

By Senator Sebesta

20-786-01

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, 2002, 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.--

1 (7)

2 (b) Taxes imposed by this section do not apply to a

3 deed, transfer, or conveyance between former spouses pursuant

4 to an action for dissolution of their marriage wherein the

5 real property is or was their marital home or an interest

6 therein. ~~Taxes paid pursuant to this section shall be refunded~~

7 ~~in those cases in which a deed, transfer, or conveyance~~

8 ~~occurred 1 year before a dissolution of marriage.~~This

9 paragraph applies in spite of any consideration as defined in

10 subsection (1). This paragraph does not apply to a deed,

11 transfer, or conveyance executed before July 1, 1997.

12 Section 3. Except as otherwise expressly provided in

13 this act, this act shall take effect July 1, 2001.

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16 LEGISLATIVE SUMMARY

17 Exempts all transfers between spouses from the

18 documentary stamp tax on deeds and other instruments

19 relating to real property; present law exempts such

20 transfers only pursuant to action for dissolution of

21 marriage.

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