

By Senator Ring

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1 A bill to be entitled
2 An act relating to employment for 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. 220.194,
8 F.S.; providing definitions; providing a tax credit
9 for a corporation that hires a homeless person
10 residing in a transitional housing facility;
11 specifying the information that must be provided to
12 the Department of Revenue when applying for the
13 credit; providing for the carryover of unused credits;
14 requiring that the application be filed with the
15 department by a specified date each year; providing
16 penalties for fraudulently claiming the tax credit;
17 limiting the total amount of tax credits that may be
18 granted per taxable year; authorizing the department
19 to adopt rules; providing for the expiration of the
20 tax credit; requiring that the department collect
21 certain data; providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

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

27 220.02 Legislative intent.—

28 (8) It is the intent of the Legislature that credits
29 against either the corporate income tax or the franchise tax be

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30 applied in the following order: those enumerated in s. 631.828,
31 those enumerated in s. 220.191, those enumerated in s. 220.181,
32 those enumerated in s. 220.183, those enumerated in s. 220.182,
33 those enumerated in s. 220.1895, those enumerated in s. 221.02,
34 those enumerated in s. 220.184, those enumerated in s. 220.186,
35 those enumerated in s. 220.1845, those enumerated in s. 220.19,
36 those enumerated in s. 220.185, those enumerated in s. 220.187,
37 those enumerated in s. 220.192, those enumerated in s. 220.193,
38 ~~and~~ those enumerated in s. 288.9916, and those enumerated under
39 s. 220.194.

40 Section 2. Paragraph (a) of subsection (1) of section
41 220.13, Florida Statutes, is amended to read:

42 220.13 "Adjusted federal income" defined.—

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

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

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

54 2. The amount of interest which is excluded from taxable
55 income under s. 103(a) of the Internal Revenue Code or any other
56 federal law, less the associated expenses disallowed in the
57 computation of taxable income under s. 265 of the Internal
58 Revenue Code or any other law, excluding 60 percent of any

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59 amounts included in alternative minimum taxable income, as
60 defined in s. 55(b)(2) of the Internal Revenue Code, if the
61 taxpayer pays tax under s. 220.11(3).

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

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

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

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

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

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

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88 9. The amount taken as a credit for the taxable year under
89 s. 220.1895.

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

93 11. The amount taken as a credit for the taxable year under
94 s. 220.187.

95 12. The amount taken as a credit for the taxable year under
96 s. 220.192.

97 13. The amount taken as a credit for the taxable year under
98 s. 220.193.

99 14. Any portion of a qualified investment, as defined in s.
100 288.9913, which is claimed as a deduction by the taxpayer and
101 taken as a credit against income tax pursuant to s. 288.9916.

102 15. The amount taken as a credit for the taxable year under
103 s. 220.194.

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

106 220.194 Tax credit for employment of the homeless.-

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

108 (a) "Continuously employed" means that an employee has
109 worked for the corporation for at least 80 hours during each 30-
110 day period and has been employed at least 6 months following the
111 date that the employee began working for the corporation on or
112 after July 1, 2010.

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

115 (c) "Transitional housing facility" means a facility
116 located in the state which is a supervised, publicly or

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117 privately operated shelter designed to provide temporary living
118 accommodations, including welfare hotels, congregate shelters,
119 and transitional housing for the mentally ill, and which
120 receives federal homeless assistance funding distributed by the
121 United States Department of Housing and Urban Development.

122 (2) For taxable years beginning on or after January 1,
123 2011, a tax credit of \$1,000 shall be allowed to a corporation
124 against any corporate income tax due under this chapter if the
125 corporation hires a homeless person who resides in a
126 transitional housing facility at the time he or she begins
127 employment and who remains continuously employed by the
128 corporation for at least 6 months. The tax credit may be taken
129 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 current
134 address or, if the employee is no longer employed, the last
135 known address of the person while employed by the corporation;

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

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

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

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146 taxable year.

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

153 (5) The corporation applying for the credit must
154 affirmatively demonstrate to the satisfaction of the department
155 that it meets the requirements in this section. An application
156 must be filed with the department by February 1 of each year for
157 an allocation of the previous year's credit. The application
158 must show that all of the requirements in this section were met
159 during the preceding calendar year.

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

166 (7) The total amount of tax credit which may be granted
167 under this section is \$2 million per calendar year. If the total
168 amount of tax credit for applications submitted in a given
169 calendar year exceeds \$2 million, the amount of tax credit per
170 applicant shall be granted on a pro rata basis. If the full
171 amount of the tax credit is not allowed due to the \$2 million-
172 annual limitation, the balance shall be allowed in the following
173 tax year. The amount not allowed in the previous tax year shall
174 be allowed in full prior to the pro rata allocation of tax

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175 credit in the following tax year.

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

178 (9) This section expires December 31, 2015, except for
179 subsections (3) and (8), which expire December 31, 2021. In
180 determining whether to reenact this section, the Legislature
181 shall consider whether the revenue generated from wages paid to
182 qualifying employees outweighs the cost to the state in terms of
183 the amount of taxes waived. The department shall collect and
184 maintain data relating to the total amount of wages paid to
185 employees for whom a tax credit has been claimed in order to
186 assist the Legislature in making its determination.

187 Section 4. This act shall take effect July 1, 2010.