

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Burton offered the following:

**Amendment (with title amendment)**

Between lines 2512 and 2513, insert:

Section 44. Section 196.1955, Florida Statutes, is created to read:

196.1955 Preparing property for educational, literary, scientific, religious, or charitable use.-

(1) Property owned by an exempt entity is used for an exempt purpose if the owner has taken affirmative steps to prepare the property for an exempt educational, literary, scientific, religious, or charitable use and no portion of the property is being used for a nonexempt purpose. The term "charitable use" means, but is not limited to, providing

021889

Approved For Filing: 2/8/2016 1:57:36 PM

Amendment No.

15 affordable housing to extremely-low-income, very-low-income,  
16 low-income, or moderate-income persons and families as defined  
17 in s. 420.0004. The term "affirmative steps" means environmental  
18 or land use permitting activities, creation of architectural  
19 plans or schematic drawings, land clearing or site preparation,  
20 construction or renovation activities, or other similar  
21 activities that demonstrate a commitment to preparing the  
22 property for an exempt use.

23 (2) (a) If property owned by an organization that has been  
24 granted an exemption under this section is transferred for a  
25 purpose other than an exempt use or is not in actual exempt use  
26 within 5 years after the date the organization is granted an  
27 exemption, the property appraiser making such determination may  
28 serve upon the organization that received the exemption a notice  
29 of intent to record in the public records of the county a notice  
30 of tax lien against any property owned by that organization in  
31 that county, and such property must be identified in the notice  
32 of tax lien. The organization owning such property is subject to  
33 the taxes otherwise due as a result of the failure to use the  
34 property in an exempt manner plus 15 percent interest per annum.

35 1. The lien, when filed, attaches to any property  
36 identified in the notice of tax lien owned by the organization  
37 that received the exemption. If the organization no longer owns  
38 property in the county but owns property in any other county in  
39 the state, the property appraiser shall record in each such  
40 county a notice of tax lien identifying the property owned by

021889

Approved For Filing: 2/8/2016 1:57:36 PM

Amendment No.

41 the organization in each respective county, which shall become a  
42 lien against the identified property.

43 2. Before such lien may be filed, the organization so  
44 notified must be given 30 days to pay the taxes and interest.

45 3. If an exemption is improperly granted as a result of a  
46 clerical mistake or an omission by the property appraiser, the  
47 organization improperly receiving the exemption may not be  
48 assessed interest.

49 4. The 5-year limitation specified in this subsection may  
50 be extended by the property appraiser if the organization  
51 holding the exemption continues to take affirmative steps to  
52 develop the property for the purposes specified in this section.

53 (b) This subsection does not apply to property being  
54 prepared for use as a house of public worship. The term "public  
55 worship" means religious worship services and activities that  
56 are incidental to religious worship services, such as  
57 educational activities, parking, recreation, partaking of meals,  
58 and fellowship.

59 Section 45. Subsections (3), (4), and (5) of section  
60 196.196, Florida Statutes, are amended to read:

61 196.196 Determining whether property is entitled to  
62 charitable, religious, scientific, or literary exemption.-

63 ~~(3) Property owned by an exempt organization is used for a~~  
64 ~~religious purpose if the institution has taken affirmative steps~~  
65 ~~to prepare the property for use as a house of public worship.~~  
66 ~~The term "affirmative steps" means environmental or land use~~

021889

Approved For Filing: 2/8/2016 1:57:36 PM

Amendment No.

67 ~~permitting activities, creation of architectural plans or~~  
68 ~~schematic drawings, land clearing or site preparation,~~  
69 ~~construction or renovation activities, or other similar~~  
70 ~~activities that demonstrate a commitment of the property to a~~  
71 ~~religious use as a house of public worship. For purposes of this~~  
72 ~~subsection, the term "public worship" means religious worship~~  
73 ~~services and those other activities that are incidental to~~  
74 ~~religious worship services, such as educational activities,~~  
75 ~~parking, recreation, partaking of meals, and fellowship.~~

76 ~~(3)(4)~~ Except as otherwise provided in this section  
77 ~~herein,~~ property claimed as exempt for literary, scientific,  
78 religious, or charitable purposes which is used for profitmaking  
79 purposes is ~~shall be~~ subject to ad valorem taxation. Use of  
80 property for functions not requiring a business or occupational  
81 license conducted by the organization at its primary residence,  
82 the revenue of which is used wholly for exempt purposes, is  
83 ~~shall not be~~ considered profitmaking ~~profit-making~~. In this  
84 connection, the playing of bingo on such property is ~~shall~~ not  
85 ~~be~~ considered as using such property in such a manner as would  
86 impair its exempt status.

