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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 amount of tax credits that may
14 be granted per calendar year; authorizing the department
15 to adopt rules; providing for the expiration of the tax
16 credit; requiring the department to collect certain data;
17 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, those enumerated in s. 220.193,
 34 ~~and~~ those enumerated in s. 288.9916, and those enumerated in s.
 35 220.194.

36 Section 2. Paragraph (a) of subsection (1) of section
 37 220.13, Florida Statutes, is amended to read:

38 220.13 "Adjusted federal income" defined.—

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

44 (a) Additions.—There shall be added to such taxable
 45 income:

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

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

57 defined in s. 55(b)(2) of the Internal Revenue Code, if the
 58 taxpayer pays tax under s. 220.11(3).

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

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

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

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

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

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

85 9. The amount taken as a credit for the taxable year under
86 s. 220.1895.

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

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

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

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

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

98 ~~15.14.~~ Any portion of a qualified investment, as defined
99 in s. 288.9913, which is claimed as a deduction by the taxpayer
100 and taken as a credit against income tax pursuant to s.
101 288.9916.

102 Section 3. Section 220.194, Florida Statutes, is created
103 to read:

104 220.194 Tax credit for employment of the homeless.-

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

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

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

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

120 (2) For each taxable year, beginning January 1, 2011, a
121 tax credit of \$1,000 shall be allowed to a corporation against
122 any corporate income tax due under this chapter if the
123 corporation hires a homeless person who resides in a
124 transitional housing facility at the time he or she begins
125 employment and who remains continuously employed for at least 6
126 months. The tax credit may be taken only once per new employee.

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

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

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

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

139 3. The salary or hourly wages paid to the new employee
140 during the taxable year.

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

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

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

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

164 (7) The total amount of tax credit that may be granted
165 under this section is \$2 million per calendar year. If the total
166 amount of tax credit for applications submitted in a given
167 calendar year exceeds \$2 million, the amount of tax credit per
168 applicant shall be granted on a pro rata basis. If the full

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169 amount of the tax credit is not allowed due to the \$2 million
170 annual limitation, the balance shall be allowed in the following
171 tax year. The amount not allowed in the previous tax year shall
172 be allowed in full prior to the pro rata allocation of tax
173 credit in the following tax year.

174 (8) The department may adopt rules and forms to administer
175 this section.

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

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