

By Senator Ring

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1                   A bill to be entitled  
2           An act relating to employment of the homeless;  
3           amending s. 220.02, F.S.; specifying the order for  
4           applying the tax credit for employment of the  
5           homeless; amending s. 220.13, F.S.; redefining the  
6           term "adjusted federal income" to include an  
7           adjustment for such tax credit; creating s. 220.197,  
8           F.S.; providing definitions; providing a tax credit  
9           for a corporation that hires a homeless person  
10          residing in a transitional, permanent supportive, or  
11          permanent housing facility; specifying the information  
12          that must be provided to the Department of Revenue  
13          when applying for the credit; providing for the  
14          carryover of unused credits; requiring that the  
15          application be filed with the department by a  
16          specified date each year; providing penalties for  
17          fraudulently claiming the tax credit; limiting the  
18          total amount of tax credits that may be granted per  
19          taxable year; authorizing the department to adopt  
20          rules; providing for the expiration of the tax credit;  
21          requiring that the department collect certain data;  
22          providing an effective date.

23  
24 Be It Enacted by the Legislature of the State of Florida:

25  
26           Section 1. Subsection (8) of section 220.02, Florida  
27 Statutes, is amended to read:

28           220.02 Legislative intent.—

29           (8) It is the intent of the Legislature that credits

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30 against either the corporate income tax or the franchise tax be  
 31 applied in the following order: those enumerated in s. 631.828,  
 32 those enumerated in s. 220.191, those enumerated in s. 220.181,  
 33 those enumerated in s. 220.183, those enumerated in s. 220.182,  
 34 those enumerated in s. 220.1895, those enumerated in s. 220.195,  
 35 those enumerated in s. 220.184, those enumerated in s. 220.186,  
 36 those enumerated in s. 220.1845, those enumerated in s. 220.19,  
 37 those enumerated in s. 220.185, those enumerated in s. 220.1875,  
 38 those enumerated in s. 220.192, those enumerated in s. 220.193,  
 39 those enumerated in s. 288.9916, those enumerated in s.  
 40 220.1899, those enumerated in s. 220.1896, those enumerated in  
 41 s. 220.194, ~~and~~ those enumerated in s. 220.196, and those  
 42 enumerated under s. 220.197.

43 Section 2. Paragraph (a) of subsection (1) of section  
 44 220.13, Florida Statutes, is amended to read:

45 220.13 "Adjusted federal income" defined.—

46 (1) The term "adjusted federal income" means an amount  
 47 equal to the taxpayer's taxable income as defined in subsection  
 48 (2), or such taxable income of more than one taxpayer as  
 49 provided in s. 220.131, for the taxable year, adjusted as  
 50 follows:

51 (a) *Additions.*—There shall be added to such taxable income:

52 1. The amount of any tax upon or measured by income,  
 53 excluding taxes based on gross receipts or revenues, paid or  
 54 accrued as a liability to the District of Columbia or any state  
 55 of the United States which is deductible from gross income in  
 56 the computation of taxable income for the taxable year.

57 2. The amount of interest which is excluded from taxable  
 58 income under s. 103(a) of the Internal Revenue Code or any other

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59 federal law, less the associated expenses disallowed in the  
60 computation of taxable income under s. 265 of the Internal  
61 Revenue Code or any other law, excluding 60 percent of any  
62 amounts included in alternative minimum taxable income, as  
63 defined in s. 55(b)(2) of the Internal Revenue Code, if the  
64 taxpayer pays tax under s. 220.11(3).

65 3. In the case of a regulated investment company or real  
66 estate investment trust, an amount equal to the excess of the  
67 net long-term capital gain for the taxable year over the amount  
68 of the capital gain dividends attributable to the taxable year.

69 4. That portion of the wages or salaries paid or incurred  
70 for the taxable year which is equal to the amount of the credit  
71 allowable for the taxable year under s. 220.181. This  
72 subparagraph shall expire on the date specified in s. 290.016  
73 for the expiration of the Florida Enterprise Zone Act.

74 5. That portion of the ad valorem school taxes paid or  
75 incurred for the taxable year which is equal to the amount of  
76 the credit allowable for the taxable year under s. 220.182. This  
77 subparagraph shall expire on the date specified in s. 290.016  
78 for the expiration of the Florida Enterprise Zone Act.

79 6. The amount taken as a credit under s. 220.195 which is  
80 deductible from gross income in the computation of taxable  
81 income for the taxable year.

82 7. That portion of assessments to fund a guaranty  
83 association incurred for the taxable year which is equal to the  
84 amount of the credit allowable for the taxable year.

85 8. In the case of a nonprofit corporation which holds a  
86 pari-mutuel permit and which is exempt from federal income tax  
87 as a farmers' cooperative, an amount equal to the excess of the

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88 gross income attributable to the pari-mutuel operations over the  
89 attributable expenses for the taxable year.

90 9. The amount taken as a credit for the taxable year under  
91 s. 220.1895.

92 10. Up to nine percent of the eligible basis of any  
93 designated project which is equal to the credit allowable for  
94 the taxable year under s. 220.185.

95 11. The amount taken as a credit for the taxable year under  
96 s. 220.1875. The addition in this subparagraph is intended to  
97 ensure that the same amount is not allowed for the tax purposes  
98 of this state as both a deduction from income and a credit  
99 against the tax. This addition is not intended to result in  
100 adding the same expense back to income more than once.

