



**FUBA**  
FLORIDA UNITED BUSINESSES ASSOCIATION

# ISSUES

OUR BUSINESS IS SMALL BUSINESS

**MAY 2016**

**Volume XXVI, No. 5**

## **EMPLOYERS' PAYROLL TAX RESPONSIBILITIES**

The following list from the Internal Revenue Service (IRS) is a brief summary of an employer's basic responsibilities regarding federal withholding, depositing and reporting employment taxes.

### **For New Employees:**

- Verify work eligibility.
- Report new employees within 20 days (see article below).
- Ask new employees for a signed Form W-4 when they start work. This is a federal tax form that indicates how much federal income tax to withhold from each employee's wages. Make the form effective with their first wage payment. If a new employee does not give you a completed W-4, withhold income tax as if he or she is single, with no withholding allowances.

### **Each Payday:**

- Withhold federal income tax based on each employee's W-4.
- Withhold the employee's share of social security and Medicare taxes.
- Deposit with the IRS all withheld income tax, as well as withheld social security and Medicare taxes plus the employer's share of social security and Medicare taxes.

### **Quarterly (By April 30, July 31, October 31 and January 31):**

- Deposit federal unemployment tax ("FUTA") if the undeposited amount is over \$500.

- File Form 941 with the IRS (and pay the tax if you are not required to deposit). Form 941 must be filed with the IRS each quarter to tell the federal government how much your business paid in wages the prior quarter. [This is the federal version of the RT-6 form that Florida employers must file each quarter with the State of Florida to report state unemployment tax.]

### **Annually:**

- Remind employees to submit a new W-4 if they need to change the amount you withhold from their paycheck (before December 1 of each year).
- Furnish each employee a Form W-2 (by January 31<sup>st</sup> of each year).
- Furnish non-employees with a Form 1099 (by January 31<sup>st</sup> of each year). You must give a 1099 to unincorporated independent contractors that your business paid \$600 or more to during the calendar year.
- File all W-2's with the IRS (by February 28<sup>th</sup> if filing paper forms and by March 31<sup>st</sup> if filing electronic forms).
- File all 1099's with the IRS (by February 28<sup>th</sup> if filing paper forms and by March 31<sup>st</sup> if filing electronic forms).

For more information, please consult the IRS Publication 15 (Circular E), also called "Employer's Tax Guide" available from the IRS website at **IRS.gov** or by calling the IRS at 800-829-3676. If you have questions, please contact the IRS or your company's accounting/tax professional.

## **ARE YOU REPORTING ALL NEW EMPLOYEES TO THE STATE OF FLORIDA?**

State and federal law (409.2576, Florida Statutes and 42 United States Code 653A) require Florida employers to report newly-hired and re-hired employees to the Florida New Hire Reporting Center within 20 days of the employee's start date.

**Why do I have to report new hires?** Florida law requires this reporting because it helps with collection of child support. New hire information can also be used to detect and prevent fraudulent payment of unemployment compensation and workers' compensation benefits.

### **Which employees do I have to report?**

- New Employees. Employers must report **all** employees who reside or work in the State of Florida. Employees should be reported even if they work only one day before being terminated.
- Re-Hires or Re-Called Employees. Employers must also report re-hires, employees who return to work after having been separated from employment for at least 60 days (such as employees coming back to work after having been laid off, furloughed, granted a leave without pay, or terminated from employment).
- Temporary Employees. You do not have to report temporary employees you hire from a temp agency. The temp agency is responsible for reporting these employees, as they are employees of the agency.

**Do I need to report an employee who worked for a couple of hours or days and then quit?** Yes, if the employee filled out a W-4 form but only worked for a few hours, that employee must still be reported as a new hire.

**Do Independent Contractors (1099's) have to be reported?** No, you do not have to report independent contractors your business uses.

### **What information do I have to report?**

- Employer's FEIN, Name and Address
- Employee's Name
- Employee's Address
- Employee's Social Security Number
- Employee's Date of Hire

**Where do I report this information?** You can report online at [newhire.state.fl.us](http://newhire.state.fl.us). You can also use the paper Florida New Hire Reporting Form (a separate form is needed for each employee) and file the information via mail or fax. This form is also available from our website at [FUBA.org](http://FUBA.org) under the Small Business Alert tab.

**If I take over a business, do I have to report all of the employees?** If the FEIN used to report the quarterly wage information does not change, then no, not if these employees have previously been reported. If you are unsure if employees have been previously reported, the state recommends reporting any employee hired within the last 180 days. But you must report any newly-hired employee who is hired after the date you took over the business. If the FEIN used to report the quarterly wage information does change, then yes, you have to report all of the employees again.

**Do I need to report terminated employees as well?** No, only new hires and re-hires are required to be reported.

**What if I have questions about new hire reporting?** You can call the Florida New Hire Reporting Center toll-free at or 888-854-4791. You can also visit [newhire.state.fl.us](http://newhire.state.fl.us) to find more detailed information and download forms.

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