

By the Committee on Fiscal Resource and Senator Sebesta

314-2066-00

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A bill to be entitled
An act relating to the excise tax on documents;
creating s. 201.205, F.S.; prohibiting the
deliberate use of excess documentary stamps;
providing criminal penalties; amending s.
201.132, F.S.; deleting the requirement that
the notation placed on a document be signed;
providing effective dates.

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

Section 1. Section 201.205, Florida Statutes, is
created to read:

201.205 Deliberate use of excess documentary stamps;
prohibition; penalty.--The documentary stamps affixed to a
deed, instrument, or writing for the purpose of showing that a
tax imposed by s. 201.02(1) has been paid must reflect the
true and correct amount of the sales price or other
consideration for the interest in real property which has been
granted, assigned, transferred, or otherwise conveyed to or
vested in the purchaser or any other person by his or her
direction. It is unlawful for the seller or conveyor of the
property interest to deliberately affix or cause to be affixed
to such a deed, instrument, or writing excess documentary
stamps with the intent to imply a sales price for the property
interest which is in excess of the actual sales price. A
violation of this section is a misdemeanor of the first
degree, punishable as provided in s. 775.082 or s. 775.083.

Section 2. Paragraph (a) of subsection (1) of section
201.132, Florida Statutes, is amended to read:

1 201.132 Exceptions to use of stamps on recorded
2 documents; county comptrollers and clerks of the circuit
3 court.--

4 (1) The county comptroller or, if there be none, the
5 clerk of the circuit court of each county may collect the tax
6 imposed by this chapter without affixing stamps to the
7 document to be recorded under the following conditions:

8 (a) A notation shall be placed on the document to be
9 recorded showing the amount of tax paid and the county where
10 payment is being made, ~~and the notation shall be signed by the~~
11 ~~county comptroller or clerk of the circuit court, or~~
12 ~~designated agent thereof.~~

13 Section 3. This act shall take effect July 1, 2000.

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15 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
16 COMMITTEE SUBSTITUTE FOR
17 SB 1842

18 This committee substitute removes from the bill the
19 documentary stamp tax exemption for transfers of property
between spouses.

20 It makes it illegal to buy excess documentary stamps with the
21 intent to imply a sales price for a piece of property in
excess of the actual sales price.

22 It also deletes obsolete language about the county comptroller
23 or clerk of court signing documents, under certain conditions.