

By the Committee on Judicial Oversight and Representative
Crow

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 of homestead real property that create a
5 tenancy by the entireties from the tax on deeds
6 and other instruments relating to real property
7 or interests therein; revising the exemption
8 from said tax for conveyances pursuant to an
9 action for dissolution of marriage; removing
10 application to conveyances between spouses and
11 removing a provision for refund when the
12 conveyance occurs 1 year before such
13 dissolution; providing that a certificate of
14 title issued by a clerk of court in a judicial
15 sale of real property pursuant to foreclosure
16 proceedings shall be subject to said tax;
17 providing for the method of computation of the
18 tax when the certificate of title is issued to
19 the party in whose favor a judgment of
20 foreclosure is granted; providing for
21 retroactive application; providing an effective
22 date.

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

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26 Section 1. Subsection (7) of section 201.02, Florida
27 Statutes, is amended, and subsection (8) is added to said
28 section, to read:

29 201.02 Tax on deeds and other instruments relating to
30 real property or interests in real property.--

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1 (7)(a) Taxes imposed by this section do not apply to a
2 deed, transfer, or conveyance that creates a tenancy by the
3 entireties in real property to which the homestead tax
4 exemption provided by s. 196.031 is applicable.

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

16 (8) A certificate of title issued by the clerk of
17 court in a judicial sale of real property under an order or
18 final judgment issued pursuant to a foreclosure proceeding
19 under chapter 702 shall be subject to the tax imposed by
20 subsection (1); however, if the certificate of title is issued
21 to the party in whose favor the judgment of foreclosure is
22 granted in the foreclosure proceeding, the amount of tax shall
23 be computed based solely on the amount of the highest and best
24 bid received for the property at the foreclosure sale.

25 Section 2. The method of computation of tax provided
26 by s. 201.02(8), Florida Statutes, as created by this act, on
27 a certificate of title which is issued to the party in whose
28 favor a judgment of foreclosure is granted in a foreclosure
29 proceeding shall apply retroactively, except that all taxes
30 that have been collected must be remitted, and taxes that have
31 been remitted before July 1, 2001, on transactions that are

1 subject to the method of computation provided by this act are
2 not subject to refund.

3 Section 3. This act shall take effect July 1, 2001.

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5 HOUSE SUMMARY

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7 Exempts transfers of homestead real property that create
8 a tenancy by the entireties from the documentary stamp
9 tax on deeds and other instruments relating to real
10 property or interests therein. Revises the exemption from
11 said tax for conveyances pursuant to an action for
12 dissolution of marriage, to remove application to
13 conveyances between spouses and a provision for refund
14 when the conveyance occurs 1 year before such
15 dissolution. Provides that a certificate of title issued
16 by a clerk of court in a judicial sale of real property
17 pursuant to foreclosure proceedings shall be subject to
18 said tax. Provides for the method of computation of the
19 tax when the certificate of title is issued to the party
20 in whose favor a judgment of foreclosure is granted, and
21 provides for retroactive application.
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