



Florida Department Of Revenue
Tax Information Publication

TIP

No: 1060BB-03

Date Issued:
June 22, 2010

UNEMPLOYMENT TAX

The Department of Revenue previously mailed to all contributory employers Tax Information Publication (TIP) #1060BB-01, regarding the unemployment tax rate calculations for 2010 and the change in the taxable wage base. Additional legislation passed this year that affects unemployment tax.

ERRONEOUS, INCOMPLETE, OR INSUFFICIENT REPORTS

Beginning with the 3rd quarter 2010 *Employer's Quarter Report* (UCT-6), the Department will assess a penalty of the greater of \$50 or 10 percent of any tax due (maximum of \$300 per report) on any filed report that is erroneous, incomplete, or insufficient. The Department will waive this penalty if an accurate, complete, and sufficient report is filed within 30 days of the penalty notice date. The penalty may not be waived more than one time during a 12-month period.

A report will be considered erroneous, incomplete, or insufficient if it is so lacking in information, completeness, or arrangement that the report cannot be readily understood, verified, or reviewed. Such reports include, but are not limited to, reports:

- having missing wage or employee information;
- having missing or incorrect social security numbers;
- having illegible entries;
- submitted in a format that is not approved by the Department;
- showing gross wages that do not equal the total of the gross wages reported for all employees; and
- missing pages with essential information.

A report will not be considered erroneous, incomplete, or insufficient if it merely contains inaccurate information that was given to the employer by the employee, if the employer was unaware of the inaccuracy.

ELECTRONIC FILING AND PAYING

Effective July 1, 2010, the Department will assess an **employer** a penalty of \$50 plus \$1 for each employee when an employer who is required by law to file electronically files the report by a means that is not approved by the Department. An **agent** who prepared and reported for 100 or more employers in any quarter during the preceding state fiscal year will be assessed the same \$50 plus \$1 per employee penalty for each UCT-6 *Employer's Quarterly Report* filed in the current calendar year by electronic means not approved by the Department.

This penalty does not apply if the Department waives the electronic filing requirement for the employer or an agent in advance.

Also effective July 1, 2010, the Department will assess an employer who is required by law to remit their tax payment electronically a penalty of \$50 for failure to remit contributions or reimbursements by approved electronic means as required by law.

These penalties are in addition to any other applicable penalties.

SINGLE MEMBER LIMITED LIABILITY COMPANIES

Section 443.036(20)(d), Florida Statutes, requires a limited liability company to be treated as having the same status as it is classified for federal income tax purposes. This clarifies that a single member limited liability company is treated as the employer for Florida unemployment tax purposes. A single member limited liability company must register separately and report wages for Florida unemployment tax purposes separately from its owner/manager.

DEADLINE TO RESPOND TO BENEFIT CLAIM

Effective July 1, 2010, an employer must respond to the initial notice of the claim (Form UCB-412) issued by the Agency for Workforce Innovation within 20 days from the mailing date in order to be eligible for consideration for noncharging of any benefit payments.

In general, employers that are responsible for an individual's unemployment are subject to charges to their tax accounts for benefits paid. Benefit charges stay with an account for three years for tax rate computation. In the past, all contributing base period employers could be relieved of charges resulting from benefit overpayments that were detected on a claim, even when the employer had contributed to the worker's unemployment and was, therefore, not otherwise eligible for noncharging.

Under the new law, an employer that has not responded to the initial notice of the claim within 20 days from the mailing date cannot be considered for any noncharging, except when the worker was discharged for violation of a criminal law punishable by imprisonment or for a dishonest act in connection with their work.

Because employers have not previously been held to a timeline in responding to claims, it is now critical that employers ensure that their official addresses are current in the Department's database so they will receive all mailed notices in a timely manner. Employers can request a unique address for unemployment claims forms and documents.

For benefit claims information, please contact the Agency for Workforce Innovation at 850-617-0410.

FOR MORE INFORMATION

This document is intended to alert you to the requirements contained in Florida laws and administrative rules. It does not by its own effect create rights or require compliance.

For forms and other information, visit our Internet site at www.myflorida.com/dor or call Taxpayer Services, 8:00 a.m. to 7:00 p.m., ET, Monday through Friday, excluding holidays, at 800-352-3671.

Persons with hearing or speech impairments may call our TDD at 800-367-8331 or 850-922-1115.

For a detailed written response to your questions, write the Florida Department of Revenue, Taxpayer Services, 5050 West Tennessee Street, Tallahassee, FL 32399-0112.

**Want the latest tax information and due date reminders
to file sales tax and unemployment tax returns?**

Go to www.myflorida.com/dor and click on:

“Subscribe to Our Publications.”

It’s fast, easy, and secure.