

CHARLOTTE COUNTY CHAMBER OF COMMERCE



CHARLOTTE COUNTY BUSINESS START-UP GUIDE

a complimentary publication of the

Charlotte County Chamber of Commerce, Inc.

2702 Tamiami Trail

Port Charlotte, Florida 33952

in cooperation with the

Small Business Development Center (SBDC), Florida Gulf Coast University

10501 FGCU Blvd. South

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Fort Myers, Florida 33965

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[The information provided in this publication is for informational purposes only and subject to change.]

The Charlotte County **Business Start-Up Guide** is designed to provide information to prospective business owner or operators through the early stages of starting a business in Charlotte County.

Operating Structures:

Generally, there are the following types of operating structures: “C” corporation, S-Corporation, Limited Liability Company, Limited Liability Partnership and sole proprietorship. Consult our in-house SBDC Certified Professional Business Consultant (at no cost), an attorney, or an accountant for the type which best suits your business plan. If a business is to be a corporation, articles of incorporation must be filed by contacting:

Secretary of State, Division of Corporations
On the Internet at sunbiz.org or at
The Centre of Tallahassee
2415 N. Monroe Street, Suite 810
Tallahassee, FL 32303
850.245.6000

If you decide to file electronically on your own at www.sunbiz.org, consider the following suggestions:

1. Decide on an appropriate name for your company/corporation/sole proprietorship. For a nonprofit corporation there are more specific tasks that will require the help of a professional in this area.
2. Find the column: “Popular Tasks”
3. Select “Look Up Business” for all Corporations and Companies
 - a. If a company or corporation the selected Name Inquiry (must end in INC or LLC)
 - b. If a Sole Proprietorship (unincorporated business entity) – select “Fictitious Name Registration”
 - c. Verify that your selected name is not in use or very similar to an existing name (either active or inactive). If you MUST have an inactive name, it must have been out of active service for at least one year (call to verify).
 - d. Before registering the name with sunbiz.org consider whether you are going to have a web page on the internet - check name availability with godaddy.com or a similar website name site to see if the name is available for purchase.
4. If the name is available, you should consider obtaining an FEIN (Federal Employee Identification Number) also known as an EIN or Tax ID which would replace your need to use your Social Security Number in business situations.
 - a. On the Internet go to <https://www.irs.gov/businesses/small-businesses-self-employed/apply-for-an-employer-identification-number-ein-online> to apply for your FEIN (no cost). Help is available from the SBDC when applying for this number. Once obtained, print out the document electronically and also save it as a PDF on your computer. **Be sure that the site has the IRS logo in the top left corner before continuing with the registration.**
5. Go back to sunbiz.org and review “Filing Services” in the left column
 - a. Select type of corporation/company you wish to form.
 - b. If this is not to be an incorporated entity, click on “Fictitious Name Registration.” under “Popular Tasks” in the third column.

- c. Review all of the “other” options for future reference and requirements — the most popular will be “Annual Report” under “Filing Services,” which is required yearly for companies and corporations.
6. If establishing an LLC or a For Profit Corporation:
 - a. Click on “File or Correct Articles of Incorporation.”
 - b. Read and check “disclaimer”
 - c. Select “Start New Filing”
 - d. REMEMBER HELP IS AVAILABLE TO WALK YOU THROUGH THIS PROCESS WITH THE SBDC (AT NO COST).
 7. Articles of Incorporation Page
 - a. Read all required information before writing on the form.
 - b. If you complete the form on your own, be sure to have a printer connected to print out your receipt and confirmation number.
 - c. You will need to check the box for “Certified Copy” which will be required to open a bank account for this company/corporation.
 - d. A Certificate of Status is not required at this time.
 - e. If you have filed for a “For Profit Corporation” be sure to download Form 2553 on the IRS.Gov website to complete the “S-Corp” classification within 70 days of this filing. If you do not file F 2553 your company will default to a “C” classification.
 - f. A corporation will require selecting a number of “Shares” (at least one) for the owner(s) who will be required to list their name and contact information on Form 2553.
 - g. Within three days (clearance of your payment) your articles will be posted on the Division of Corporations – Document Search under the name of your company. Print out your “Articles of Incorporation.”
 - h. If a business is to be operated under a name other than your own (Sole Proprietorship – unincorporated), it needs to be registered under the Fictitious Name Act. Once the fictitious name has been registered, you must complete the application for publication in the legal section of your local newspaper (Charlotte Sun has a fee of \$35 after which you will receive confirmation and a copy of the ad in the mail. For further information, contact:

