

1 A bill to be entitled
2 An act relating to the excise tax on documents;
3 amending s. 201.08, F.S.; providing for the
4 maximum tax that must be paid on unsecured
5 obligations; conforming cross-references;
6 amending s. 601.155, F.S.; revising an
7 exemption from an equalizing excise tax on
8 products made from certain citrus fruit;
9 providing an effective date.

10

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

12

13 Section 1. Subsections (1), (2), (4), and (5) of
14 section 201.08, Florida Statutes, are amended to read:15 201.08 Tax on promissory or nonnegotiable notes,
16 written obligations to pay money, or assignments of wages or
17 other compensation; exception.--18 (1)(a) On promissory notes, nonnegotiable notes,
19 written obligations to pay money, or assignments of salaries,
20 wages, or other compensation made, executed, delivered, sold,
21 transferred, or assigned in the state, and for each renewal of
22 the same, the tax shall be 35 cents on each \$100 or fraction
23 thereof of the indebtedness or obligation evidenced thereby.
24 The tax on any document described in this paragraph may not
25 exceed \$2,450.26 (b) On mortgages, trust deeds, security agreements, or
27 other evidences of indebtedness filed or recorded in this
28 state, and for each renewal of the same, the tax shall be 35
29 cents on each \$100 or fraction thereof of the indebtedness or
30 obligation evidenced thereby. Mortgages, including, but not
31 limited to, mortgages executed without the state and recorded

1 in the state, which incorporate the certificate of
2 indebtedness, not otherwise shown in separate instruments, are
3 subject to the same tax at the same rate. When there is both
4 a mortgage, trust deed, or security agreement and a note,
5 certificate of indebtedness, or obligation, the tax shall be
6 paid on the mortgage, trust deed, or security agreement at the
7 time of recordation. A notation shall be made on the note,
8 certificate of indebtedness, or obligation that the tax has
9 been paid on the mortgage, trust deed, or security agreement.
10 If a mortgage, trust deed, security agreement, or other
11 evidence of indebtedness is subsequently filed or recorded in
12 this state to evidence an indebtedness or obligation upon
13 which tax was paid under paragraph (a) or subsection (2), tax
14 shall be paid on the mortgage, trust deed, security agreement,
15 or other evidence of indebtedness on the amount of the
16 indebtedness or obligation evidenced which exceeds the
17 aggregate amount upon which tax was previously paid under this
18 paragraph and under paragraph (a) or subsection (2). If the
19 mortgage, trust deed, security agreement, or other evidence of
20 indebtedness subject to the tax levied by this section secures
21 future advances, as provided in s. 697.04, the tax shall be
22 paid at the time of recordation on the initial debt or
23 obligation secured, excluding future advances; at the time and
24 so often as any future advance is made, the tax shall be paid
25 on all sums then advanced regardless of where such advance is
26 made. Notwithstanding the aforesaid general rule, any
27 increase in the amount of original indebtedness caused by
28 interest accruing under an adjustable rate note or mortgage
29 having an initial interest rate adjustment interval of not
30 less than 6 months shall be taxable as a future advance only
31 to the extent such increase is a computable sum certain when

1 the document is executed. Failure to pay the tax shall not
2 affect the lien for any such future advance given by s.
3 697.04, but any person who fails or refuses to pay such tax
4 due by him or her is guilty of a misdemeanor of the first
5 degree. The mortgage, trust deed, or other instrument shall
6 not be enforceable in any court of this state as to any such
7 advance unless and until the tax due thereon upon each advance
8 that may have been made thereunder has been paid.

9 (2)(a) On promissory notes, nonnegotiable notes,
10 written obligations to pay money, or other compensation, made,
11 executed, delivered, sold, transferred, or assigned in the
12 state, in connection with sales made under retail charge
13 account services, incident to sales which are not conditional
14 in character and which are not secured by mortgage or other
15 pledge of purchaser, the tax shall be 35 cents on each \$100 or
16 fraction thereof of the gross amount of the indebtedness
17 evidenced by such instruments, payable quarterly on such forms
18 and under such rules and regulations as may be promulgated by
19 the Department of Revenue. The tax on any document described
20 in this paragraph may not exceed \$2,450.

21 (b) Any receipt, charge slip, or other record of a
22 transaction effected with the use of a credit card, charge
23 card, or debit card shall be exempt from the tax imposed by
24 this section.

25 (4) Notwithstanding paragraph (1)(b)~~subsection (1)~~, a
26 supplement or an amendment to a mortgage, deed of trust,
27 indenture, or security agreement, which supplement or
28 amendment is filed or recorded in this state in connection
29 with a new issue of bonds, shall be subject to the tax imposed
30 by paragraph (1)(b)~~subsection (1)~~ only to the extent of the
31 aggregate amount of the new issue of bonds or other evidence

1 of indebtedness and not to the extent of the aggregate amount
2 of bonds or other evidence of indebtedness previously issued
3 under the instrument being supplemented or amended. In order
4 to qualify for the tax treatment provided for in this
5 subsection, the document which evidences the increase in
6 indebtedness must show the official records book and page
7 number in which, and the county in which, the original
8 obligation and any prior increase in that obligation were
9 recorded.

10 (5) For purposes of this section, a renewal shall only
11 include modifications of an original document which change the
12 terms of the indebtedness evidenced by the original document
13 by adding one or more obligors, increasing the principal
14 balance, or changing the interest rate, maturity date, or
15 payment terms. Modifications to documents which do not modify
16 the terms of the indebtedness evidenced such as those given or
17 recorded to correct error; modify covenants, conditions, or
18 terms unrelated to the debt; sever a lien into separate liens;
19 provide for additional, substitute, or further security for
20 the indebtedness; consolidate indebtedness or collateral; add,
21 change, or delete guarantors; or which substitute a new
22 mortgagee or payee are not renewals and are not subject to tax
23 pursuant to this section. If the taxable amount of a mortgage
24 is limited by language contained in the mortgage or by the
25 application of rules limiting the tax base when there is
26 collateral in more than one state, then a modification which
27 changes such limitation or tax base shall be taxable only to
28 the extent of any increase in the limitation or tax base
29 attributable to such modification. This subsection shall not
30 be interpreted to exempt from taxation an original mortgage
31

1 that ~~which~~ would otherwise be subject to tax pursuant to
2 paragraph (1)(b)~~subsection (1)~~.

3 Section 2. Subsection (5) of section 601.155, Florida
4 Statutes, is amended to read:

5 601.155 Equalizing excise tax; credit; exemption.--

6 (5) ~~All Products~~ made ~~subject to the taxable~~
7 ~~privileges under this section, which products are produced in~~
8 ~~whole or in part from citrus fruit~~ on which an equivalent tax
9 is levied pursuant to s. 601.15 ~~grown within the United~~
10 ~~States,~~are exempt from the tax imposed by this section ~~to the~~
11 ~~extent that the products are derived from oranges or~~
12 ~~grapefruit grown within the United States.~~ In the case of
13 products made in part from citrus fruit exempt from the tax
14 imposed by this section ~~grown within the United States,~~ it
15 shall be the burden of the persons liable for the excise tax
16 to show the Department of Citrus, through competent evidence,
17 proof of that part which is not subject to a taxable
18 privilege.

19 Section 3. This act shall take effect July 1, 2002.
20
21
22
23
24
25
26
27
28
29
30
31