

By Representative Flanagan

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

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

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

13           201.09 Renewal of existing promissory notes and  
14   mortgages; exemption.--

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

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15 SENATE SUMMARY

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