

By the Council for Smarter Government and 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 certain
 4 transfers of homestead real property that
 5 involve spouses and that create a tenancy by
 6 the entireties from the tax on deeds and other
 7 instruments relating to real property or
 8 interests therein; providing that a certificate
 9 of title issued by a clerk of court in a
 10 judicial sale of real property pursuant to
 11 foreclosure proceedings shall be subject to
 12 said tax; providing for the method of
 13 computation of the tax when the certificate of
 14 title is issued to the party in whose favor a
 15 judgment of foreclosure is granted; providing
 16 for retroactive application; exempting certain
 17 contracts to sell the residence of an employee
 18 relocating at the employer's direction from
 19 said tax; providing an effective date.

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

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 23 Section 1. Subsection (7) of section 201.02, Florida
 24 Statutes, is amended, and subsections (8) and (9) are added to
 25 said section, to read:

26 201.02 Tax on deeds and other instruments relating to
 27 real property or interests in real property.--

28 (7)(a) Taxes imposed by this section do not apply to a
 29 deed, transfer, or conveyance from an individual to that
 30 individual and that individual's spouse that creates a tenancy

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1 by the entireties in real property to which the homestead tax
2 exemption provided by s. 196.031 is applicable.

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

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

23 (9) Taxes imposed by this section do not apply to a
24 contract to sell the residence of an employee relocating at
25 the employer's direction, which contract is between the
26 employee or employer and a person in the business of providing
27 employee relocation services, unless the real property
28 comprising the residence is transferred by deed.

29 Section 2. The method of computation of tax provided
30 by s. 201.02(8), Florida Statutes, as created by this act, on
31 a certificate of title which is issued to the party in whose

1 favor a judgment of foreclosure is granted in a foreclosure
2 proceeding shall apply retroactively, except that all taxes
3 that have been collected must be remitted, and taxes that have
4 been remitted before July 1, 2001, on transactions that are
5 subject to the method of computation provided by this act are
6 not subject to refund.

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

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