



Doing Business GUIDE

A Guide For Business Operation, Start-Up,
Relocation, and Expansion in Downtown Naples



***This Section provides
information on Filing the
Business Name; Taxes
& Certificates; Patents
& Trademarks.***

Downtown Naples, Florida is the ideal place to start or expand a business. The City of Naples, Fifth Avenue South Business Improvement District, Inc. (BID) and the Greater Naples Chamber of Commerce want to ensure that your business is successful for many years to come.

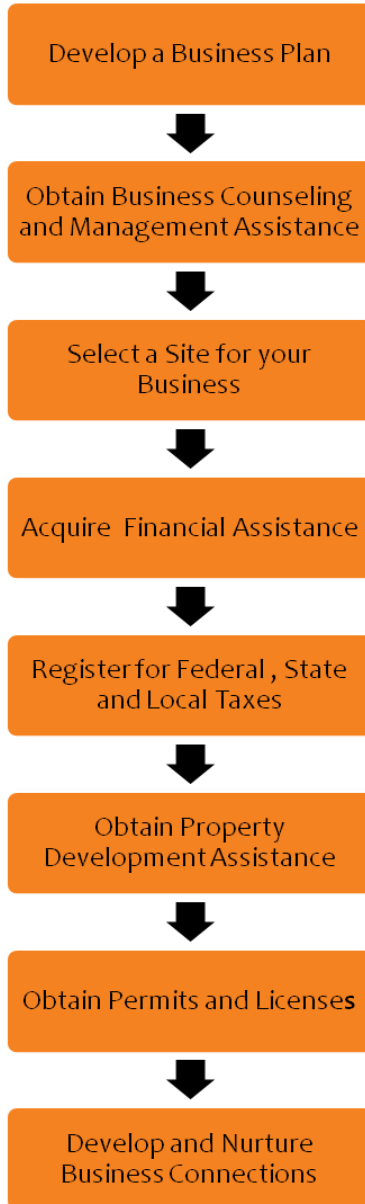
The *Doing Business Guide* is an important resource to facilitate business development. The *Guide* highlights the basic tools and resources necessary to successfully operate a business. Topics such as site selection, property improvements, signage, permitting, taxes and licensing are discussed within this booklet. Specific contact information is provided to make this Guide a great “one stop shop” for quick reference.

The *Guide* is downloadable from the Fifth Avenue South Website at **www.fifthavenuesouth.com** either as a full document; or by individual topic to ensure the document is navigable and easily downloadable.

Please note that information in this booklet may change as ordinances, permitting processes, and fees are revised and updated. Users are advised to verify all information with the appropriate department, agency or organization.

If you have any questions or comments regarding the *Doing Business Guide*, please contact the Fifth Avenue South Business Improvement District, Inc. at (239) 692-8436 or by email to **info@fifthavenuesouth.com**.

BUSINESS START-UP FLOW CHART



Filing the Business or Company Name

Your business or company name is your calling card. This section highlights the necessary processes and contact information for filing your business or company name within the State of Florida.

Florida Department of State

Division of Corporations

P.O. Box 6327

Tallahassee, FL 32314

(850) 245-6052

www.sunbiz.org

A Fictitious Name registration is required of individuals who do business under any name other than their legal personal name or under a properly registered corporate name, partnership, trademark or service mark. Applicants may contact the Division of Corporations or check the website for a complete index to see if the name is already in use.

If a change of business ownership occurs, the owners must file a cancellation and re-registration within 30 days of the change. Fictitious name applications can be filed online or are available for download from the above website. A filing fee applies.

TIP: Promoting Your Business on the Web

If you plan to promote your business on the internet, you may want to consider a business name that is also an available website domain name.

You can easily check available domain names by searching for your proposed “.com” name at www.domain.com.

Business Taxes & Certificates – Local, State & Federal

Every business needs one or more federal, state or local licenses or permits to operate. Licenses can range from a basic operating license to very specific permits, such as environmental permits. Regulations vary by industry, state and locality, so it's very important to understand the licensing rules. Not complying with licensing and permitting regulations can lead to expensive fines and put your business at serious risk. All businesses are required to pay federal, state, and in some cases, local taxes. Most businesses will need to register with the IRS and state and local revenue agencies, and receive a tax ID number or permit. The following resources will help determine your local, state, and federal tax registration requirements.