87 ~~(5)(a)~~ Property owned by an exempt organization qualified  
88 ~~as charitable under s. 501(c)(3) of the Internal Revenue Code is~~  
89 ~~used for a charitable purpose if the organization has taken~~  
90 ~~affirmative steps to prepare the property to provide affordable~~  
91 ~~housing to persons or families that meet the extremely low-~~  
92 ~~income, very-low-income, low-income, or moderate-income limits,~~

021889

Approved For Filing: 2/8/2016 1:57:36 PM

Amendment No.

93 ~~as specified in s. 420.0004. The term "affirmative steps" means~~  
94 ~~environmental or land use permitting activities, creation of~~  
95 ~~architectural plans or schematic drawings, land clearing or site~~  
96 ~~preparation, construction or renovation activities, or other~~  
97 ~~similar activities that demonstrate a commitment of the property~~  
98 ~~to providing affordable housing.~~

99 ~~(b)1. If property owned by an organization granted an~~  
100 ~~exemption under this subsection is transferred for a purpose~~  
101 ~~other than directly providing affordable homeownership or rental~~  
102 ~~housing to persons or families who meet the extremely low-~~  
103 ~~income, very-low-income, low-income, or moderate-income limits,~~  
104 ~~as specified in s. 420.0004, or is not in actual use to provide~~  
105 ~~such affordable housing within 5 years after the date the~~  
106 ~~organization is granted the exemption, the property appraiser~~  
107 ~~making such determination shall serve upon the organization that~~  
108 ~~illegally or improperly received the exemption a notice of~~  
109 ~~intent to record in the public records of the county a notice of~~  
110 ~~tax lien against any property owned by that organization in the~~  
111 ~~county, and such property shall be identified in the notice of~~  
112 ~~tax lien. The organization owning such property is subject to~~  
113 ~~the taxes otherwise due and owing as a result of the failure to~~  
114 ~~use the property to provide affordable housing plus 15 percent~~  
115 ~~interest per annum and a penalty of 50 percent of the taxes~~  
116 ~~owed.~~

117 ~~2. Such lien, when filed, attaches to any property~~  
118 ~~identified in the notice of tax lien owned by the organization~~

021889

Approved For Filing: 2/8/2016 1:57:36 PM

Amendment No.

119 ~~that illegally or improperly received the exemption. If such~~  
120 ~~organization no longer owns property in the county but owns~~  
121 ~~property in any other county in the state, the property~~  
122 ~~appraiser shall record in each such other county a notice of tax~~  
123 ~~lien identifying the property owned by such organization in such~~  
124 ~~county which shall become a lien against the identified~~  
125 ~~property. Before any such lien may be filed, the organization so~~  
126 ~~notified must be given 30 days to pay the taxes, penalties, and~~  
127 ~~interest.~~

128 ~~3. If an exemption is improperly granted as a result of a~~  
129 ~~clerical mistake or an omission by the property appraiser, the~~  
130 ~~organization improperly receiving the exemption shall not be~~  
131 ~~assessed a penalty or interest.~~

132 ~~4. The 5-year limitation specified in this subsection may~~  
133 ~~be extended if the holder of the exemption continues to take~~  
134 ~~affirmative steps to develop the property for the purposes~~  
135 ~~specified in this subsection.~~

136 Section 46. Section 196.198, Florida Statutes, is amended  
137 to read:

138 196.198 Educational property exemption.—

139 (1) Educational institutions within this state and their  
140 property used by them or by any other exempt entity or  
141 educational institution exclusively for educational purposes are  
142 exempt from taxation.

