

CHAPTER 2002-8

House Bill No. 173

An act relating to the excise tax on documents; amending s. 201.02, F.S.; providing that the tax on deeds and other instruments relating to real property or interests therein applies to certificates of title issued in a judicial sale of real property pursuant to a court order or final judgment issued in a foreclosure proceeding; providing the method for computing the tax; providing intent; providing for retroactive application; amending s. 201.132, F.S.; revising a verification requirement for a notation on certain recorded documents; providing an effective date.

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

Section 1. Subsection (8) is added to section 201.02, Florida Statutes, to read:

201.02 Tax on deeds and other instruments relating to real property or interests in real property.—

(8) A certificate of title issued by the clerk of court under s. 45.031(4) in a judicial sale of real property under an order or final judgment issued pursuant to a foreclosure proceeding is subject to the tax imposed by subsection (1). However, the amount of the tax shall be computed based solely on the amount of the highest and best bid received for the property at the foreclosure sale. This subsection is intended to clarify existing law and shall be applied retroactively.

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

201.132 Exceptions to use of stamps on recorded documents; county comptrollers and clerks of the circuit court.—

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

(a) A notation shall be placed on the document to be recorded showing the amount of tax paid and the county where payment is being made, and the notation shall be signed by, initialed, or otherwise stamped with the name or initials of ~~signed by~~ the county comptroller or clerk of the circuit court, or designated agent thereof.

Section 3. This act shall take effect upon becoming a law.

Approved by the Governor March 14, 2002.

Filed in Office Secretary of State March 14, 2002.