



344052

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
12/10/2013	.	
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The Committee on Military and Veterans Affairs, Space, and Domestic Security (Bullard) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 220.197, Florida Statutes, is created to  
read:

220.197 Tax credit for employment of veterans.-

(1) This section may be cited as the "Florida Veterans  
Employment Act."

(2) A business qualifies for a one-time credit against the



344052

11 tax imposed by this chapter in the amount of \$5,000 per  
12 individual for hiring a veteran, as defined in s. 1.01, after  
13 the business has paid \$5,000 in gross salary to the veteran.  
14 Veterans for whom the credit is claimed must first begin  
15 employment in the operations of the qualifying business on or  
16 after January 1, 2015, and perform duties in connection with the  
17 operations of the business for an average of at least 36 hours  
18 per week. Veterans who have been previously employed by the  
19 qualifying business or any other member of the same controlled  
20 group of corporations of which the qualifying business is a  
21 member may not be claimed for the tax credit. As used in this  
22 section, the term "controlled group of corporations" has the  
23 same meaning as provided in 26 U.S.C. s. 1563(a).

24 (3) A qualifying business is eligible for an additional  
25 one-time credit against the tax imposed by this chapter in the  
26 amount of \$5,000 per individual for hiring a veteran, as defined  
27 in s. 1.01, after the business has paid an additional \$5,000 in  
28 gross salary to the veteran if such veteran has an official  
29 letter from the United States Department of Veterans Affairs  
30 stating that he or she has a service-connected disability.

31 (4) In order to claim a tax credit under this section, a  
32 qualifying business must submit an application and receive  
33 approval from the department to claim the credit. Applications  
34 for credit under subsection (3) must include a copy of the  
35 veteran's official letter from the United States Department of  
36 Veterans Affairs stating that the veteran has a service-  
37 connected disability. Qualified applicants shall be approved on  
38 a first-come, first-served basis, based on the date the  
39 completed application is received by the department. The



344052

40 department may not accept an incomplete application as a  
41 placeholder for the completed application, and the submission of  
42 such incomplete application does not secure a place in the  
43 first-come, first-served approval process.

44 (5) The department may not approve more than \$10 million in  
45 tax credits per calendar year pursuant to this section.

46 (6) The department may adopt rules governing the manner and  
47 form of application for the tax credits. The department may  
48 establish guidelines for making an affirmative showing of  
49 qualification for the tax credits under this section.

50 (5) This section expires December 31, 2019. However, a  
51 qualifying business may carry forward any unused credit for up  
52 to 2 taxable years after the year the credit is earned.

53 (6) This section applies to taxable years beginning on or  
54 after January 1, 2015.

55 Section 2. Subsection (8) of section 220.02, Florida  
56 Statutes, is amended to read:

57 220.02 Legislative intent.—

58 (8) It is the intent of the Legislature that credits  
59 against ~~either~~ the corporate income tax or the franchise tax be  
60 applied in the following order: those enumerated in s. 631.828,  
61 those enumerated in s. 220.191, those enumerated in s. 220.181,  
62 those enumerated in s. 220.183, those enumerated in s. 220.182,  
63 those enumerated in s. 220.1895, those enumerated in s. 220.195,  
64 those enumerated in s. 220.184, those enumerated in s. 220.186,  
65 those enumerated in s. 220.1845, those enumerated in s. 220.19,  
66 those enumerated in s. 220.185, those enumerated in s. 220.1875,  
67 those enumerated in s. 220.192, those enumerated in s. 220.193,  
68 those enumerated in s. 288.9916, those enumerated in s.



344052

69 220.1899, those enumerated in s. 220.194, ~~and~~ those enumerated  
70 in s. 220.196, and those enumerated in s. 220.197.

71 Section 3. Paragraph (a) of subsection (1) of section  
72 220.13, Florida Statutes, is amended to read:

73 220.13 "Adjusted federal income" defined.—

74 (1) The term "adjusted federal income" means an amount  
75 equal to the taxpayer's taxable income as defined in subsection  
76 (2), or such taxable income of more than one taxpayer as  
77 provided in s. 220.131, for the taxable year, adjusted as  
78 follows:

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

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

85 2. The amount of interest which is excluded from taxable  
86 income under s. 103(a) of the Internal Revenue Code or any other  
87 federal law, less the associated expenses disallowed in the  
88 computation of taxable income under s. 265 of the Internal  
89 Revenue Code or any other law, excluding 60 percent of any  
90 amounts included in alternative minimum taxable income, as  
91 defined in s. 55(b)(2) of the Internal Revenue Code, if the  
92 taxpayer pays tax under s. 220.11(3).