143 (a) Sheltered workshops providing rehabilitation and  
144 retraining of individuals who have disabilities and exempted by

021889

Approved For Filing: 2/8/2016 1:57:36 PM

Amendment No.

145 a certificate under s. (d) of the federal Fair Labor Standards  
146 Act of 1938, as amended, are declared wholly educational in  
147 purpose and are exempt from certification, accreditation, and  
148 membership requirements set forth in s. 196.012.

149 (b) Those portions of property of college fraternities and  
150 sororities certified by the president of the college or  
151 university to the appropriate property appraiser as being  
152 essential to the educational process are exempt from ad valorem  
153 taxation.

154 (c) The use of property by public fairs and expositions  
155 chartered by chapter 616 is presumed to be an educational use of  
156 such property and is exempt from ad valorem taxation to the  
157 extent of such use.

158 (2) Property used exclusively for educational purposes  
159 shall be deemed owned by an educational institution if the  
160 entity owning 100 percent of the educational institution is  
161 owned by the identical persons who own the property, or if the  
162 entity owning 100 percent of the educational institution and the  
163 entity owning the property are owned by the identical natural  
164 persons.

165 (a) Land, buildings, and other improvements to real  
166 property used exclusively for educational purposes shall be  
167 deemed owned by an educational institution if the entity owning  
168 100 percent of the land is a nonprofit entity and the land is  
169 used, under a ground lease or other contractual arrangement, by  
170 an educational institution that owns the buildings and other

021889

Approved For Filing: 2/8/2016 1:57:36 PM

Amendment No.

171 improvements to the real property, is a nonprofit entity under  
172 s. 501(c)(3) of the Internal Revenue Code, and provides  
173 education limited to students in prekindergarten through grade  
174 8.

175 (b) If legal title to property is held by a governmental  
176 agency that leases the property to a lessee, the property shall  
177 be deemed to be owned by the governmental agency and used  
178 exclusively for educational purposes if the governmental agency  
179 continues to use such property exclusively for educational  
180 purposes pursuant to a sublease or other contractual agreement  
181 with that lessee.

182 (c) If the title to land is held by the trustee of an  
183 irrevocable inter vivos trust and if the trust grantor owns 100  
184 percent of the entity that owns an educational institution that  
185 is using the land exclusively for educational purposes, the land  
186 is deemed to be property owned by the educational institution  
187 for purposes of this exemption. ~~Property owned by an educational~~  
188 ~~institution shall be deemed to be used for an educational~~  
189 ~~purpose if the institution has taken affirmative steps to~~  
190 ~~prepare the property for educational use. The term "affirmative~~  
191 ~~steps" means environmental or land use permitting activities,~~  
192 ~~creation of architectural plans or schematic drawings, land~~  
193 ~~clearing or site preparation, construction or renovation~~  
194 ~~activities, or other similar activities that demonstrate~~  
195 ~~commitment of the property to an educational use.~~  
196

021889

Approved For Filing: 2/8/2016 1:57:36 PM



Amendment No.

-----

**T I T L E   A M E N D M E N T**

Between lines 161 and 162, insert:  
creating s. 196.1955, F.S.; consolidating provisions  
relating to obtaining an ad valorem exemption for  
property owned by exempt organizations; requiring the  
owner of an exempt organization to take affirmative  
steps to demonstrate the property's exempt use;  
authorizing the property appraiser to serve a notice  
of tax lien on exempt property that is not in actual  
exempt use after a specified time; providing that the  
lien attaches to any property owned by the  
organization identified in the notice of lien;  
prohibiting a property appraiser from serving a notice  
of tax lien on certain property being prepared for use  
as a house of public worship; defining the terms  
"charitable use," "affirmative steps," and "public  
worship"; amending s. 196.196, F.S.; deleting  
provisions relating to the exemption as it applies to  
public worship and affordable housing and provisions  
that have been moved to s. 196.1955, F.S.; amending s.  
196.198, F.S.; deleting provisions that have been  
moved to s. 196.1955, F.S., relating to property owned  
by an educational institution and used for an  
educational purpose;

021889

Approved For Filing: 2/8/2016 1:57:36 PM