101 12. The amount taken as a credit for the taxable year under  
102 s. 220.192.

103 13. The amount taken as a credit for the taxable year under  
104 s. 220.193.

105 14. Any portion of a qualified investment, as defined in s.  
106 288.9913, which is claimed as a deduction by the taxpayer and  
107 taken as a credit against income tax pursuant to s. 288.9916.

108 15. The costs to acquire a tax credit pursuant to s.  
109 288.1254(5) that are deducted from or otherwise reduce federal  
110 taxable income for the taxable year.

111 16. The amount taken as a credit for the taxable year  
112 pursuant to s. 220.194.

113 17. The amount taken as a credit for the taxable year under  
114 s. 220.196. The addition in this subparagraph is intended to  
115 ensure that the same amount is not allowed for the tax purposes  
116 of this state as both a deduction from income and a credit

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117 against the tax. The addition is not intended to result in  
118 adding the same expense back to income more than once.

119 18. The amount taken as a credit for the taxable year under  
120 s. 220.197.

121 Section 3. Section 220.197, Florida Statutes, is created to  
122 read:

123 220.197 Tax credit for employment of the homeless.-

124 (1) As used in this section, the term:

125 (a) "Continuously employed" means that an employee has  
126 worked for the corporation for at least 80 hours during each 30-  
127 day period and has been employed at least 6 months following the  
128 date that the employee began working for the corporation on or  
129 after July 1, 2012.

130 (b) "Homeless person" means an individual whose primary  
131 nighttime residence is a transitional, permanent supportive, or  
132 permanent housing facility.

133 (c) "Transitional, permanent supportive, or permanent  
134 housing facility" means a facility located in the state which  
135 is:

136 1. A supervised, publicly or privately operated shelter  
137 that is designed to provide temporary living accommodations,  
138 including welfare hotels, congregate shelters, and transitional  
139 housing for the mentally ill, and that receives federal homeless  
140 assistance funding distributed by the United States Department  
141 of Housing and Urban Development.

142 2. An emergency shelter that receives county homeless  
143 assistance funding.

144 (2) For taxable years beginning on or after January 1,  
145 2013, a tax credit of \$1,000 shall be allowed to a corporation

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146 against any corporate income tax due under this chapter if the  
147 corporation hires a homeless person who resides in an emergency  
148 shelter, or a transitional, permanent supportive, or permanent  
149 housing facility at the time he or she begins employment and who  
150 remains continuously employed by the corporation for at least 6  
151 months. The tax credit may be taken only once per new employee.

152 (3) Upon applying for the credit, the corporation must  
153 provide the department with the following information:

154 (a) For each new employee for whom the credit is claimed:

155 1. The employee's name, social security number, and current  
156 address or, if the employee is no longer employed, the last  
157 known address of the person while employed by the corporation;

158 2. The address of the transitional, permanent supportive,  
159 or permanent housing facility where the employee was residing at  
160 the time he or she began employment and documentation from the  
161 facility which demonstrates that the employee qualified for and  
162 was residing at the facility at the time he or she began  
163 employment; and

164 3. The salary or hourly wages paid to the new employee  
165 during the taxable year.

166 (b) The total salary or hourly wages paid during the  
167 taxable year to each employee who is still employed by the  
168 corporation and for whom the tax credit was claimed in a prior  
169 taxable year.

170 (4) If the credit is not fully used in any one year, the  
171 unused amount may be carried forward for up to 5 years. The  
172 carryover credit may be used in a subsequent year if the tax  
173 imposed by this chapter exceeds the credit for the year after  
174 applying any other credits and unused credit carryovers in the

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175 order provided in s. 220.02(8).

176 (5) The corporation applying for the credit must  
177 affirmatively demonstrate to the satisfaction of the department  
178 that it meets the requirements in this section. An application  
179 must be filed with the department by February 1 of each year for  
180 an allocation of the previous year's credit. The application  
181 must show that all of the requirements in this section were met  
182 during the preceding calendar year.

183 (6) Any person who fraudulently claims the credit is liable  
184 for payment of the credit, plus a mandatory penalty in the  
185 amount of 200 percent of the credit and interest at the rate  
186 provided in s. 220.807, and commits a felony of the third  
187 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
188 775.084.

189 (7) The total amount of tax credit which may be granted  
190 under this section is \$2 million per calendar year. If the total  
191 amount of tax credit for applications submitted in a given  
192 calendar year exceeds \$2 million, the amount of tax credit per  
193 applicant shall be granted on a pro rata basis. If the full  
194 amount of the tax credit is not allowed due to the \$2 million  
195 annual limitation, the balance shall be allowed in the following  
196 tax year. The amount not allowed in the previous tax year shall  
197 be allowed in full prior to the pro rata allocation of tax  
198 credit in the following tax year.

199 (8) The department may adopt rules and forms to administer  
200 this section.

201 (9) This section expires December 31, 2017, except for  
202 subsections (3) and (8), which expire December 31, 2023. In  
203 determining whether to reenact this section, the Legislature

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204 shall consider whether the revenue generated from wages paid to  
205 qualifying employees outweighs the cost to the state in terms of  
206 the amount of taxes waived. The department shall collect and  
207 maintain data relating to the total amount of wages paid to  
208 employees for whom a tax credit has been claimed in order to  
209 assist the Legislature in making its determination.

210 Section 4. This act shall take effect July 1, 2012.