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

97 4. That portion of the wages or salaries paid or incurred



344052

98 for the taxable year which is equal to the amount of the credit  
99 allowable for the taxable year under s. 220.181. This  
100 subparagraph expires ~~shall expire~~ on the date specified in s.  
101 290.016 for the expiration of the Florida Enterprise Zone Act.

102 5. That portion of the ad valorem school taxes paid or  
103 incurred for the taxable year which is equal to the amount of  
104 the credit allowable for the taxable year under s. 220.182. This  
105 subparagraph expires ~~shall expire~~ on the date specified in s.  
106 290.016 for the expiration of the Florida Enterprise Zone Act.

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

110 7. That portion of assessments to fund a guaranty  
111 association incurred for the taxable year which is equal to the  
112 amount of the credit allowable for the taxable year.

113 8. In the case of a nonprofit corporation that ~~which~~ holds  
114 a pari-mutuel permit and which is exempt from federal income tax  
115 as a farmers' cooperative, an amount equal to the excess of the  
116 gross income attributable to the pari-mutuel operations over the  
117 attributable expenses for the taxable year.

118 9. The amount taken as a credit for the taxable year under  
119 s. 220.1895.

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

123 11. The amount taken as a credit for the taxable year under  
124 s. 220.1875. The addition in this subparagraph is intended to  
125 ensure that the same amount is not allowed for the tax purposes  
126 of this state as both a deduction from income and a credit



344052

127 against the tax. This addition is not intended to result in  
128 adding the same expense back to income more than once.

129 12. The amount taken as a credit for the taxable year under  
130 s. 220.192.

131 13. The amount taken as a credit for the taxable year under  
132 s. 220.193.

133 14. Any portion of a qualified investment, as defined in s.  
134 288.9913, which is claimed as a deduction by the taxpayer and  
135 taken as a credit against income tax pursuant to s. 288.9916.

136 15. The costs to acquire a tax credit pursuant to s.  
137 288.1254(5) which ~~that~~ are deducted from or otherwise reduce  
138 federal taxable income for the taxable year.

139 16. The amount taken as a credit for the taxable year under  
140 ~~pursuant to~~ s. 220.194.

141 17. The amount taken as a credit for the taxable year under  
142 s. 220.196. The addition in this subparagraph is intended to  
143 ensure that the same amount is not allowed for the tax purposes  
144 of this state as both a deduction from income and a credit  
145 against the tax. The addition is not intended to result in  
146 adding the same expense back to income more than once.

147 18. The amount taken as a credit for the taxable year under  
148 s. 220.197.

149 Section 4. Emergency rules.—

150 (1) The executive director of the Department of Revenue is  
151 authorized, and all conditions are deemed to be met, to adopt  
152 emergency rules pursuant to ss. 120.536(1) and 120.54(4),  
153 Florida Statutes, for the purpose of implementing this act.

154 (2) Notwithstanding any other provision of law, the  
155 emergency rules adopted pursuant to subsection (1) remain in



344052

156 effect for 6 months after adoption and may be renewed during the  
157 pendency of procedures to adopt permanent rules addressing the  
158 subject of the emergency rules.

159 (3) This section expires July 1, 2015.

160 Section 5. This act shall take effect July 1, 2014.

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163 ===== T I T L E A M E N D M E N T =====

164 And the title is amended as follows:

165 Delete everything before the enacting clause

166 and insert:

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A bill to be entitled

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An act relating to taxes on businesses; creating s.

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220.197, F.S.; providing a short title; establishing a

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tax credit for the hiring of veterans; providing

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eligibility requirements; establishing an additional

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credit for the hiring of disabled veterans; providing

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an application process; providing a cap on the total

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amount of tax credits allowed per year; authorizing

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the Department of Revenue to adopt rules; authorizing

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the department to establish guidelines for qualifying

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credits; providing for expiration of the tax credits;

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providing applicability; amending s. 220.02, F.S.;

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revising the order in which credits against the

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corporate income tax or franchise tax may be taken to

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include the hiring of veterans; amending s. 220.13,

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F.S.; revising the term "adjusted federal income" to

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include certain tax credits taken relating to the

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hiring of veterans; authorizing the executive director



344052

185 of the department to adopt emergency rules; providing  
186 for time of effect of emergency rules and for the  
187 expiration of such rule authority; providing an  
188 effective date.