Local Taxes & Certificates

Business Tax Receipts

Businesses operating in the City of Naples must have a Business Tax Receipt from both the City of Naples and Collier County.

City of Naples Finance Department

735 Eighth St. S.

Naples, FL 34102

(239) 213-1800

Fax: (239) 213-1805

custsrv@naplesgov.com

www.naplesgov.com

Chapter 34; Section 34-63 of the Naples Code of Ordinances requires that anyone who engages in or manages any business, occupation or profession, within the city limits must obtain a city business tax receipt, and pay the applicable business tax before the commencement of any business. The business tax must be paid annually.

Which Business Tax Receipt do I get first, the City, the County, or the state?

If you are a professional or in a business that requires a license from any division of the state, you must first obtain your state license before applying for your City of Naples business tax receipt. To determine the appropriate licensing department for your business, contact the Florida Department of Business and Professional Regulation at 850-487-1395. Obtain the city tax receipt before the county tax receipt. Collier County's Business Tax Receipt information is online at www.colliertax.com.

Where do I apply for the City Business Tax Receipt?

Apply for the Business Tax Receipt at the City of Naples Finance Department, Customer Service Division, at City Hall at 735 8th Street South; the hours are 8 a.m. to 5 p.m. Monday through Friday.

You may also download a Business Tax Application at

www.naplesgov.com.

Is there a fee for change of address, name, or ownership?

Yes. The business owner/professional must complete a new business tax application and pay a fee. The fee is determined by the type of business and/or the number of employees. There is a fee which is comprised of a percentage of the required business tax fee when there is a change of ownership, location, or business name. If the only change is phone number or mailing address, then there is no fee (assuming the business is not moving to a different location). If the business is relocating to a different location, a new business tax receipt application is required.

Collier County

Business Tax Receipt

2800 N. Horseshoe Drive

Naples, FL 34104

239-252-2477

btr@colliertax.com

www.colliertax.com

Any business operating anywhere in Collier County (even inside city limits of Naples, Marco Island or Everglades City) must have a county business tax receipt. The license is for the privilege of engaging in a business activity either for profit or non-profit.

Obtaining a County business tax receipt requires filing an application at the County's Business Tax Receipt Office, 2800 N. Horseshoe Drive or at their Green Tree location at 2348 Immokalee Road. All commercial businesses located in the county will need approval from the Planning Department (located at 2800 N. Horseshoe Drive) and a fire inspection from your local fire department district. In some instances, permits and certifications are required from other state or county agencies.

If the business is located in the city of Naples, Marco Island, or Everglades City, a county Business Tax Receipt must be obtained after the issuance of a municipality license, and a copy of the municipality license (Tax Receipt) must be provided.

License FEES vary by type of business. Licenses are renewed annually by September 30.

Tangible Personal Property Tax

Collier County Property Appraiser

3950 Radio Road

Naples, FL 34104

(239) 252-8141

Fax: (239) 252-2071

www.collierappraiser.com

Tangible Personal Property is everything other than real estate that has value by itself. It would include items such as furniture, fixtures, equipment, tools, machinery, household appliances, signs, leasehold improvements, supplies, leased equipment and any other equipment used in a business or income producing venture. Anyone in possession of assets on January 1st who has a proprietorship, partnership, corporation, or is a self-employed agent or contractor, must file each year. Property owners who lease, loan or rent property must also file. All Tangible Personal Property Tax Returns must be filed between January 1st and April 1st of each year to avoid penalties. Florida Statutes provide that penalties be applied at 5% per month or portion of a month that a return is late. Penalties apply for unreported or omitted property; and if no return is filed.

State Taxes & Certificates

Florida Department of Revenue (DOR)

Naples Service Center

3845 Beck Blvd, #831

Naples, FL 34114

(239) 348-7565

www.myflorida.com/dor

The Department of Revenue is a federal agency responsible for handling income generated by taxation, fees, interest, and penalties. The Department of Revenue deals with tax revenue generated by individuals and businesses.

- **Florida Corporate Income Tax**

Corporations doing business in Florida are subject to the Corporate Income Tax. The Florida Corporate Income Tax is due on or before April 1st. Information about filing the Corporate Income Tax, relevant forms, and additional assistance can be found at www.myflorida.com/dor.

