

By Senator Calatayud

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1 A bill to be entitled
2 An act relating to the exemption from ad valorem taxes
3 of child care facilities; amending s. 196.198, F.S.;
4 exempting from ad valorem taxes any portion of
5 property used as a child care facility that has
6 achieved Gold Seal Quality status; requiring that the
7 lessor child care facility operator be considered
8 eligible to derive the benefit of the exemption upon a
9 specified demonstration; requiring the owner of
10 certain property to make certain disclosures to the
11 child care facility operator; amending s. 1002.945,
12 F.S.; conforming a provision to changes made by the
13 act; providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Section 196.198, Florida Statutes, is amended to
18 read:

19 196.198 Educational property exemption.—Educational
20 institutions within this state and their property used by them
21 or by any other exempt entity or educational institution
22 exclusively for educational purposes are exempt from taxation.
23 Sheltered workshops providing rehabilitation and retraining of
24 individuals who have disabilities and exempted by a certificate
25 under s. (d) of the federal Fair Labor Standards Act of 1938, as
26 amended, are declared wholly educational in purpose and are
27 exempt from certification, accreditation, and membership
28 requirements set forth in s. 196.012. Those portions of property
29 of college fraternities and sororities certified by the

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30 president of the college or university to the appropriate
31 property appraiser as being essential to the educational process
32 are exempt from ad valorem taxation. The use of property by
33 public fairs and expositions chartered by chapter 616 is
34 presumed to be an educational use of such property and is exempt
35 from ad valorem taxation to the extent of such use. Property
36 used exclusively for educational purposes shall be deemed owned
37 by an educational institution if the entity owning 100 percent
38 of the educational institution is owned by the identical persons
39 who own the property, or if the entity owning 100 percent of the
40 educational institution and the entity owning the property are
41 owned by the identical natural persons, or if the educational
42 institution is a lessee that owns the leasehold interest in a
43 bona fide lease for a nominal amount per year having an original
44 term of 98 years or more. Land, buildings, and other
45 improvements to real property used exclusively for educational
46 purposes shall be deemed owned by an educational institution if
47 the entity owning 100 percent of the land is a nonprofit entity
48 and the land is used, under a ground lease or other contractual
49 arrangement, by an educational institution that owns the
50 buildings and other improvements to the real property, is a
51 nonprofit entity under s. 501(c)(3) of the Internal Revenue
52 Code, and provides education limited to students in
53 prekindergarten through grade 8. Land, buildings, and other
54 improvements to real property used exclusively for educational
55 purposes are deemed owned by an educational institution if the
56 educational institution that currently uses the land, buildings,
57 and other improvements for educational purposes received the
58 exemption under this section on the same property in any 10

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59 consecutive prior years, or, is an educational institution
60 described in s. 212.0602, and, under a lease, the educational
61 institution is responsible for any taxes owed and for ongoing
62 maintenance and operational expenses for the land, buildings,
63 and other improvements. For such leasehold properties, the
64 educational institution shall receive the full benefit of the
65 exemption. The owner of the property shall disclose to the
66 educational institution the full amount of the benefit derived
67 from the exemption and the method for ensuring that the
68 educational institution receives the benefit. Any portion of the
69 property used as a child care facility that has achieved Gold
70 Seal Quality status under s. 1002.945 is exempt from ad valorem
71 taxation, regardless of whether the property is owned or leased.
72 If the property is leased, a lessor child care facility operator
73 that is responsible for payment of ad valorem taxes under the
74 terms of their lease is considered eligible to derive the
75 benefit of the exemption upon a demonstration that the lessor
76 child facility operator will be exempt from ad valorem taxation.
77 The owner of such property shall disclose to the child care
78 facility operator the total amount of the benefit derived from
79 the exemption and the method for ensuring that the operator
80 receives the benefit. Notwithstanding ss. 196.195 and 196.196,
81 property owned by a house of public worship and used by an
82 educational institution for educational purposes limited to
83 students in preschool through grade 8 shall be exempt from ad
84 valorem taxes. If legal title to property is held by a
85 governmental agency that leases the property to a lessee, the
86 property is ~~shall be~~ deemed to be owned by the governmental
87 agency and used exclusively for educational purposes if the

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88 governmental agency continues to use such property exclusively
89 for educational purposes pursuant to a sublease or other
90 contractual agreement with that lessee. If the title to land is
91 held by the trustee of an irrevocable inter vivos trust and if
92 the trust grantor owns 100 percent of the entity that owns an
93 educational institution that is using the land exclusively for
94 educational purposes, the land is deemed to be property owned by
95 the educational institution for purposes of this exemption.
96 Property owned by an educational institution is ~~shall be~~ deemed
97 to be used for an educational purpose if the institution has
98 taken affirmative steps to prepare the property for educational
99 use. The term "affirmative steps" means environmental or land
100 use permitting activities, creation of architectural plans or
101 schematic drawings, land clearing or site preparation,
102 construction or renovation activities, or other similar
103 activities that demonstrate commitment of the property to an
104 educational use.

105 Section 2. Subsection (5) of section 1002.945, Florida
106 Statutes, is amended to read:

107 1002.945 Gold Seal Quality Care Program.—

108 (5) Any real estate, or part thereof, owned or leased as a
109 child care facility licensed under s. 402.305 or a child care
110 facility exempt from licensing under s. 402.316 which achieves
111 Gold Seal Quality status under this section is ~~shall be~~
112 considered an educational institution for the purpose of
113 qualifying for exemption from ad valorem tax under s. 196.198.

114 Section 3. This act shall take effect July 1, 2025.