



OLD REPUBLIC
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BULLETIN

FLORIDA BULLETIN 08-03

To: All Old Republic National Title Agents and Offices

From: Underwriting Department

Re: Repeal of Section 201.022, F.S. Related to Filing of a Transfer Tax Return When Recording a Deed

Date: May 29, 2008

Recently, the Governor signed House Bill 7019 into law. This act repeals section 201.022, F.S., which required the filing of a transfer tax return as a condition precedent to the recording of any deed transferring an interest in real property. Therefore, as of June 1, 2008, the effective date of the legislation, it will **no longer be necessary** to include a DR-219 when sending a deed to be recorded.

Although the DR-219 will no longer be required, it will still be necessary to remit the correct amount of documentary stamp tax when recording the deed. Section 201.01, F.S., makes the payment of the tax a condition precedent to the recording of the deed. Failure to pay the correct amount of tax could result in the imposition of interest and penalties pursuant to Section 201.17, F.S. In addition, Section 201.12, F.S. requires the Clerk of the Circuit Court to report to the Department of Revenue ("DOR") any person or entity that fails to pay the proper amount of documentary stamp tax.

At this time, there is no clear guidance on how to report the actual consideration to the Clerks. Some Clerks have issued memos and/or posted notices on their web site asking for a cover memo stating either the purchase price/consideration for the transfer or the amount of documentary stamp tax paid. A few of these memos and notices have stated that documents not accompanied by this information will be sent back unrecorded. An alternative to a cover memo might be to state the actual consideration directly on the face of the deed. You may also wish to contact the Clerk's office directly for additional instructions and information.

Finally, since the DR-219 was also used to report, as required by Section 201.02(6), F.S., a non-profit organization's exempt status in connection with the transfer of real property to the Board of Trustees of the Internal Improvement Trust Fund, to a state agency or local government or to a water management district, a new form will have to be promulgated by DOR for this reporting purpose. Any information Old Republic receives regarding this matter will be passed on to our agents.

THE EFFECTIVE DATE OF THIS ACT IS JUNE 1, 2008.

Should you have any questions, please contact your Old Republic Underwriting Department.