

By Senator Gruters

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1 A bill to be entitled
2 An act relating to nonprofit taxation; amending s.
3 196.196, F.S.; specifying conditions for retaining an
4 ad valorem tax exemption for certain property used for
5 certain purposes; defining the term "incidental use";
6 providing an effective date.

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8 Be It Enacted by the Legislature of the State of Florida:

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10 Section 1. Subsection (2) of section 196.196, Florida
11 Statutes, is amended to read:

12 196.196 Determining whether property is entitled to
13 charitable, religious, scientific, or literary exemption.—

14 (2) Only those portions of property used predominantly for
15 charitable, religious, scientific, or literary purposes are
16 ~~shall be~~ exempt. In no event may ~~shall~~ an incidental use of
17 property either qualify such property for an exemption or impair
18 the exemption of an otherwise exempt property. In order to
19 retain the exemption of an otherwise exempt property, the
20 revenue derived from the incidental use of the property must
21 support the charitable, religious, scientific, or literary
22 purposes for which the property is used. For purposes of this
23 section, the term "incidental use" means any use that is
24 ancillary, supportive, or subordinate to the predominant use and
25 includes uses by vendors in privity with the applicant.

26 Section 2. This act shall take effect July 1, 2021.