

By Senator Ring

32-00126-11

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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. 220.194,
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:

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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. 221.02,
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, ~~and~~ those enumerated in s. 220.1896, and those
41 enumerated under s. 220.194.

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

44 220.13 "Adjusted federal income" defined.—

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

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

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

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

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

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

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

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

78 6. The amount of emergency excise tax paid or accrued as a
79 liability to this state under chapter 221 which tax 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 under
112 s. 220.194.

113 Section 3. Section 220.194, Florida Statutes, is created to
114 read:

115 220.194 Tax credit for employment of the homeless.-

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

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117 (a) "Continuously employed" means that an employee has
118 worked for the corporation for at least 80 hours during each 30-
119 day period and has been employed at least 6 months following the
120 date that the employee began working for the corporation on or
121 after July 1, 2011.

122 (b) "Homeless person" means an individual whose primary
123 nighttime residence is a transitional, permanent supportive, or
124 permanent housing facility.

125 (c) "Transitional, permanent supportive, or permanent
126 housing facility" means a facility located in the state which
127 is:

128 1. A supervised, publicly or privately operated shelter
129 that is designed to provide temporary living accommodations,
130 including welfare hotels, congregate shelters, and transitional
131 housing for the mentally ill, and that receives federal homeless
132 assistance funding distributed by the United States Department
133 of Housing and Urban Development.

134 2. An emergency shelter that receives county homeless
135 assistance funding.

136 (2) For taxable years beginning on or after January 1,
137 2012, a tax credit of \$1,000 shall be allowed to a corporation
138 against any corporate income tax due under this chapter if the
139 corporation hires a homeless person who resides in an emergency
140 shelter, or a transitional, permanent supportive, or permanent
141 housing facility at the time he or she begins employment and who
142 remains continuously employed by the corporation for at least 6
143 months. The tax credit may be taken only once per new employee.

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

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

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

150 2. The address of the transitional, permanent supportive,
151 or permanent housing facility where the employee was residing at
152 the time he or she began employment and documentation from the
153 facility which demonstrates that the employee qualified for and
154 was residing at the facility at the time he or she began
155 employment; and

156 3. The salary or hourly wages paid to the new employee
157 during the taxable year.

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

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

168 (5) The corporation applying for the credit must
169 affirmatively demonstrate to the satisfaction of the department
170 that it meets the requirements in this section. An application
171 must be filed with the department by February 1 of each year for
172 an allocation of the previous year's credit. The application
173 must show that all of the requirements in this section were met
174 during the preceding calendar year.

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175 (6) Any person who fraudulently claims the credit is liable
176 for payment of the credit, plus a mandatory penalty in the
177 amount of 200 percent of the credit and interest at the rate
178 provided in s. 220.807, and commits a felony of the third
179 degree, punishable as provided in s. 775.082, s. 775.083, or s.
180 775.084.

181 (7) The total amount of tax credit which may be granted
182 under this section is \$2 million per calendar year. If the total
183 amount of tax credit for applications submitted in a given
184 calendar year exceeds \$2 million, the amount of tax credit per
185 applicant shall be granted on a pro rata basis. If the full
186 amount of the tax credit is not allowed due to the \$2 million-
187 annual limitation, the balance shall be allowed in the following
188 tax year. The amount not allowed in the previous tax year shall
189 be allowed in full prior to the pro rata allocation of tax
190 credit in the following tax year.

191 (8) The department may adopt rules and forms to administer
192 this section.

193 (9) This section expires December 31, 2016, except for
194 subsections (3) and (8), which expire December 31, 2022. In
195 determining whether to reenact this section, the Legislature
196 shall consider whether the revenue generated from wages paid to
197 qualifying employees outweighs the cost to the state in terms of
198 the amount of taxes waived. The department shall collect and
199 maintain data relating to the total amount of wages paid to
200 employees for whom a tax credit has been claimed in order to
201 assist the Legislature in making its determination.

202 Section 4. This act shall take effect July 1, 2011.