

FLORIDA BULLETIN 00-1

TO: ALL AGENTS AND TITLE PLANT OPERATIONS
FROM: UNDERWRITING DEPARTMENT
DATE: JANUARY 24, 2000
RE: PERSONAL REPRESENTATIVE AFFIDAVIT

You will no longer need to require a Florida non-tax certificate as long as an estate meets the criteria set forth below. Florida Statute 198.32(2), which became effective January 1st, is the product of successful lobbying by many interested groups. In lieu of the non-tax certificate, the Personal Representative of a decedent's estate executes an Affidavit stating that no estate taxes are due from the estate. This Affidavit must be recorded in the public records.

The statute affects persons dying on or after January 1, 2000, and applies to instances where no state estate taxes are due. In other words, if an estate is valued at \$675,000.00 or less, no Federal estate taxes are due and, consequently, no Florida estate taxes are due. (Florida estates are required to file Estate Tax Returns only if they are also required to file Federal Estate Tax Returns.)

F.S. 198.32(2) authorizes the Florida Department of Revenue to provide the form of affidavit it will accept. Accordingly, attached please find the Department's instructions for completing the Affidavit as well as the approved Affidavit form. It is to be completed and recorded when applicable.

Please note the Department of Revenue's web site: <http://sun6.dms.state.fl.us/dor>. The form is also available online.

The statute does not address the issue of whether or not the Affidavit constitutes a release of any estate tax liability in the event the information contained in the Affidavit is later found to be erroneous. Nevertheless, Old Republic National Title Insurance Company is willing to rely on such affidavits. You should review the estate's inventory filed in the probate court and verify that the total value of the inventory is at least ten (10%) percent less than the minimum amounts required for a Federal return filing. If you find that the inventory is greater than this minimum or if you are unable to review the estate's inventory because it is not of record, please feel free to call any of us to explore further options.