

1                                   A bill to be entitled  
 2           An act relating to employment for the homeless; amending  
 3           s. 220.02, F.S.; specifying the order for applying the tax  
 4           credit for employment of the homeless; amending s. 220.13,  
 5           F.S.; revising a definition; creating s. 220.194, F.S.;  
 6           providing definitions; providing a tax credit for a  
 7           corporation that hires a homeless person residing in a  
 8           transitional housing facility; specifying the information  
 9           that must be provided to the Department of Revenue when  
 10          applying for the credit; providing for the carryover of  
 11          unused credits; providing credit application requirements;  
 12          providing penalties for fraudulently claiming the tax  
 13          credit; limiting the total of amount of tax credits that  
 14          may be granted per calendar year; authorizing the  
 15          department to adopt rules; providing for the expiration of  
 16          the tax credit; requiring the department to collect  
 17          certain data; providing an effective date.

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 19   Be It Enacted by the Legislature of the State of Florida:

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 21           Section 1. Subsection (8) of section 220.02, Florida  
 22           Statutes, is amended to read:

23           220.02 Legislative intent.--

24           (8) It is the intent of the Legislature that credits  
 25           against either the corporate income tax or the franchise tax be  
 26           applied in the following order: those enumerated in s. 631.828,  
 27           those enumerated in s. 220.191, those enumerated in s. 220.181,  
 28           those enumerated in s. 220.183, those enumerated in s. 220.182,

29 those enumerated in s. 220.1895, those enumerated in s. 221.02,  
 30 those enumerated in s. 220.184, those enumerated in s. 220.186,  
 31 those enumerated in s. 220.1845, those enumerated in s. 220.19,  
 32 those enumerated in s. 220.185, those enumerated in s. 220.187,  
 33 those enumerated in s. 220.192, ~~and~~ those enumerated in s.  
 34 220.193, and those enumerated in s. 220.194.

35 Section 2. Paragraph (a) of subsection (1) of section  
 36 220.13, Florida Statutes, is amended to read:

37 220.13 "Adjusted federal income" defined.--

38 (1) The term "adjusted federal income" means an amount  
 39 equal to the taxpayer's taxable income as defined in subsection  
 40 (2), or such taxable income of more than one taxpayer as  
 41 provided in s. 220.131, for the taxable year, adjusted as  
 42 follows:

43 (a) Additions.--There shall be added to such taxable  
 44 income:

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

50 2. The amount of interest which is excluded from taxable  
 51 income under s. 103(a) of the Internal Revenue Code or any other  
 52 federal law, less the associated expenses disallowed in the  
 53 computation of taxable income under s. 265 of the Internal  
 54 Revenue Code or any other law, excluding 60 percent of any  
 55 amounts included in alternative minimum taxable income, as  
 56 defined in s. 55(b) (2) of the Internal Revenue Code, if the

57 taxpayer pays tax under s. 220.11(3).

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

62 4. That portion of the wages or salaries paid or incurred  
63 for the taxable year which is equal to the amount of the credit  
64 allowable for the taxable year under s. 220.181. This  
65 subparagraph shall expire on the date specified in s. 290.016  
66 for the expiration of the Florida Enterprise Zone Act.

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

72 6. The amount of emergency excise tax paid or accrued as a  
73 liability to this state under chapter 221 which tax is  
74 deductible from gross income in the computation of taxable  
75 income for the taxable year.

76 7. That portion of assessments to fund a guaranty  
77 association incurred for the taxable year which is equal to the  
78 amount of the credit allowable for the taxable year.

79 8. In the case of a nonprofit corporation which holds a  
80 pari-mutuel permit and which is exempt from federal income tax  
81 as a farmers' cooperative, an amount equal to the excess of the  
82 gross income attributable to the pari-mutuel operations over the  
83 attributable expenses for the taxable year.

84 9. The amount taken as a credit for the taxable year under

85 s. 220.1895.

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

89 11. The amount taken as a credit for the taxable year  
90 under s. 220.187.

91 12. The amount taken as a credit for the taxable year  
92 under s. 220.192.

93 13. The amount taken as a credit for the taxable year  
94 under s. 220.193.

95 14. The amount taken as a credit for the taxable year  
96 under s. 220.194.

