

1 A bill to be entitled

2 An act relating to corporate income tax; creating s.
3 220.197, F.S.; providing a short title; establishing a
4 corporate income tax credit for the hiring of
5 veterans; providing eligibility requirements;
6 establishing an additional corporate income tax credit
7 for the hiring of disabled veterans; providing
8 eligibility requirements; authorizing the Department
9 of Revenue to adopt rules; authorizing the department
10 to determine guidelines for qualification of the tax
11 credits; providing for expiration of the tax credits;
12 amending s. 220.02, F.S.; revising the order in which
13 credits against the corporate income tax or franchise
14 tax may be taken to include the hiring of veterans;
15 amending s. 220.13, F.S.; redefining the term
16 "adjusted federal income" to include certain tax
17 credits taken relating to the hiring of veterans;
18 authorizing the executive director of the department
19 to adopt emergency rules; providing for time of effect
20 of emergency rules and for the expiration of such rule
21 authority; providing an effective date.

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

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

27 220.197 Corporate income tax credits for employment of
28 veterans.—

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

31 (2) For tax years ending on or after December 31, 2013, a
32 business qualifies for a one-time corporate income tax credit
33 against the tax imposed by this chapter in the amount of \$5,000
34 per individual for hiring a veteran, as defined in s. 1.01,
35 after the business has paid \$5,000 in gross salary to the
36 veteran. Veterans for whom the credit is claimed must first
37 begin employment in the operations of the qualifying business on
38 or after July 1, 2013, and perform duties in connection with the
39 operations of the business on a full-time basis, which is deemed
40 to be for an average of at least 36 hours per week each month.
41 Veterans who have been previously employed by the qualifying
42 business or any other member of the same controlled group of
43 which the qualifying business is a member may not be claimed for
44 the credit.

45 (3) A qualifying business qualifies for an additional one-
46 time corporate income tax credit of \$5,000 per individual for
47 hiring a veteran, as defined in s. 1.01, after the business has
48 paid an additional \$5,000 in gross salary to a veteran who:

49 (a) Has established the present existence of a service-
50 connected disability, as defined in 38 U.S.C. s. 101(16), which
51 is compensable under public laws administered by the United
52 States Department of Veterans Affairs; or

53 (b) Is receiving disability retirement benefits from the
54 United States Department of Defense.

55 (4) The Department of Revenue may adopt rules governing
56 the manner and form of application for the tax credits. The
57 department may establish guidelines for making an affirmative
58 showing of qualification for the tax credits under this section.

59 (5) This section expires June 30, 2019. However, a
60 qualifying business that is awarded a credit under this section
61 may carry forward any unused credit for up to 2 years after such
62 award.

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

65 220.02 Legislative intent.—

66 (8) It is the intent of the Legislature that credits
67 against ~~either~~ the corporate income tax or the franchise tax be
68 applied in the following order: those enumerated in s. 631.828,
69 those enumerated in s. 220.191, those enumerated in s. 220.181,
70 those enumerated in s. 220.183, those enumerated in s. 220.182,
71 those enumerated in s. 220.1895, those enumerated in s. 220.195,
72 those enumerated in s. 220.184, those enumerated in s. 220.186,
73 those enumerated in s. 220.1845, those enumerated in s. 220.19,
74 those enumerated in s. 220.185, those enumerated in s. 220.1875,
75 those enumerated in s. 220.192, those enumerated in s. 220.193,
76 those enumerated in s. 288.9916, those enumerated in s.
77 220.1899, those enumerated in s. 220.194, ~~and~~ those enumerated
78 in s. 220.196, and those enumerated in s. 220.197.

79 Section 3. Paragraph (a) of subsection (1) of section
 80 220.13, Florida Statutes, is amended to read:

81 220.13 "Adjusted federal income" defined.—

82 (1) The term "adjusted federal income" means an amount
 83 equal to the taxpayer's taxable income as defined in subsection
 84 (2), or such taxable income of more than one taxpayer as
 85 provided in s. 220.131, for the taxable year, adjusted as
 86 follows:

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

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

94 2. The amount of interest which is excluded from taxable
 95 income under s. 103(a) of the Internal Revenue Code or any other
 96 federal law, less the associated expenses disallowed in the
 97 computation of taxable income under s. 265 of the Internal
 98 Revenue Code or any other law, excluding 60 percent of any
 99 amounts included in alternative minimum taxable income, as
 100 defined in s. 55(b)(2) of the Internal Revenue Code, if the
 101 taxpayer pays tax under s. 220.11(3).

102 3. In the case of a regulated investment company or real
 103 estate investment trust, an amount equal to the excess of the
 104 net long-term capital gain for the taxable year over the amount

105 of the capital gain dividends attributable to the taxable year.

106 4. That portion of the wages or salaries paid or incurred
 107 for the taxable year which is equal to the amount of the credit
 108 allowable for the taxable year under s. 220.181. This
 109 subparagraph expires ~~shall expire~~ on the date specified in s.
 110 290.016 for the expiration of the Florida Enterprise Zone Act.

111 5. That portion of the ad valorem school taxes paid or
 112 incurred for the taxable year which is equal to the amount of
 113 the credit allowable for the taxable year under s. 220.182. This
 114 subparagraph expires ~~shall expire~~ on the date specified in s.
 115 290.016 for the expiration of the Florida Enterprise Zone Act.

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

119 7. That portion of assessments to fund a guaranty
 120 association incurred for the taxable year which is equal to the
 121 amount of the credit allowable for the taxable year.

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

127 9. The amount taken as a credit for the taxable year under
 128 s. 220.1895.

129 10. Up to nine percent of the eligible basis of any
 130 designated project which is equal to the credit allowable for

131 the taxable year under s. 220.185.

132 11. The amount taken as a credit for the taxable year
133 under s. 220.1875. The addition in this subparagraph is intended
134 to ensure that the same amount is not allowed for the tax
135 purposes of this state as both a deduction from income and a
136 credit against the tax. This addition is not intended to result
137 in adding the same expense back to income more than once.

138 12. The amount taken as a credit for the taxable year
139 under s. 220.192.

140 13. The amount taken as a credit for the taxable year
141 under s. 220.193.

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

145 15. The costs to acquire a tax credit pursuant to s.
146 288.1254(5) which ~~that~~ are deducted from or otherwise reduce
147 federal taxable income for the taxable year.

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

150 17. The amount taken as a credit for the taxable year
151 under s. 220.196. The addition in this subparagraph is intended
152 to ensure that the same amount is not allowed for the tax
153 purposes of this state as both a deduction from income and a
154 credit against the tax. The addition is not intended to result
155 in adding the same expense back to income more than once.

156 18. The amount taken as a credit for the taxable year

157 under s. 220.197.

158 Section 4. Emergency rules.—

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

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

168 (3) This section expires 1 year after the effective date
169 of this act.

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