

ENROLLED  
CS/HB 109

2010 Legislature

1                   A bill to be entitled  
2           An act relating to the excise tax on documents; amending  
3           s. 201.02, F.S.; excluding certain unpaid indebtedness  
4           from the taxable consideration for short sales of real  
5           property; defining the term "short sale"; providing an  
6           effective date.

7  
8   Be It Enacted by the Legislature of the State of Florida:

9  
10           Section 1. Subsection (11) is added to section 201.02,  
11   Florida Statutes, to read:

12           201.02 Tax on deeds and other instruments relating to real  
13   property or interests in real property.—

14           (11) The taxable consideration for a short sale transfer  
15   does not include unpaid indebtedness that is forgiven or  
16   released by a mortgagee holding a mortgage on the grantor's  
17   interest in the property. For purposes of this subsection, the  
18   term "short sale" means a purchase and sale of real property in  
19   which all of the following apply:

20           (a) The grantor's interest is encumbered by a mortgage or  
21   mortgages securing indebtedness in an aggregate amount greater  
22   than the purchase price paid by the grantee.

23           (b) A mortgagee releases the real property from its  
24   mortgage in exchange for a partial payment of less than the  
25   total of the outstanding mortgage indebtedness owed to the  
26   releasing mortgagee.

27           (c) The releasing mortgagee does not receive, directly or  
28   indirectly, any interest in the property transferred.

ENROLLED  
CS/HB 109

2010 Legislature

29 |           (d) The releasing mortgagee is not controlled by or  
30 | related to the grantor or the grantee.

31 |           Section 2. This act shall take effect July 1, 2010.