

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Military and Veterans Affairs, Space, and Domestic Security

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BILL: SB 110

INTRODUCER: Senators Soto and Sachs

SUBJECT: Corporate Income Tax

DATE: December 5, 2013

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Spaulding	Hoagland	MS	<b>Pre-meeting</b>
2.			CM	
3.			AFT	
4.			AP	

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**I. Summary:**

SB 110 creates the “Florida Veterans Employment Act” to allow a business to qualify for a one-time corporate income tax credit of \$5,000 for each veteran the business hires. A business may qualify for an additional one-time \$5,000 corporate income tax credit for hiring a veteran with a service-connected disability. The credit will expire June 30, 2019.

**II. Present Situation:**

In the United States there are over 22 million living veterans, of which, over 1.6 million reside in Florida.<sup>1</sup> This makes Florida the state with the second largest veteran population, behind California and ahead of Texas. Section 1.01(14), F.S., defines the term “veteran” for purposes of determining veterans’ benefits eligibility. A person who has served in the active military and who has been honorably discharged or released from active duty under honorable conditions is eligible for a number of veterans’ benefits provided by the state of Florida.<sup>2</sup>

**Service-Connected Disabled Veterans**

Florida also has the third largest population of disabled veterans in the nation with more than 249,000.<sup>3</sup> The U.S. Department of Veterans Affairs (USDVA) is the federal agency tasked with making the official determination of the existence of a service-connected disability. The term “disabled veteran” is defined in the U.S. Code as an individual who has served on active duty in the armed forces, has been separated under honorable conditions, and the existence of a service-

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<sup>1</sup> U.S. Census Bureau, Florida Quick Facts, <http://quickfacts.census.gov/qfd/states/12000.html>, last viewed December 5, 2013.

<sup>2</sup> Section 1.01(14), F.S.

<sup>3</sup> Florida Department of Veterans’ Affairs. *Fast Facts*. Available at: [http://floridavets.org/?page\\_id=50](http://floridavets.org/?page_id=50), last viewed December 5, 2013.

connected disability has been established in the case of the veteran. Generally, a disabled veteran receives compensation, disability retirement benefits, or a pension pursuant to public statute administered by the USDVA or a military department.<sup>4</sup>

The term “service-connected” is further defined in the U.S. Code to mean that the disability or death suffered by the veteran was incurred or aggravated in line of duty in the active military, naval, or air service.<sup>5</sup> Veterans who have been determined by the USDVA to have a service-connected disability are eligible for monthly disability compensation. Disability compensation is a monetary benefit paid directly to the veteran by the USDVA. The amount of compensation varies with the degree of disability and the number of dependents the veteran has. After a medical examination, the USDVA assigns the veteran a disability rating in ten percent increments from 0%<sup>6</sup>-100%. This starts the process for which a disabled veteran is eligible to receive monthly disability compensation and certain USDVA medical benefits.<sup>7</sup> In 2012, the USDVA paid over \$3.3 billion in disability compensation to Florida veterans.<sup>8</sup>

The chart below shows the number of veterans in Florida by age range receiving disability compensation from the USDVA. This chart is based off of 2012 data.<sup>9</sup>

<b>Veterans in Florida Receiving Disability Compensation from the USDVA by Age Range (2012)</b>					
	<b>Under 45</b>	<b>Between 45-54</b>	<b>Between 55-74</b>	<b>Over 74</b>	<b>Total</b>
<b>Service-disabled Veterans</b>	23,193	77,936	124,359	46,749	272,168

There are instances in which a veteran’s service-connected disability is not determined by the USDVA. In this instance, the Department of Defense (DoD) would determine the existence of a disability and provide compensation to the veteran. This is the case when a service member acquires a medical condition or physical disability that renders him or her unfit to perform his or her required duties while on active duty. The service member may be separated or retired from the military for medical reasons. The process to determine medical fitness for continued duty involves the following two boards: the Medical Evaluation Board and the Physical Evaluation Board. The secretaries of the military departments have the authority to make the final determination of disability in each case.<sup>10</sup> When the determination has been made that a service member must retire due to medical reasons related to the member’s service in the military, the

<sup>4</sup> 5 USC § 2108(2)

<sup>5</sup> 38 USC § 101(16)

<sup>6</sup> A 0% disability rating means the USDVA has acknowledged a disability, but the disability is not severe enough to rate a monetary benefit. The disability can be reevaluated in the future if the disability worsens.

<sup>7</sup> Federal Benefits for Veterans, Dependents and Survivors, Chapter 1 Health Care Benefits

[http://www.va.gov/opa/publications/benefits\\_book/benefits\\_chap01.asp](http://www.va.gov/opa/publications/benefits_book/benefits_chap01.asp), last viewed December 5, 2013; Federal Benefits for Veterans, Dependents and Survivors, Chapter 2 Service-Connected Disabilities, Disability Compensation,

[http://www.va.gov/opa/publications/benefits\\_book/benefits\\_chap02.asp](http://www.va.gov/opa/publications/benefits_book/benefits_chap02.asp), last viewed December 5, 20, 2013.

<sup>8</sup> Data provided by the Florida Department of Veterans Affairs, November 21, 2013. On file with the Military and Veterans Affairs, Space, and Domestic Security Committee.

<sup>9</sup> *Id*

<sup>10</sup> 10 USC § 1201

member may decide whether to receive military retirement benefits from the DoD or disability compensation from the USDVA.

