



200342

LEGISLATIVE ACTION

Senate

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House

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Floor: WD

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03/10/2016 11:56 AM

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Senator Hays moved the following:

1           **Senate Amendment to Amendment (673118) (with title**  
2 **amendment)**

3  
4           Between lines 64 and 65  
5 insert:

6           Section 3. Section 196.1955, Florida Statutes, is created  
7 to read:

8           196.1955 Preparing property for educational, literary,  
9 scientific, religious, or charitable use.-

10           (1) Property owned by an exempt organization is used for an  
11 exempt purpose if the owner has taken affirmative steps to



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12 prepare the property for an exempt educational, literary,  
13 scientific, religious, or charitable use and no portion of the  
14 property is being used for a nonexempt purpose. The term  
15 "affirmative steps" means environmental or land use permitting  
16 activities, creation of architectural plans or schematic  
17 drawings, land clearing or site preparation, construction or  
18 renovation activities, or other activities that demonstrate a  
19 commitment to prepare the property for an exempt use.

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

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



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41 2. Before a lien may be filed, the organization must be  
42 given 30 days to pay the taxes and interest.

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

47 4. The 5-year limitation specified in this subsection shall  
48 be extended by the property appraiser on an annual basis if the  
49 organization continues to take affirmative steps to prepare the  
50 property for the purposes specified in this section.

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

57 Section 4. Subsections (3), (4), and (5) of section  
58 196.196, Florida Statutes, are amended to read:

59 196.196 Determining whether property is entitled to  
60 charitable, religious, scientific, or literary exemption.—

61 ~~(3) Property owned by an exempt organization is used for a~~  
62 ~~religious purpose if the institution has taken affirmative steps~~  
63 ~~to prepare the property for use as a house of public worship.~~  
64 ~~The term "affirmative steps" means environmental or land use~~  
65 ~~permitting activities, creation of architectural plans or~~  
66 ~~schematic drawings, land clearing or site preparation,~~  
67 ~~construction or renovation activities, or other similar~~  
68 ~~activities that demonstrate a commitment of the property to a~~  
69 ~~religious use as a house of public worship. For purposes of this~~



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70 ~~subsection, the term "public worship" means religious worship~~  
71 ~~services and those other activities that are incidental to~~  
72 ~~religious worship services, such as educational activities,~~  
73 ~~parking, recreation, partaking of meals, and fellowship.~~

74 ~~(3)(4) Except as otherwise provided in this section herein,~~  
75 ~~property claimed as exempt for literary, scientific, religious,~~  
76 ~~or charitable purposes which is used for profitmaking purposes~~  
77 ~~is shall be~~ subject to ad valorem taxation. Use of property for  
78 functions not requiring a business or occupational license  
79 conducted by the organization at its primary residence, the  
80 revenue of which is used wholly for exempt purposes, ~~is shall~~  
81 ~~not be~~ considered profitmaking ~~profit-making~~. In this connection  
82 the playing of bingo on such property ~~is shall~~ not be considered  
83 a use of as using such property which ~~in such a manner as~~ would  
84 impair its exempt status.

85 ~~(5)(a) Property owned by an exempt organization qualified~~  
86 ~~as charitable under s. 501(c)(3) of the Internal Revenue Code is~~  
87 ~~used for a charitable purpose if the organization has taken~~  
88 ~~affirmative steps to prepare the property to provide affordable~~  
89 ~~housing to persons or families that meet the extremely-low-~~  
90 ~~income, very-low-income, low-income, or moderate-income limits,~~  
91 ~~as specified in s. 420.0004. The term "affirmative steps" means~~  
92 ~~environmental or land use permitting activities, creation of~~  
93 ~~architectural plans or schematic drawings, land clearing or site~~  
94 ~~preparation, construction or renovation activities, or other~~  
95 ~~similar activities that demonstrate a commitment of the property~~  
96 ~~to providing affordable housing.~~

97 ~~(b)1. If property owned by an organization granted an~~  
98 ~~exemption under this subsection is transferred for a purpose~~



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

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

126       ~~3. If an exemption is improperly granted as a result of a~~  
127 ~~clerical mistake or an omission by the property appraiser, the~~



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128 ~~organization improperly receiving the exemption shall not be~~  
129 ~~assessed a penalty or interest.~~

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

134 Section 5. Section 196.198, Florida Statutes, is amended to  
135 read:

136 196.198 Educational property exemption.—

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

141 (a) Sheltered workshops providing rehabilitation and  
142 retraining of individuals who have disabilities and exempted by  
143 a certificate under s. (d) of the federal Fair Labor Standards  
144 Act of 1938, as amended, are declared wholly educational in  
145 purpose and are exempt from certification, accreditation, and  
146 membership requirements set forth in s. 196.012.

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

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

156 (2) Property used exclusively for educational purposes



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157 shall be deemed owned by an educational institution if the  
158 entity owning 100 percent of the educational institution is  
159 owned by the identical persons who own the property, or if the  
160 entity owning 100 percent of the educational institution and the  
161 entity owning the property are owned by the identical natural  
162 persons.

163       (a) Land, buildings, and other improvements to real  
164 property used exclusively for educational purposes shall be  
165 deemed owned by an educational institution if the entity owning  
166 100 percent of the land is a nonprofit entity and the land is  
167 used, under a ground lease or other contractual arrangement, by  
168 an educational institution that owns the buildings and other  
169 improvements to the real property, is a nonprofit entity under  
170 s. 501(c) (3) of the Internal Revenue Code, and provides  
171 education limited to students in prekindergarten through grade  
172 8.

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

180       (c) If the title to land is held by the trustee of an  
181 irrevocable inter vivos trust and if the trust grantor owns 100  
182 percent of the entity that owns an educational institution that  
183 is using the land exclusively for educational purposes, the land  
184 is deemed to be property owned by the educational institution  
185 for purposes of this exemption. ~~Property owned by an educational~~



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186 ~~institution shall be deemed to be used for an educational~~  
187 ~~purpose if the institution has taken affirmative steps to~~  
188 ~~prepare the property for educational use. The term "affirmative~~  
189 ~~steps" means environmental or land use permitting activities,~~  
190 ~~creation of architectural plans or schematic drawings, land~~  
191 ~~clearing or site preparation, construction or renovation~~  
192 ~~activities, or other similar activities that demonstrate~~  
193 ~~commitment of the property to an educational use.~~

194  
195 ===== T I T L E A M E N D M E N T =====

196 And the title is amended as follows:

197 Delete line 1293

198 and insert:

199 businesses; creating s. 196.1955, F.S.; consolidating  
200 and revising provisions relating to obtaining an ad  
201 valorem exemption for property owned by an exempt  
202 organization, including the requirement that the owner  
203 of an exempt organization take affirmative steps to  
204 demonstrate an exempt use; defining the term  
205 "affirmative steps"; requiring the property appraiser  
206 to serve a notice of tax lien on exempt property that  
207 is not in exempt use after a certain time; providing  
208 that the lien attaches to any property owned by the  
209 organization identified in the notice of lien;  
210 providing that the provisions authorizing the tax lien  
211 do not apply to a house of public worship; defining  
212 the term "public worship"; amending s. 196.196, F.S.;

213 deleting provisions relating to the exemption as it  
214 applies to public worship and affordable housing and





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215 provisions incorporated into s. 196.1955, F.S.;

216 amending s. 196.198, F.S.; deleting provisions

217 relating to property owned by an educational

218 institution and used for an educational purpose which

219 are incorporated in s. 196.1955, F.S.; amending s.

220 196.1995, F.S.; revising an