97 ~~15.14.~~ Any amount in excess of \$25,000 allowable as a  
98 deduction for federal income tax purposes under s. 179 of the  
99 Internal Revenue Code of 1986, as amended, for the taxable year.

100 ~~16.15.~~ Any amount allowable as a deduction for federal  
101 income tax purposes under s. 167 or s. 168 of the Internal  
102 Revenue Code of 1986, as amended, for the taxable year to the  
103 extent that such amount includes bonus depreciation allowable as  
104 deduction under s. 168(k).

105 Section 3. Section 220.194, Florida Statutes, is created  
106 to read:

107 220.194 Tax credit for employment of the homeless.--

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

109 (a) "Continuously employed" means that an employee has  
110 worked for the corporation for at least 80 hours during each 30-  
111 day period and has been employed at least 6 months following the  
112 date that the employee began working for the corporation on or

HB 925

2009

113 after July 1, 2009.

114 (b) "Homeless person" means an individual whose primary  
115 nighttime residence is at a transitional housing facility.

116 (c) "Transitional housing facility" means a facility  
117 located in the state that is a supervised, publicly or privately  
118 operated shelter designed to provide temporary living  
119 accommodations, including a welfare hotel, congregate shelter,  
120 and transitional housing for the mentally ill, and that receives  
121 federal homeless assistance funding distributed by the United  
122 States Department of Housing and Urban Development.

123 (2) For each taxable year, beginning January 1, 2010, a  
124 tax credit of \$1,000 shall be allowed to a corporation against  
125 any corporate income tax due under this chapter if the  
126 corporation hires a homeless person who resides in a  
127 transitional housing facility at the time he or she begins  
128 employment and who remains continuously employed for at least 6  
129 months. The tax credit may be taken only once per new employee.

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

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

133 1. The employee's name, social security number, and  
134 current address or, if the employee is no longer employed, the  
135 last known address of the person while employed by the  
136 corporation.

137 2. The address of the transitional housing facility where  
138 the employee was residing at the time he or she began employment  
139 and documentation from the transitional housing facility that  
140 demonstrates that the employee qualified for and was residing at

HB 925

2009

141 the facility at the time he or she began employment.

142 3. The salary or hourly wages paid to the new employee  
143 during the taxable year.

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

148 (4) If the credit is not fully used in any one year, the  
149 unused amount may be carried forward for up to 5 years. The  
150 carryover credit may be used in a subsequent year if the tax  
151 imposed by this chapter exceeds the credit for that year after  
152 applying any other credits and unused credit carryovers in the  
153 order provided in s. 220.02(8).

154 (5) The corporation applying for the credit must  
155 affirmatively demonstrate to the satisfaction of the department  
156 that it meets the requirements of this section. An application  
157 must be filed with the department no later than February 1 of  
158 each year for an allocation of the previous year's credit. The  
159 application must show that all of the requirements in this  
160 section were met during the preceding calendar year.

161 (6) Any person who fraudulently claims the credit is  
162 liable for payment of the credit, plus a mandatory penalty in  
163 the amount of 200 percent of the credit and interest at the rate  
164 provided in s. 220.807, and commits a felony of the third  
165 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
166 775.084.

167 (7) The total amount of tax credit that may be granted  
168 under this section is \$2 million per calendar year. If the total

HB 925

2009

169 amount of tax credit for applications submitted in a given  
170 calendar year exceeds \$2 million, the amount of tax credit per  
171 applicant shall be granted on a pro rata basis. If the full  
172 amount of the tax credit is not allowed due to the \$2 million  
173 annual limitation, the balance shall be allowed in the following  
174 tax year. The amount not allowed in the previous tax year shall  
175 be allowed in full prior to the pro rata allocation of tax  
176 credit in the following tax year.

177 (8) The department may adopt rules and forms to administer  
178 this section.

179 (9) This section expires December 31, 2014, except for  
180 subsections (3) and (8), which expire December 31, 2020. In  
181 determining whether to reenact this section, the Legislature  
182 shall consider whether the revenue generated from wages paid to  
183 qualifying employees outweighs the cost to the state in terms of  
184 the amount of taxes waived. The department shall collect and  
185 maintain data relating to the total amount of wages paid to  
186 employees for whom a tax credit has been claimed in order to  
187 assist the Legislature in making such a determination.

188 Section 4. This act shall take effect July 1, 2009.