

2011

Underpayment of Estimated Tax by Farmers and Fishermen

5805F

Attach this form to the back of your Form 540, Long Form 540NR, or Form 541, even if you do not owe a penalty.

Name(s) as shown on return | Your SSN or ITIN

Part I Figure Your Underpayment.

1 2011 tax after credits from Form 540, line 48, line 61, and line 62; Long Form 540NR, line 64, line 71, and line 72; or Form 541, line 28 ... 1 00
2 2011 tax on lump-sum distributions from Form 540, line 34; Long Form 540NR, line 41; or Form 541, line 21b ... 2 00
3 Subtract line 2 from line 1 ... 3 00
4 Multiply line 3 by 66 2/3 percent (.6667) ... 4 00
5 2011 withholding taxes from Form 540, line 71 and line 73; Long Form 540NR, line 81 and line 83; or Form 541, line 29 and line 31 ... 5 00
6 Subtract line 5 from line 3. If less than \$500 (\$250 if married/RDP filing separately), STOP. You do not owe a penalty. ... 6 00
7 2010 tax after credits from Form 540, add line 48, line 61, and line 62; Long Form 540NR, add line 63, line 71, and line 72; or Form 541, line 28. (If you did not file a return for 2010 or if your 2010 taxable year was less than 12 months, do not complete line 7 through line 9. Instead, enter the amount from line 4 on line 10.) ... 7 00
8 a 2010 tax on lump-sum distributions from Form 540, line 34; Long Form 540NR, line 41; or Form 541, line 21b ... 8a 00
b 2010 child and dependent care credit expenses from Form 540, line 78 or Long Form 540NR, line 88 ... 8b 00
c Add line 8a and line 8b ... 8c 00
9 Subtract line 8c from line 7. If less than \$500 (\$250 if married/RDP filing separately), STOP. You do not owe a penalty. ... 9 00
10 Enter the smaller of line 4 or line 9. (If your California AGI is equal to or greater than \$1,000,000/\$500,000 for married filing a separate return, use line 4.) ... 10 00
11 2011 withholding taxes and estimated tax payments made on or before January 17, 2012, from Form 540, line 71, line 72, line 73, and line 74; Long Form 540NR, line 81, line 82, line 83, and line 84; or Form 541, line 29, line 31, and line 32 ... 11 00
12 Underpayment. Subtract line 11 from line 10. If zero or less, you do not owe a penalty. Be sure to fill in the circle on Form 540, line 113; Long Form 540NR, line 123; or Form 541, line 42 ... 12 00

Part II Figure Your Penalty.

13 Enter the date the amount on line 12 was paid or April 15, 2012, whichever is earlier ... 13
14 Number of days after January 15, 2012, to and including the date on line 13 ... 14
If you are a calendar year taxpayer and made no estimate payment, enter 90 days.
15 Penalty: Number of days on line 14 / 366 x .04 x underpayment on line 12. Enter the result here.
If you are requesting a waiver, go to line 16. Otherwise, enter this amount on Form 540, line 113; Long Form 540NR, line 123; or Form 541, line 42. Also, fill in the circle on that line to show that form FTB 5805F is attached to the return. ... 15 00
16 To request a waiver, check the box on this line and provide an explanation below. Be sure to fill in the circle on Form 540, line 113; Long Form 540NR, line 123; or Form 541, line 42. See General Information E. ... 16 [ ] 00

# Instructions for Form 5805F

## Underpayment of Estimated Tax by Farmers and Fishermen

### General Information

The instructions provided with California tax forms are a summary of California tax law and are only intended to aid taxpayers in preparing their state income tax returns. We include information that is most useful to the greatest number of taxpayers in the limited space available. It is not possible to include all requirements of the California Revenue and Taxation Code (R&TC) in the tax booklets. Taxpayers should not consider the tax booklets as authoritative law.

The Mental Health Services Act, imposes an additional 1% tax on taxable income over \$1,000,000.

Alternative Minimum Tax (AMT) is included in the calculation of estimated tax.

The underpayment of estimated tax penalty shall not apply to the extent the underpayment of an installment was created or increased by any provision of law that is chaptered during and operative for the taxable year of the underpayment. To request a waiver of underpayment of estimated penalty, follow the directions under General Information E.

