is a corporation (INC) or a limited liability company (LLC), this is a reminder that you have until May 1st to file your company's Annual Report with the State of Florida's Division of Corporations at www.sunbiz.org.

If you have already filed your Annual Report for 2013 with the state, you can disregard this article. Not sure and would like to double-check that you have filed it? Go to the Division of Corporations' website at www.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 "Document Images." These are all the Annual Reports you have filed with the state, plus any amendments or other filings you have made. If you see an Annual Report filed in calendar year 2013, you are all set. If you don't, you need to go ahead and file your Annual Report by May 1st.

All business entities must file their Annual Report with the state by May 1st to maintain an "active" status. The annual report requirement does not apply to sole proprietors or general partnerships. Payment can be made by credit card, check or sunbiz account.

If you do not file your Annual Report by May 1st, you will be charged a \$400 late fee. This late fee cannot be waived, so please make sure to file this report now.

Please do not confuse this Annual Report requirement with "Annual Minutes." The Annual Report is required under Florida law; however, some private companies are sending mail to businesses offering to file "Annual Minutes" for them with the state for \$125. Corporations are not required to

file minutes with the state of Florida, and 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 offering "Annual Minutes" do not file your Annual Report for you, so if you have been the victim of this scam, please check to make sure your 2013 Annual Report has been filed with the state.

If you have any questions about your Annual Report, please call the FUBA offices at 800-262-4483 and ask for Karen, Lance or Erin.

ATTENTION EMPLOYERS WITH 50 OR MORE EMPLOYEES: NEW FMLA POSTER

The Family and Medical Leave Act ("FMLA") is a federal law that requires employers with 50 or more employees to provide eligible employees with up to 12 weeks of unpaid leave a year for certain family-related issues:

- The birth or adoption of a child
- To care for an immediate family member who has a serious health condition
- Medical leave if the employee is unable to work because of a serious health condition
- In certain circumstances where the employee's spouse, son, daughter or parent is on active military duty

To qualify for leave under the FMLA, an employee must have worked for the employer for at least 12 months and must have worked 1,250 hours in the prior year. Employers are required under the FMLA to maintain an employee's group health benefits during their leave as if the employee had continued working, and employees are entitled to return to their same or an equivalent job at the end of their FMLA leave.

Employers are not required to pay employees for FMLA leave; the FMLA only requires unpaid leave. Employers may require an employee to use accrued paid vacation or sick leave for some or all of the

FMLA leave period.

All employers with 50 or more employees are required to post a notice explaining the FMLA's provisions. The U.S. Department of Labor has recently updated the required FMLA poster effective March 8, 2013. Most of the changes to the poster deal with portions of the FMLA that are rarely used, but employers with 50 or more employees should begin using this new poster immediately.

As benefit of your FUBA membership, we will provide you with a copy of the new FMLA poster upon request. Please remember, only employers with 50 or more employees need to have this poster. If you would like one, please email us at fuba@fuba.org and provide us with your FUBA member number, business name and mailing address.

Because the government has changed the FMLA poster, you may receive notices that look like government mail and that mention compliance with labor law requirements. Please know that these are solicitations from companies that are in the business of selling posters to businesses across the country. Sometimes these solicitations make businesses think they must purchase expensive "compliance packages" in order to be protected.

Please know that FUBA stays informed about all required employment-related posters, and as a benefit of your continued membership in FUBA, we will always alert you when these posters change or new ones are added. We usually provide you with these new posters at no charge.

One caveat: Because FUBA is a broad-based association with a wide range of member businesses, we can only provide you with those posters that the federal and state governments require for all businesses in general. We cannot provide industry-specific posters that may be required because of the nature of your specific business (like health care, restaurant, auto repair shops, etc.).

As long as you continue your membership with FUBA, you can be assured that you will be kept up to date on all federal and state employment postings, and you don't have to worry when you get mail from poster companies trying to scare you into spending \$100 on a "compliance package."

NEW I-9 FORM REQUIRED

The United States government requires all employers to complete and retain a Form I-9 for all employees hired after November 5, 1986. This form is used to

document the employee's identity and to prove he or she is eligible to legally work in the United States.

The U.S. Citizenship and Immigration Services (USCIS) has released a new version of the Form I-9, and employers should begin using the new Form I-9 no later than May 8, 2013. You can be sure you have the correct form if the revision date of "03/08/13 N" is in the bottom left corner of the document.

Employers do not need to complete a new Form I-9 for current employees whose eligibility was verified using the old Form I-9; however, foreign employees temporarily authorized to work in the U.S. will need to be re-verified using the new Form when their employment eligibility expires.

The new version of the Form I-9 is now 2 pages, whereas the old Form had only one page. For foreign employees authorized to work in the U.S., the new Form requires information about the foreign employee's passport. The new Form also provides fields for an employee's e-mail address and telephone number (if applicable).

There are also minor differences in the new Form's "Lists of Acceptable Documents" page. The types of documents that may be used to verify employment eligibility have not changed, but the description of certain documents in "List A" and "List C" have been revised to help clarify common questions for employers.

The new Form's instructions have changed to provide employers more detailed guidance and to resolve certain issues that arose when the using the old version.

Employers who fail to verify employment eligibility properly using the new Form beginning May 8, 2013 will be subject to penalties from \$110 up to \$1,100 per employee and could also be subject to criminal sanctions in some cases.

Do not send the Form I-9 to USCIS or to any other government agency. Employers must keep these completed forms for three years after the employee's date of hire **or** for one year after the employment ends, whichever is later. An employer's I-9 forms are subject to inspection by the Department of Homeland Security, the Department of Labor, and the Office of Special Counsel for Immigration-Related Unfair Employment Practices.

To download the new Form I-9 with instructions and/or for additional information, please visit the USCIS's website at www.uscis.gov/i-9. FUBA members can also download the new Form I-9 from our website at www.fuba.org.