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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/11/2021	.	
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The Committee on Finance and Tax (Jones) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

220.02 Legislative intent.—

(8) It is the intent of the Legislature that credits
against either the corporate income tax or the franchise tax be
applied in the following order: those enumerated in s. 631.828,



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11 those enumerated in s. 220.191, those enumerated in s. 220.181,
12 those enumerated in s. 220.183, those enumerated in s. 220.182,
13 those enumerated in s. 220.1895, those enumerated in s. 220.195,
14 those enumerated in s. 220.184, those enumerated in s. 220.186,
15 those enumerated in s. 220.1845, those enumerated in s. 220.19,
16 those enumerated in s. 220.185, those enumerated in s. 220.1875,
17 those enumerated in s. 220.193, those enumerated in s. 288.9916,
18 those enumerated in s. 220.1899, those enumerated in s. 220.194,
19 ~~and~~ those enumerated in s. 220.196, and those enumerated in s.
20 220.198.

21 Section 2. Paragraph (a) of subsection (1) of section
22 220.13, Florida Statutes, is amended to read:

23 220.13 "Adjusted federal income" defined.—

24 (1) The term "adjusted federal income" means an amount
25 equal to the taxpayer's taxable income as defined in subsection
26 (2), or such taxable income of more than one taxpayer as
27 provided in s. 220.131, for the taxable year, adjusted as
28 follows:

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

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

35 b. Notwithstanding sub-subparagraph a., if a credit taken
36 under s. 220.1875 is added to taxable income in a previous
37 taxable year under subparagraph 1. and is taken as a deduction
38 for federal tax purposes in the current taxable year, the amount
39 of the deduction allowed shall not be added to taxable income in



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40 the current year. The exception in this sub-subparagraph is
41 intended to ensure that the credit under s. 220.1875 is added in
42 the applicable taxable year and does not result in a duplicate
43 addition in a subsequent year.

44 2. The amount of interest which is excluded from taxable
45 income under s. 103(a) of the Internal Revenue Code or any other
46 federal law, less the associated expenses disallowed in the
47 computation of taxable income under s. 265 of the Internal
48 Revenue Code or any other law, excluding 60 percent of any
49 amounts included in alternative minimum taxable income, as
50 defined in s. 55(b)(2) of the Internal Revenue Code, if the
51 taxpayer pays tax under s. 220.11(3).

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

56 4. That portion of the wages or salaries paid or incurred
57 for the taxable year which is equal to the amount of the credit
58 allowable for the taxable year under s. 220.181. This
59 subparagraph shall expire on the date specified in s. 290.016
60 for the expiration of the Florida Enterprise Zone Act.

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

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



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69 7. That portion of assessments to fund a guaranty
70 association incurred for the taxable year which is equal to the
71 amount of the credit allowable for the taxable year.

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

77 9. The amount taken as a credit for the taxable year under
78 s. 220.1895.

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

82 11. The amount taken as a credit for the taxable year under
83 s. 220.1875. The addition in this subparagraph is intended to
84 ensure that the same amount is not allowed for the tax purposes
85 of this state as both a deduction from income and a credit
86 against the tax. This addition is not intended to result in
87 adding the same expense back to income more than once.

88 12. The amount taken as a credit for the taxable year under
89 s. 220.193.

90 13. Any portion of a qualified investment, as defined in s.
91 288.9913, which is claimed as a deduction by the taxpayer and
92 taken as a credit against income tax pursuant to s. 288.9916.

93 14. The costs to acquire a tax credit pursuant to s.
94 288.1254(5) that are deducted from or otherwise reduce federal
95 taxable income for the taxable year.

96 15. The amount taken as a credit for the taxable year
97 pursuant to s. 220.194.



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98 16. The amount taken as a credit for the taxable year under
99 s. 220.196. The addition in this subparagraph is intended to
100 ensure that the same amount is not allowed for the tax purposes
101 of this state as both a deduction from income and a credit
102 against the tax. The addition is not intended to result in
103 adding the same expense back to income more than once.

104 17. The amount taken as a credit for the taxable year
105 pursuant to s. 220.198.

