



FUBA i s s u e s

Florida United Businesses Association

OUR BUSINESS IS SMALL BUSINESS

AUGUST 2012

Volume XXII, No. 8

DON'T BE THE VICTIM OF "ANNUAL MINUTES" SCAM

Two companies, Compliance Services and Corporate Records Service, are targeting Florida businesses with mailed notices requesting that "Annual Minutes" and a fee of \$125 be sent to them for filing. **This is a scam!** While corporations are required to keep minutes of their corporate meetings, **minutes do not have to be filed with any agency of the State of Florida.** Also, you don't have to pay someone to prepare your corporate minutes.

These companies are trying to confuse businesses that have to file an Annual Report with the state into thinking they also need to file minutes with the state. Please do not confuse these notices with the legitimate requirement that corporations and LLC's must file an Annual Report each year with the Division of Corporations to keep their entity information up-to-date. These forms were due to the state by May 1st, and if you haven't yet filed your Annual Report, you will owe a non-negotiable late fee of \$400 to the state, in addition to the filing fees.

If you get any mail from Compliance Services or Corporate Records Service, the best thing to do is to throw it in the trash. If you have any questions about this notice or your Annual Report, please call the FUBA offices at 1-800-262-4483 and ask for Karen, Lance or Erin.

ATTENTION CORPORATIONS AND LLC'S: WATCH OUT FOR IDENTITY THEFT

Identity theft is a growing problem for Florida businesses. Unauthorized persons are using **sunbiz.org**, the state database of corporate information maintained by the Florida Division of Corporations of the Department of State, to

change the address or contact information for companies to a new, phony address. Then they use this phony address to set up a bank account in the company's name, redirecting checks mailed to the company to this new, phony account.

Right now, information on sunbiz.org is open to the public and is not password-protected, leaving businesses vulnerable to anyone who wants to go online and change a company's information. To help protect Florida businesses, the Department of State has started an email notification process where they will send an email notice to any business entity if an address change or FEIN change is made on sunbiz.org. The email notice will be sent to the previous email address on file with sunbiz. If the change was not authorized by a principal of the business entity, you can notify the state right away using a link provided in the email.

Until the Department of State can better protect this database, it is a good idea for corporations and LLC's to periodically check and verify the data on file for them at the state. You can simply go to **sunbiz.org**, click on "Search our Records," then "Inquire by Name" and enter your business name. When you click on your company's name, all the information currently on file with the state will come up. Check it over to make sure it's accurate and hasn't been changed, especially the businesses address and Federal Employer Identification Number (FEIN). If you discover a discrepancy, you should contact the business identity theft unit of the Division of Corporations at 850-245-6007.

FLORIDA UNEMPLOYMENT TAX HAS A NEW NAME

Over the next few months, the Florida Department of Revenue will be changing all references to

Florida's "unemployment tax" to "reemployment tax." A bill approved by the Florida Legislature in this year's Session changed the name of Florida's Unemployment Compensation Law to the Reemployment Assistance Program Law and directed the focus of the program towards helping Florida's unemployed find and keep jobs. All references to "unemployment tax" on forms, brochures, web pages and other documents will be changed to "reemployment tax."

LICENSE NOW REQUIRED FOR DEMOLITION SERVICES

Starting July 1, 2012, any construction contractor in Florida who wants to perform building or residence demolition must have an appropriate state contractor's license or a local certificate of competency for demolition contracting. Up until now, a license was only required for the demolition of a building or residence over 3 stories in height. Now, a state or local license is required to contract for the demolition of all buildings or residences. Demolition companies may continue to subcontract demolition work from a certified or registered contractor when the contractor is supervising all the work, the work is within the scope of the supervisor's license, and provided that the person being supervised is not engaged in construction work which would require a contractor's license.

What type of license will allow me to contract for demolition services? You may obtain either a certified or registered Division I contractor's license, a state certified specialty contractor's license or a local certificate of competency which corresponds to the type of building or structure being demolished. For instance, a certified or registered residential contractor's license allows you to contract to demolish any residences which do not exceed 3 stories in height. A certified or registered building contractor's license allows you to demolish any residence or commercial building that does not exceed 3 stories in height. A certified or registered general contractor's license allows you to demolish any building, residence or structure, regardless of its height. A local specialty demolition contractor's license (certificate of

competency) would also permit you to contract for demolition services within the scope of that local license and only within that jurisdiction.

If I get a local demolition specialty contractor's license (certificate of competency) issued by my local jurisdiction, do I still need to obtain a state certification or registration? No. If your local jurisdiction offers a demolition license, you may contract for services within the scope of that license without obtaining a state certification or registration. However, you may only contract for services within the jurisdiction that issued your local specialty demolition contractor's license (certificate of competency).

What if my local jurisdiction does not offer a local specialty demolition license (certificate of competency)? You will be required to obtain a certified or registered Division I contractor's license (General, Building, or Residential) or a state certified specialty license corresponding to the types or buildings or structures you intend to demolish.

Can I subcontract to perform demolition work from a properly licensed contractor without obtaining a license? As long as you have been subcontracted by an appropriately licensed Division I contractor and are working under the supervision of that licensee, you are not required to obtain licensure unless the work you are performing requires licensure under Section 489.105(3)(d)-(o), Florida Statutes.

UPDATED FLORIDA TAX HANDBOOK FOR BUSINESS OWNERS

The Florida Department of Revenue has updated its publication called Business Owners' Guide for Sales and Use Tax. This guide is to help businesses understand their state tax obligations and how to correctly file and pay the state sales and use tax. It also has information about state corporate income tax, state unemployment tax (now called reemployment tax), and other state business taxes. You can download and print a copy of this guide from our website. Go to fuba.org and look for the "Small Business Alert" section on the homepage.