### A Purpose

Use Part I of form FTB 5805F, Underpayment of Estimated Tax by Farmers and Fishermen, to determine if you, as a farmer or fisherman, paid the required amount of estimated tax. Use Part II to compute your estimate penalty if you did not pay enough estimated tax.

### B Qualifications

You are a farmer or fisherman and at least two-thirds of your 2010 or 2011 gross income is from farming or fishing. If you need help determining your gross income, get federal Publication 505, Tax Withholding and Estimated Tax.

If you determine that you are not a farmer or fisherman, **do not** use this form. Instead, use form FTB 5805, Underpayment of Estimated Tax by Individuals and Fiduciaries, to determine if you owe an estimate penalty.

### C Required Estimate Payment

If you are a farmer or fisherman, you are required to make an estimated tax payment of  $66\frac{2}{3}\%$  (.6667) of your 2011 tax or 100% of your 2010 tax, whichever is less. If you are a calendar year taxpayer, your payment must be filed and paid by January 17, 2012. If you are a fiscal year taxpayer, your payment must be filed and paid by the 15th day of the 1st month after the close of your taxable year.

When the estimate due date falls on a weekend or holiday, the deadline to file and pay without penalty is extended to the next business day.

### D Exceptions to the Penalty

You do not owe a penalty for 2011 if any of the following apply:

1. You file your 2011 tax return and pay the full amount of tax due by March 1, 2012.
2. The tax for 2010, after credits, was less than \$500 (\$250 if married/registered domestic partner (RDP) filing separately) calculated as follows:
  - Form 540, add line 48, line 61, and line 62 less the tax on lump-sum distributions included on line 34 and child and dependent care expenses credit on line 78 and less line 71, line 73, and line 74.
  - Long Form 540NR, add line 63, line 71, and line 72 less the tax on lump-sum distributions included on line 41 and child and dependent care expenses credit on line 88 and less line 81, line 83, and line 84.
  - Form 541, line 28 less the tax on lump-sum distributions included on line 21b and less line 29 and line 31.
3. The tax for 2010 (from line 8) is less than \$500 (\$250 if married/RDP filing separately).
4. You had no tax liability for 2010 and your 2010 tax return was for a full 12 months (or would have been if you were required to file). You do not need to have had income in each month.

### E Waiver of the Penalty

All or part of the penalty for underpayment may be waived if either of the following apply:

- You underpaid the estimated tax because of a casualty, disaster, or other unusual circumstance and it would be inequitable to impose the penalty.
- In 2010 or 2011, you retired after age 62 or became disabled and your underpayment was due to reasonable cause.

To request a waiver you must do all of the following:

- Complete form FTB 5805F through line 15 without regard to the waiver. Write the amount you want waived in parentheses on the dotted line next to line 16. Subtract this amount from the total penalty you figured without regard to the waiver, and enter the result on line 16.
- Check the box on line 16.
- Below line 16, explain why you are requesting a waiver of the estimate penalty. If you need more space, attach a statement. Be sure to include your name and tax ID no. on each statement you attach.
- Enter the amount, if any, from line 16 on Form 540, line 113; Long Form 540NR, line 123; or Form 541, line 42 and fill in the circle on that line.

### F Amended Tax Returns

If you file an amended tax return by the due date of your original tax return, use the amounts shown on your amended tax return to figure your underpayment. If you file an amended tax return after the due date of your original tax return, use the amounts shown on the original tax return.

**Exception:** If you and your spouse/RDP file a joint tax return after the due date to replace separate tax returns you originally filed by the due date, use the amounts shown on the joint tax return to figure your underpayment. This rule applies only if both original separate tax returns were filed on time.

**Important:** Even if you do not owe a penalty, do both of the following:

- Attach this form to the back of your Form 540, Long Form 540NR, or Form 541.
- Fill in the circle on Form 540, line 113; Long Form 540NR, line 123; or Form 541, line 42 if you are a farmer or a fisherman. This helps the Franchise Tax Board identify you as a farmer or fisherman and correctly process your tax return.