

By Senator Ostalkiewicz

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A bill to be entitled  
An act relating to the excise tax on documents;  
amending s. 201.09, F.S.; prescribing liability  
for the tax when a renewal note increases the  
unpaid balance or the original face amount of  
an original contract and obligation; providing  
an effective date.

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

Section 1. Subsection (1) of section 201.09, Florida  
Statutes, is amended to read:

201.09 Renewal of existing promissory notes and  
mortgages; exemption.--

(1) When any promissory note is given in renewal of  
any existing promissory note, which renewal note only extends  
or continues the identical contractual obligations of the  
original promissory note and evidences part or all of the  
original indebtedness evidenced thereby, not including any  
accumulated interest thereon and without enlargement in any  
way of the original contract and obligation, such renewal note  
shall not be subject to taxation under this chapter if such  
renewal note has attached to it the original promissory note  
with the proper notation thereon as required by s. 201.133.  
In order to be exempt from taxation under this section, a  
renewal note evidencing a term obligation shall not be  
executed by any person other than the original obligor and  
must renew and extend only the unpaid balance of the original  
contract and obligation. In order to be exempt from taxation  
under this section, a renewal note evidencing a revolving  
obligation shall not be executed by any person other than the

1 original obligor and must renew and extend no more than the  
2 original face amount of the original contract and obligation.  
3 A renewal note evidencing a term obligation which increases  
4 the unpaid balance of the original contract and obligation but  
5 which otherwise meets the exemption criteria of this section  
6 is taxable only on the face amount of the increase. A renewal  
7 note evidencing a revolving obligation which increases the  
8 original face amount of the original contract and obligation  
9 but which otherwise meets the exemption criteria of this  
10 section is taxable only on the amount of the increase.

11 Section 2. This act shall take effect July 1, 1998.

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14 SENATE SUMMARY

15 Provides that a renewal note that increases the unpaid  
16 balance or the original face amount of the original  
17 contract and obligation and that otherwise meets criteria  
for exemption is subject to the documentary stamp tax for  
the amount of the increase only.

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