



FUBA *i*SSUES

Florida United Businesses Association

OUR BUSINESS IS SMALL BUSINESS

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CORPORATIONS AND LLC'S ALERT: DON'T FALL FOR THESE SCAMS

Two different companies are currently targeting small businesses with 2 different scams. The first is from a company called **Compliance Services**, which is mailing out notices called "Annual Minutes Requirement Statement Directors and Shareholders." This document looks like an official government document and requests you to send them a fee of \$125 to satisfy your annual minutes requirements for your corporation. **These notices are NOT from the State of Florida and "Annual Minutes" are NOT required to be filed with any state agency.** Please do not confuse this notice with an official notice sent by the state Division of Corporations relating to your 2011 Annual Report. The best thing to do with this mail is to throw it in the trash.

The second scam is from a company called **Arvitas, LLC**, which is a private company that is sending emails to businesses in Florida offering to file your Annual Report for you. Arvitas is trying to solicit business for its company by offering to file Annual Reports for Florida business entities at an inflated fee. This company does not offer any service that is not already available to you from the State of Florida at **www.sunbiz.org**. Please ignore any emails you may receive from companies like this offering to file your Annual Report for you.

Here's all you need to know about Annual Reports:

- If your business is a corporation or LLC formed prior to calendar year 2011, Florida law requires you to file an Annual Report with the Florida Department of State's Division of Corporations by May 1st.
- The Annual Report fee for a corporation is \$150. The Annual Report fee for an LLC is \$138.75. The fee is paid to the State of Florida (Department of State), not to any private company or organization.
- Annual Reports filed after May 1st will be assessed a \$400 late fee, which cannot be waived.
- You can only file your Annual Report online at

www.sunbiz.org, and you won't get anything in the mail from the state reminding you to file it.

- If you get anything in the mail or through your email saying anything other than this, it probably is a scam.

If you have any questions about your company's Annual Report or if you got something in the mail and have a question about it, please call the FUBA offices at 800-262-4483 and ask for Karen, Lance or Erin.

PAYROLL TAX CUT CLARIFICATION

In previous editions of "Issues" we told you about the recent 2% cut in social security payroll taxes employees pay. In these articles, we stated that all other payroll taxes would remain the same for 2011. This may have been misleading and confusing. While the 2% reduction in social security taxes means that most workers will have a larger paycheck, some workers may actually see their take-home pay go down.

Last year, the Making Work Pay Credit reduced everyone's income tax by 6.2%, up to a maximum of \$400, which reduced the payroll taxes withheld from each paycheck. Anyone earning over \$6451.00 received the maximum credit of \$400. This tax credit expired at the end of 2010 and was replaced by this new 2% reduction in social security taxes with a much higher maximum credit of \$2,136.00. So, while many workers will have less money withheld from their paychecks under this new tax cut, some lower-wage employees were actually better off under the Making Work Pay Credit and will actually have more money withheld from their check in 2011.

NEW "BROKEN ARM" POSTER REQUIREMENT

The State of Florida has updated the workers' compensation poster (also known as the "broken arm" poster) required to be posted by all Florida businesses that have workers' compensation insurance for their employees.

One of the benefits of your membership in FUBA is that we will always keep you updated if any federal or

state-mandated employment posters change so that you will always be up-to-date on poster requirements.

If you have your workers' comp insurance through FUBA Workers' Comp/FCBI Fund:

- We will send you an updated "broken arm" poster with your renewal workers' comp policy kit. Also included will be an updated sticker with your insurance information on it.
- All you have to do is put the sticker on the new "broken arm" poster and then paste up the new "broken arm" poster over the old one contained in your All-in-One poster that we sent you when you first became insured with us.

If you are a FUBA member but do not have workers' comp insurance with FUBA Workers' Comp/FCBI Fund:

- We will be sending you an updated poster in a separate mailing in the next few weeks.
- If you have workers' comp insurance through another carrier, you will need to contact them for an updated insurance information sticker for your new poster.
- If you do not have a workers' comp insurance policy, we will send you a new poster and you don't have to take further action.

If you have any questions about this new poster, please call the FUBA offices at 800-262-4483 and ask for Erin.

DOES THE STATE OWE YOU MONEY?

Some FUBA members have been contacted by a Certified Public Accountant asking for a fee to help them recover money owed to them that has now been turned over to the state (sometimes called "unclaimed property"). Unclaimed property can happen when someone writes you a check and you never receive it to cash it, or if you have a dormant bank account you forget about. After several years, this money gets turned over to the state, and you have a right to claim your property at any time by going to the website of Florida Chief Financial Officer Jeff Atwater at **www.fltreasurehunt.org**. You can search by your name or your business name to see if you are owed any money. Please note: this service is provided free by the state, and you do not need to pay a lawyer or accountant for help claiming your property. Here are some questions and answers provided by the Chief Financial Officer to help you:

I received a letter from the State of Florida, signed by Jeff Atwater, Chief Financial Officer, informing me the state is holding money that belongs to me. A claim form was also

enclosed. Is this letter really from the State of Florida? Yes. The letter from Florida's Chief Financial Officer is an official mailing. To claim your property, you can sign the claim form and return it along with the requested documentation.

I was contacted by a private company informing me that I have unclaimed funds and offering to help claim them for a fee. Is this legal and legitimate? Licensed private investigators, CPAs and attorneys can register with the state to have access to the State's records. They frequently contact account owners or their heirs offering to help recover property for a fee.

Is it necessary to hire one of these firms in order to claim my funds? No. You can claim the money on your own, directly with the state, free of charge. Go to **www.fltreasurehunt.org** to search the state's database and print a claim form for any account(s) you believe you are entitled to claim. The unclaimed property program is a free service provided to you by the State of Florida.

Is there a limit on the fees these firms can charge to recover my property? Yes. Fees are limited to 20%, up to a maximum of \$1,000 per account. These limits may be exceeded if the original contract you sign with one of these companies contains a Full Disclosure Statement.

One company informed me that if I did not act quickly, I could lose the right to claim my money. Is this true? No. There is no time limitation on unclaimed property in Florida. Account owners, or their heirs, maintain the right to claim their funds indefinitely.

I received a card from a company that said for \$35 they would tell me how to find unclaimed money. Should I sent them \$35 or provide my credit card information to them? No. You should not pay anyone any amount of money to tell you how to find unclaimed property. After they get your \$35, these companies will usually just refer you to **www.fltreasurehunt.org** and/or the websites for other states' unclaimed property programs which are already available for you to search as much and as often as you want free of charge.

SIGN UP FOR E-ALERTS FROM FUBA

In order to communicate with our members on a more timely basis, we have started sending emails called "FUBA e-Alerts" to those members we have email addresses for. Usually, they are time-sensitive information, like a reminder to file your Annual Report by May 1st. If you'd like to receive these emails from us, all you have to do is email us at **fuba@fuba.org** and give us your email address.