Go on-line – www.sunbiz.org -- to register electronically (as noted above) or contact;

Fictitious Name Filing Section
PO Box 6327
Tallahassee, FL 32314-6327
(850) 487-6053

Employer Identification Number (as noted above):

All businesses, except sole proprietorships with no employees, must apply for an employer identification number (EIN). However, obtaining an EIN as a sole proprietor will replace your need to use your Social Security number with clients and businesses with whom and which you’re working. A taxpayer number registers a business with the federal government. For more information and proper forms contact: The Internal Revenue Service: Business Service: (800) 829-4933. Be sure to add your FEIN to your Division of Corporations registration. For a Sole Proprietorship, you can add it on the application page. For an LLC or INC you will have to add it after the registration using the “update or change...” option under Popular Tasks.

Liability Insurance:

Companies should consider purchasing liability insurance to protect their operations. There are many options and prices to consider. Check with your local SBDC — Certified Business Professional for guidance.

Banking:

Corporate banking should be established for all companies. This process will require the above documentation and the guidance of your local SBDC (SBA) Certified Business Analyst for guidance.

Bulk Sales Law:

All persons buying an existing business must comply with the “bulk sales law” which requires creditors to be notified. Contact an attorney for specific procedures.

Licenses and Permits:

Depending on the type of business, owners may need to acquire both city and county licenses, as well as any special licenses pertinent to the type of business started. In addition, businesses selling products (and / or services attached to products) will be required to register with the State Department of Revenue. Consideration should be given to your tax obligations.

Business Tax:

Any new business in Charlotte County must secure a Local Business Tax Receipt from the Tax Collector's office. Businesses located in the City of Punta Gorda must obtain an additional “Business Tax Receipt” from the County and / or the City. The Local Business Tax Receipt is issued on a yearly basis and fees vary with the occupation being licensed. Businesses working in multiple Counties will have to obtain separate Business Tax Receipts in those Counties / Cities in which he is working. Any contractor or sub-contractor who does work in the city or county must obtain a Certificate of Competency. This can be obtained from the county tax department. If you are operating a business out of your home, you will now be required to obtain a “APPLICATION FOR CHANGE OF OCCUPANCY (CNC) & HOME OCCUPATION” from the tax collector and the fee is \$101.00

If there is any question regarding the requirement for a city license, contact the City Clerk’s office. If there is any question regarding the requirement for a county license, contact the Charlotte County Tax Collector. Direct questions to:

Vickie L Potts
Charlotte County Tax Collector
18500 Murdock Circle
Port Charlotte, FL 33948
(941) 743-1350
taxcollector@charlottecountyfl.gov

City of Punta Gorda
City Clerk’s Office
326 West Marion Avenue
Punta Gorda, FL 33950
(941) 575-3369

Workman’s Compensation

This compensation is required for all businesses upon the fourth employee and for construction related businesses upon the first employee. Exemptions can be obtained for LLC’s and Corporations (see site: <https://apps.fldfs.com/bocexempt/>). If you have any questions, contact the Division's Customer Service Office at 850-413-1609, option 2, toll free @ 1-800-342-1741, option 3, or email at wc_exemption@myfloridacfo.com.

Building Permits, Zoning, Variances and Special Exemptions:

Minor Home Occupation Permit — for all new businesses registering in Charlotte County to operate a business out of their home must file a APPLICATION FOR CHANGE OF OCCUPANCY (CNC) & HOME OCCUPATION and the fee is \$101.00. This zoning permit is necessary prior to obtaining the company's Business Tax Receipt.

A **building permit for building inspection** is required of all construction projects or reconstructed buildings. A zoning permit is needed to match Local Business Tax Receipt to the business location. The type of business for which your Local Business Tax Receipt is issued must correspond to the type of use allowed on the land where it will be located. Transfer of building premises ownership may require upgrading the premises to meet existing building codes prior to commencing of business by the new owner. Be sure to check with one of the following appropriate governmental entities before contracting: In addition, "Impact Fee" may be applicable to those businesses working in a new store front operation which has changed the use of that store front. A list of business impact fees is available at the County Administration Building's Construction Services Offices on Murdock Circle, Murdock.