### **Employment Initiatives for Veterans in Florida**

The general unemployment rate in the United States in 2012 was 7.9%.<sup>11</sup> The unemployment rate among veterans who have served in the armed forces since September 2001 was 9.9% during the same period.<sup>12</sup> Florida has been successful in creating opportunities specifically for veterans to find work in the state. Employ Florida<sup>13</sup> is a resource for veterans to find employment and services offered by the state, and can also connect a veteran to the USDVA. Employ Florida maintains a database of available jobs for veterans across the state ranging from hourly wage jobs to professional and management jobs.<sup>14</sup>

The Florida Department of Economic Opportunity also offers a range of services to veterans including recruitment services, training grants, and links to federal programs offering certain employer incentives to hire veterans.<sup>15</sup> Workforce Florida's Hiring Florida's Heroes program works with employers to connect them with veterans possessing needed skills.<sup>16</sup> Enterprise Florida also offers resources, advocacy, and job listings for veterans.<sup>17</sup>

Currently, Florida does not offer any corporate tax incentive for a privately owned company to hire a veteran. There are examples in the Florida Statutes of corporate tax incentives, but none relating to the hiring of veterans.<sup>18</sup>

### **Corporate Income Tax in Florida**

Florida imposes a corporate income tax on the income of banks<sup>19</sup> and certain other corporations doing business within Florida.<sup>20</sup> Aside from banks, generally only corporations subject to federal income tax pursuant to subchapter C of the Internal Revenue Code are subject to the Florida tax.<sup>21</sup> As such, the Florida corporate income tax does not generally apply to sole proprietorships,

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<sup>11</sup> U.S. Department of Labor, Bureau of Labor Statistics, <http://www.bls.gov/news.release/vet.a.htm>, last viewed December 5, 2013.

<sup>12</sup> *Id*

<sup>13</sup> Employ Florida links all of Florida's state and local workforce services and resources through the partnership of the [Department of Economic Opportunity](#) and [Workforce Florida, Inc.](#) There are [24 Regional Workforce Boards](#) and nearly 100 One-Stop Career Centers located statewide offering in-person, one-on-one personalized assistance to job seekers.

<sup>14</sup> Employ Florida, <https://www.employflorida.com/portals/veteran/default.asp?pg=welcome>, last viewed December 5, 2013.

<sup>15</sup> Florida Department of Economic Opportunity, <http://www.floridajobs.org/job-seekers-community-services/job-search-and-career-planning/job-search-resources/for-veterans>, last viewed December 5, 2013.

<sup>16</sup> Workforce Florida, Hiring Florida's Heroes, <http://www.workforceflorida.com/PrioritiesInitiatives/vets/HiringFloridasHeroes.php>, last viewed December 5, 2013.

<sup>17</sup> Enterprise Florida, <http://www.eflorida.com/>, last viewed December 5, 2013.

<sup>18</sup> Sections 220.192, 220.193, 220.194 F.S.

<sup>19</sup> Chapter 220, F.S.; Florida Department of Revenue, Questions and Answers: is a bank required to file a Florida corporate return?, <https://askdor.state.fl.us/FAQ/FAQDetails.aspx?ID=0>, last viewed December 5, 2013.

<sup>20</sup> Section 220.11 F.S.

<sup>21</sup> 26 U.S.C.

partnerships, limited liability companies, subchapter S corporations, or any other non-corporate business entities.<sup>22</sup>

Florida currently provides a \$50,000 exemption to all businesses subject to the corporate income tax.<sup>23</sup> Thus, taxable businesses do not owe any tax on the first \$50,000 of income. The Revenue Estimating Conference recently estimated that 11,501 businesses have income in excess of \$50,000 that would be subject to the tax.<sup>24</sup>

### III. Effect of Proposed Changes:

Section 1 creates s. 220.197, F.S., to establish the “Florida Veterans Employment Act” to encourage businesses to hire veterans by granting a one-time corporate income tax credit of \$5,000 for hiring a veteran. Before a business can claim the tax credit, the business must pay \$5,000 in gross salary to the veteran. The business is eligible for an additional \$5,000 credit for hiring a veteran who has a service-connected disability recognized by the USDVA or who is receiving disability retirement benefits from the DoD. To be eligible for the additional \$5,000 tax credit for hiring a disabled veteran, the business must pay an additional \$5,000 in gross salary to the veteran.

This tax credit benefit expires on June 30, 2019. A business that is awarded the credit may carry forward any unused credit for a period not to exceed two years. The bill authorizes the Department of Revenue to adopt rules to administer the tax credit.

Section 2 amends s. 220.02 F.S., to designate the order in which the corporate income tax credits provided in the bill will be applied.

Section 3 adds the income tax credit related to hiring veterans to factors associated with adjusted federal income. It also makes minor grammatical corrections to s. 220.13 F.S.

Section 4 authorizes the executive director of the Department of Revenue to adopt emergency rules, for up to one year, to implement this act.

Section 5 provides an effective date of July 1, 2014.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

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<sup>22</sup> Section 220.11 F.S.; Florida Department of Revenue, Corporate Income Tax: Who Must File?, <http://dor.myflorida.com/dor/forms/2013/gt800017.pdf>, last viewed December 5, 2013.

<sup>23</sup> Section 220.14, F.S.

<sup>24</sup> See November 20, 2013 results of the Revenue Estimating Conference, available at <http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2014/pdf/page6-7.pdf>, last viewed December 5, 2013.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

The Revenue Estimating Conference has not yet reviewed the fiscal impact of the bill.

B. Private Sector Impact:

A business can claim a one-time corporate income tax credit of \$5,000 for each veteran that the business hires. A business may qualify for an additional one-time \$5,000 corporate income tax credit for hiring a veteran who is receiving disability payments from the USDVA or the DoD for a service-connected disability.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 220.02 and 220.13. This bill creates section 220.197 of the Florida Statutes.

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.