- **Sales and Use Tax**

Sales tax applies to the sale, rental, lease, or license to use goods, certain services, and commercial property in Florida (unless the transaction is exempt). If your business will have taxable transactions, you must register with the Department of Revenue before you begin conducting business in Florida. Florida businesses must collect sales tax for many products and services and must have a Sales Tax Number, which can be obtained by filing Form DR-1. Owners of service businesses should check with DOR to find out if they must pay and when.

Monthly returns and payments are due on the 1st day of the month and late after the 20th day of the month following the collection period. For example, if the sale took place during January, then tax is due on the 1st of February and late after the 20th. Information about filing the Sales and Use Tax, relevant forms, and additional assistance can be found at www.myflorida.com/dor.

- **Reemployment Tax**

Reemployment assistance gives partial, temporary income to workers who lose their jobs through no fault of their own, and are able and available for work. Employers pay for reemployment assistance through a tax administered by the Department of Revenue. Businesses are required to report wages and pay taxes to the Unemployment Compensation Program if they paid \$1,500 in wages within a calendar quarter, have employed one person for any portion of a day in 20 different weeks during the calendar year, are liable for federal unemployment tax (FUTA) because of employment in another state, and/or is a domestic employer with a cash payroll of \$1,000 or more in a calendar quarter.

An Employer's Quarterly Report (Form RT-6) is due the 1st day of the month following the end of each calendar quarter and is late if not postmarked by the last day of the month.

Florida Department of Financial Services

Workers' Compensation Coverage

200 East Gaines Street

Tallahassee, FL 32399

(877) 693-5236

www.myfloridacfo.com

If a business has four or more full or part-time employees, workers' compensation coverage is required. Construction contractors with one or more full-time or part-time employees must purchase coverage. The premium is determined by applying various hazard rates to specific job classifications based on the employer's annual payroll. All construction related businesses should contact the Department to determine specific coverage requirements. Workers' compensation coverage can be purchased through any number of commercial insurance carriers and group/commercial self-insurance funds. In addition, business owners may self-insure if they fulfill certain financial requirements.

Florida New Hire Reporting Center

P.O. Box 6500

Tallahassee, FL 32314

(888) 854-4791

www.fl-newhire.com

Federal and State law (The Personal Responsibility and Work Opportunity Reconciliation Act of 1996) requires employers to report newly hired, re-hired, and temporary (full-time and part-time) employees in Florida to the Florida New Hire Reporting Center within 20 days of their hire or rehire date. Employers must also report any employee who remains on the payroll during a break in service or gap in pay, and then returns to work. This includes teachers, substitutes, seasonal workers, etc.

To report new hires or rehires, employers can use online reporting, mail, or fax. Online reporting at **www.fl-newhire.com** provides employers with a printable confirmation report within 24 hours of reporting.

Florida Department of Business and Professional Regulation

Customer Contact Center

1940 N. Monroe Street

Tallahassee, FL 32399

(850) 487-1395

www.myfloridalicense.com/dbpr

Florida requires state licenses or certificates of competency for many professions and occupations, ranging from hairdressers to accountants to day care workers. Many require special training and prior examinations. The Florida Department of Business and Professional Regulations has jurisdiction over most occupations, but some fall under the jurisdiction of other state agencies. Contact the DBPR for any inquiries and more information.

Federal Taxes & Certificates

Federal Tax Identification Number

Internal Revenue Service (IRS)

Fort Myers District Office

4210 Metro Parkway

Ft Myers, FL 33916

(239) 938-7601

www.irs.gov

An Employer Identification Number (EIN) is also known as a Federal Tax Identification Number, and is used to identify a business entity. Generally, businesses need an EIN, which is a nine-digit number that the IRS assigns in the following format: XX-XXXXXXX. The IRS uses the number to identify taxpayers that are required to file business tax returns. EINs are used by employers, sole proprietors, corporations, partnerships, nonprofit associations, Trusts, estates of decedents, government agencies, certain individuals and other business entities. Applications for EINs are now available online for small business owners.

Small business and self-employed forms and publications can now be downloaded from the IRS website at www.irs.gov/Businesses/Small-Businesses-&Self-Employed/Small-Business-Forms-and-Publications or by contacting (800) 829-3676 to order forms and publications through the mail.