Charlotte County Community Development
Permitting Office
18500 Murdock Circle
Port Charlotte, FL 33948
(941) 743-1201

City of Punta Gorda
Building and Zoning Department
326 West Marion Avenue
Punta Gorda, FL 33950
(941) 575-3346

Professional Licenses:

Some professions and businesses must obtain a license from the Florida Department of Business and Professional Regulation (DBPR). Contact the Department at 850-487-1395, or go on the Internet at <http://www.myfloridalicense.com/dbpr/> . The Department of Agriculture & Consumer Services 800-435-7352 <http://www.freshfromflorida.com/> regulates food outlets and food processors and auto repair, health studios, telemarketing companies. The Health Care Administration <http://ahca.myflorida.com/> regulates nursing homes, larger ACLFs and home nursing care (800) 955-8771.

Fire Inspection:

All buildings, with the exception of private residences, are subject to inspection by the city or county Fire Prevention Bureaus for the purpose of protecting the public safety. They may be reached at: <https://www.charlottecountyfl.gov/services/fire-ems/Pages/Administrative-Staff.aspx> <http://www.ci.punta-gorda.fl.us/government/fire/fire-prevention-safety>

County Fire Prevention Bureau
18500 Murdock Circle
Port Charlotte, FL 33948
941.743.1944

City of Punta Gorda Fire Prevention Bureau
1410 Tamiami Trail
Punta Gorda, FL 33950
941-575-3324

Beverage License:

Any business serving alcoholic beverages must apply for a license. Since the liquor industry is highly regulated, applicants must qualify. Fees are based on the types of beverages sold or served. The license is renewed annually. The Bureau requests that all applicants or their representatives receive information in person concerning obtaining a beverage license to avoid misinformation. The time required to process the application on local and state levels may take as long as 5-8 weeks. Contact:

Alcoholic Beverages and Tobacco Division
2830 Winkler Avenue
Ft. Myers, FL 33901

(941) 278-7195

Division of Hotels and Restaurants:

Any business classified as a hotel, motel or restaurant must meet the regulations for safeguarding the public health, safety and welfare set forth by the Division of Hotels and Restaurants. A non-transferable license is issued from the:

Division of Hotels and Restaurant
<http://www.myfloridalicense.com/dbpr/hr/>
2601 Blair Stone Road
Tallahassee, FL 32399-1011
Phone: 850.487.1395
Email: dhr.Info@myfloridalicense.com

Charlotte County Public Health :

Many types of businesses must have health permits. They include all enterprises dealing with food products, such as convenience stores, restaurants, bars and taverns, all food processors and catering services, schools and institutions, trailer parks, child-care centers, nursing homes and pet shops. In addition, a food handling course is required for all businesses handling food products. To determine if a health permit is required, contact:
<http://charlotte.floridahealth.gov/>

Charlotte County Public Health Unit
1100 Loveland Boulevard
Port Charlotte, Florida 33980
(941) 624-7200

Environmental Regulations:

Any business that is an actual or potential polluting source (liquid waste and air waste) must obtain a permit. Further, activities affecting the Charlotte Harbor Aquatic Preserve may require a permit. Check with:
<http://www.dep.state.fl.us/mainpage/default.htm> 850-245-2118 in Tallahassee, FL.

Department of Natural Resources
514 E. Grace Street
Punta Gorda, FL 33950
Phone: 941.613.3220
Email: NaturalResources@CharlotteCountyFL.gov

TAXES:

Federal Taxes:

Every business owner must file appropriate tax forms with the Internal Revenue Service, including withholding, social security and federal unemployment taxes. The IRS provides workshops and guidance designed to help small business in completing the requirements. Internal Revenue Service information is available from:

General information - 1-800-829-1040
Business Information - 1-800-829-4933
Forms - 1-800-829-3676 www.irs.gov

Social Security Taxes:

Information regarding payroll deductions, report forms and federal tax filing data can be obtained from:

Social Security Office
1600 Tamiami Trail, Suite 200
Port Charlotte, FL 33948
(800) 772-1213
Monday-Friday 9:00am – 3:00pm

(Located in the FloridaCentral Credit Union Building, ¼ mile South of the Port Charlotte Town Center Mall on the opposite side of US41/Tamiami Trail. Enter through the City Center at 1620 and Cross the Bridge. Free parking and Elevator Access.)