106 Section 3. Section 220.198, Florida Statutes, is created to
107 read:

108 220.198 Internship tax credit program.-

109 (1) This section may be cited as the "Florida Internship
110 Tax Credit Program."

111 (2) As used in this section, the term:

112 (a) "Full time" means at least 30 hours per week.

113 (b) "Qualified business" means a business that is in
114 existence and has been continuously operating for at least 3
115 years.

116 (c) "Student intern" means a person who has completed at
117 least 60 credit hours at a state university or a Florida College
118 System institution; a person who is enrolled in a career center
119 operated by a school district under s. 1001.44 or a charter
120 technical career center; or any graduate student enrolled at a
121 state university.

122 (3) For taxable years beginning on or after January 1,
123 2022, a qualified business is eligible for a credit against the
124 tax imposed by this chapter in the amount of \$2,000 per student
125 intern if all of the following apply:

126 (a) The qualified business employed at least one student



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127 intern in an internship in which the student intern worked full
128 time in this state for at least 9 consecutive weeks, and the
129 qualified business provides the department documentation
130 evidencing each internship claimed.

131 (b) The qualified business provides the department
132 documentation for the current taxable year showing that at least
133 20 percent of the business' full-time employees were previously
134 employed by that business as student interns.

135 (c) At the start of an internship, each student intern
136 provides the qualified business with verification by the student
137 intern's state university, Florida College System institution,
138 career center operated by a school district under s. 1001.44, or
139 charter technical career center that the student intern is
140 enrolled and maintains a minimum grade point average of 2.0 on a
141 4.0 scale.

142 (4) Notwithstanding paragraph (3)(b), a qualified business
143 that, on average for the 3 immediately preceding years, employed
144 10 or fewer full-time employees may receive the tax credit if it
145 provides documentation that it previously hired at least one
146 student intern and, for the current taxable year, that it
147 employs on a full-time basis at least one employee who was
148 previously employed by that qualified business as a student
149 intern.

150 (5) A qualified business may not claim a tax credit of more
151 than \$10,000 in any one taxable year.

152 (6) The department may adopt rules governing the manner and
153 form of applications for the tax credit and establishing
154 qualification requirements for the tax credit.

155 (7) A qualified business may carry forward any unused



156 portion of a tax credit under this section for up to 2 taxable
157 years.

158 Section 4. (1) The Department of Revenue is authorized, and
159 all conditions are deemed met, to adopt emergency rules pursuant
160 to s. 120.54(4), Florida Statutes, for the purpose of
161 administering this act.

162 (2) Notwithstanding any other law, emergency rules adopted
163 pursuant to subsection (1) are effective for 6 months after
164 adoption and may be renewed during the pendency of procedures to
165 adopt permanent rules addressing the subject of the emergency
166 rules.

167 (3) This section shall take effect upon this act becoming a
168 law and expires July 1, 2022.

169 Section 5. Except as otherwise expressly provided in this
170 act and except for this section, which shall take effect upon
171 this act becoming a law, this act shall take effect July 1,
172 2021.

173
174 ===== T I T L E A M E N D M E N T =====

175 And the title is amended as follows:

176 Delete everything before the enacting clause
177 and insert:

178 A bill to be entitled
179 An act relating to an internship tax credit program;
180 amending s. 220.02, F.S.; specifying the order in
181 which the Florida Internship Tax Credit Program
182 corporate income tax credit created by this act is
183 applied; amending s. 220.13, F.S.; requiring certain
184 claimed tax credit amounts to be added to a taxpayer's



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185 adjusted federal income; creating s. 220.198, F.S.;

186 providing a short title; defining terms; providing a

187 corporate income tax credit for qualified businesses

188 employing student interns if certain criteria are met;

189 specifying the amount of the credit a qualified

190 business may claim per student intern; specifying a

191 limit on the credit claimed per taxable year;

192 authorizing the Department of Revenue to adopt certain

193 rules; authorizing a qualified business to carry

194 forward unused credit for a certain time; authorizing

195 the department to adopt emergency rules; providing for

196 expiration of that authority; providing effective

197 dates.