If you are an aspiring entrepreneur and are unsure of which tax publications may be relevant to you, please consult the IRS Starting a Business section, which provides an overview of federal tax responsibilities. *Please note: This list is not all-inclusive, so please visit IRS forms and publications for more information.*

Federal Wage and Tax Statement

Social Security Administration

Naples Office

Suite 1114

2659 Professional Circle

Naples, FL 34119

(800) 772-1213

www.socialsecurity.gov/employer

On an annual basis, employers must report to the federal government wages paid and taxes withheld for each employee. This report is filed using Form W-2, Wage and Tax Statement. Employers must complete a Form W-2 for each employee to whom they pay a salary, wage, or other compensation.

Employers must send Copy A of Form W-2 (Wage and Tax Statement) to the Social Security Administration (SSA) by the last day of February (or, if filed electronically, the last day of March) to report the wages and taxes of your employees for the previous calendar year. In addition, employers should send copies of Form W2 to their employees by January 31 of the year following the reporting period.

Visit the Social Security Administration's website at www.socialsecurity.gov/employer for Employer W-2 Filing Instructions and Information, and further guidance and assistance. In Naples and all of Florida, there are no state personal income taxes.

Legal Matters

From time to time, new and existing businesses may need to seek the advice of legal counsel, or may need to establish a legal standard for their business. This section highlights points of contact for businesses seeking legal assistance.

Collier County Bar Association

Lawyer Referral Service of Collier County

3315 Tamiami Trail East, Suite 505

Naples, FL 34112

(239) 252-8138

Fax: (239) 775-5858

www.CollierCountyBar.org

The Collier County Bar Association has a Lawyer Referral Service that can help connect you to the type of lawyer you need. There is a fee for the referral which entitles the caller to a free 30 minute initial consultation with an attorney. Good legal counsel is very important in business start-up and operation. The advice of legal counsel will help you decide what type of business structure you should have (C or S Corporation, Sole-Proprietorship, LLC, Partnership, etc.), help you address insurance issues, and help you foresee any legal problems you may otherwise be unaware of.

Patents and Trademarks

U.S. Department of Commerce

Patent and Trademark Office

600 Dulany Street

Alexandria, VA 22314

(800) 786-9199

www.uspto.gov

Original machines, technical processes or methods, manufactured items, and chemical compositions may be patented. “Utility patents,” for inventions with movable parts, remain in effect for 20 years; “design patents” are effective for 14 years. The key elements of patent

applications are “claims” which describe all essential features that distinguish the new invention.

A trademark is a word, phrase, symbol and/or design that distinguish the products of one business from another. Although registration provides greater protection, trademarks that are not registered still legally protect owners. A trademark or service mark may be registered through the U.S. Patent and Trademark Office or for more limited state protection, with the Florida Department of State, Division of Corporations at www.sunbiz.com.

Florida Department of State

Division of Corporations

P.O. Box 6327

Tallahassee, FL 32314

(850) 245-6052

www.sunbiz.org

Trademarks and Service Marks may be registered with the Florida Department of State pursuant to Chapter 495, Florida Statutes. Registration must be denied if a mark does not meet and comply with all of the requirements and provisions stipulated. Marks are checked against other marks registered with this division and not against corporations, fictitious names or other entities. Rights to a name or mark are perfected by actual use in the ordinary pursuit of the specific endeavor; rights are not perfected by registration only, and the general rule of "FIRST IN USE, FIRST IN RIGHT" is applicable. The Division of Corporations registers trade and service marks on a state level.

OSHA - What is it?

The Occupational Safety and Health Administration (OSHA) is the federal agency that administers occupational safety and health regulations. All businesses with employees are required to comply with state and federal regulations regarding the protection of employees. OSHA outlines specific health and safety standards adopted by the U.S. Department of Labor. For more information on applicable regulations, please visit www.osha.gov or contact their Tampa Office at (813) 626-1177.

The information provided in this document has been provided by or gathered from sources deemed reliable. However, the City of Naples, Fifth Avenue South Business Improvement District, Inc. and The Greater Naples Chamber of Commerce do not warrant or represent that the information is true or correct. Users are advised to verify all information independently.