Unemployment Compensation:

Employers who have one or more employees are generally required to carry unemployment compensation coverage. Information is available from:

The Department of Labor and Employment Security'
Division of Unemployment Compensation
4350 Fowler Street
Ft. Myers, FL 33901
(941) 278-7600

Corporate Income Tax:

Corporate income tax is measured by net income and applies to all domestic and foreign corporations, associates and financial institutions who conduct business or receive income in the State of Florida. Information can be obtained from:

The State Department of Revenue
2295 Victoria Avenue #270
Ft. Myers, FL 33901
(941) 338-2400

State Sales Tax:

All retail businesses must collect the state's 6 percent sales tax and any county surtax (Charlotte County is 1%) and must be registered with a tax number. The use tax is 6 percent of the used, consumed, distributed, rented or stored for use or consumption. The tax is paid by the ultimate consumer and is collected by the retailer at the time of the sale. A "Tax Kit" detailing the regulations and calculations for sales tax is available from the Department of Revenue.

Monthly or quarterly report is required. Information may be obtained from:

The State Department of Revenue
2295 Victoria Avenue #270
Ft. Myers, FL 33901
(239) 338-2400

Tangible Personal Property Taxes:

All businesses with personal property are subject to tangible taxes; however, this tax is no longer applied to inventory items. A new business must file with the tax assessor's office, between January 1 and April 1 each year, for taxes levied on tangible business assets. Information can be obtained from:

<https://www.ccappraiser.com/>

Murdock Administration Center
18500 Murdock Circle
Port Charlotte, FL 33948

Real Property 941-743-1498
Tangible Personal Property 941-743-1476
Exemptions/Address Change/Property Ownership 941-743-1593
Agricultural 941-743-1353

Electronic Filing for Tangible Tax: https://www.ccappraiser.com/tpp_ef_intro.asp

Accommodations Tax:

Any business providing transient accommodations (defined as living quarters or accommodations rented for a period of six months or less per year) must collect the Tourist Development tax. The taxes are remitted to:

Vicki Potts, Tax Collector
Charlotte County Administration Building
18500 Murdock Circle
Port Charlotte, FL 33948
(941) 743-1350
taxcollector@charlottecountyfl.gov

Insurance:

Insurance coverage should be carefully considered and chosen to insure a business can continue operations should something unfortunate happen. Contact your insurance agent for detailed information.

Resources: General County Direction: DIAL 211

There are a number of local resources available that offer counseling and research assistance to the new business owner. They include:

Office of Economic Development
18501 Murdock Cir., Suite 302
Port Charlotte, FL 33948
(941) 764-4941 cleared4takeoff.com

Small Business Counseling in Charlotte County
Sue Craig scraig@fgcu.edu
Patti Guerzo pguerzo@fgcu.edu
Schedule online at www.fsbdcswfl.org

Daveler Institute of Entrepreneurship
FSW School of Business and Technology
8099 College Parkway, SW
Ft. Myers, FL 33907-5164
(941) 489-9200 davelerinstitution@fsw.edu

SCORE (Service Corps of Retired Executives)
Port Charlotte Office, The SCORE Association
Call, Email or Schedule on the website.
(941) 743-6179 port.charlotte@scorevolunteer.org
Website: www.score.org/portcharlotte

Florida Small Business Development Center at Florida Gulf Coast University
Lucas Hall #317
10501 FGCU Blvd. South
Fort Myers, FL 33965-6565
(239) 745-3700 dzwierewicz@fgcu.edu
Website: www.fsbdcswfl.org

CareerSource Southwest Florida
3745 Tamiami Trail
Port Charlotte, FL 33952
(941) 235-5900, Ext. 3252

Small and Minority Business Advocate
107 West Gaines Street
Tallahassee, FL 32399-2000
(904) 487-4698

Websites:

Here's a collection of helpful websites:

www.Sunbiz.org: access to business entities, image databases, forms

www.Myflorida.com: government services, access to all Florida county websites, hot topics

www.Nolo.com: law for all, terms, planning, retirement, trademarks

www.Entrepreneur.com: steps for starting a business, money solutions, tools

www.Venturea.com: business plans, going public, financing, venture capital

www.FSBDC.com: services for emerging and established businesses, assistance on all levels

www.Bplans.com: sample plans, articles, tools, software, advice on plans

<https://www.sbdecnet.org>: all the information a small business needs to get started or stay in business

www.Entreworld.org: Lessons learned by the entrepreneur-reports and guidelines

www.Census.gov: census bureau data – surveys, tools for business