

By Senator Sebesta

20-1520-00

See HB

1 A bill to be entitled
 2 An act relating to the excise tax on documents;
 3 amending s. 201.02, F.S.; exempting transfers
 4 between spouses from the tax on deeds and other
 5 instruments relating to real property or
 6 interests therein; providing effective dates.

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

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 10 Section 1. Subsection (7) of section 201.02, Florida
 11 Statutes, is amended to read:

12 201.02 Tax on deeds and other instruments relating to
 13 real property or interests in real property.--

14 (7)(a) Taxes imposed by this section do not apply to a
 15 deed, transfer, or conveyance between spouses.

16 (b) Taxes imposed by this section do not apply to a
 17 deed, transfer, or conveyance between ~~spouses~~ or former
 18 spouses pursuant to an action for dissolution of their
 19 marriage wherein the real property is or was their marital
 20 home or an interest therein. Taxes paid pursuant to this
 21 section shall be refunded in those cases in which a deed,
 22 transfer, or conveyance occurred 1 year before a dissolution
 23 of marriage. This paragraph ~~subsection~~ applies in spite of any
 24 consideration as defined in subsection (1). This paragraph
 25 ~~subsection~~ does not apply to a deed, transfer, or conveyance
 26 executed before July 1, 1997.

27 Section 2. Effective July 1, 2001, paragraph (b) of
 28 subsection (7) of section 201.02, Florida Statutes, as amended
 29 by this act, is amended to read:

30 201.02 Tax on deeds and other instruments relating to
 31 real property or interests in real property.--

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(7)

(b) Taxes imposed by this section do not apply to a deed, transfer, or conveyance between former spouses pursuant to an action for dissolution of their marriage wherein the real property is or was their marital home or an interest therein. ~~Taxes paid pursuant to this section shall be refunded in those cases in which a deed, transfer, or conveyance occurred 1 year before a dissolution of marriage.~~This paragraph applies in spite of any consideration as defined in subsection (1). This paragraph does not apply to a deed, transfer, or conveyance executed before July 1, 1997.

Section 3. Except as otherwise provided in this act, this act shall take effect July 1, 2000.

LEGISLATIVE SUMMARY

Exempts all transfers between spouses from the documentary stamp tax on deeds and other instruments relating to real property; present law exempts such transfers only pursuant to action for dissolution of marriage.