

Florida's Documentary Stamp Tax

Find out what documents are taxable, how the tax is calculated, and who collects the tax.

Which Documents Require Documentary Stamp Tax?

Documentary stamp tax is levied on documents as provided under Chapter 201, Florida Statutes. Documents subject to the tax include, but are not limited to:

- Deeds
- Bonds
- Notes and written obligations to pay money
- Mortgages, liens, and other evidences of indebtedness

Deeds

The tax rate for documents that transfer an interest in real property is \$.70 per \$100 (or portion thereof) of the total consideration paid, or to be paid, for the transfer. An exception is Miami-Dade County, where the rate is \$.60 per \$100 (or portion thereof) when the property is a single-family residence. If the Miami-Dade property is anything other than a single-family residence, the tax rate is \$.60 plus \$.45 surtax per \$100 (or portion thereof).

Prior to recording a deed or other instrument transferring interest in Florida real property, a *Return for Transfers of Interest in Florida Real Property* ([Form DR-219](#)) must be filed with the clerk of the circuit court in the county where the property is located.

Examples of documents that may include a transfer of interest in real property include:

- Warranty deeds
- Quit claim deeds
- Contracts for timber, gas, oil, or mineral rights
- Easements
- Contracts or agreements for deed
- Assignments of contract or agreement for deed
- Assignments of leasehold interest
- Assignments of beneficial interest in a trust
- Deeds in lieu of foreclosure

Consideration generally consists of:

- Money paid or to be paid
- Discharge of an obligation
- Mortgage or other lien encumbering the property
- Exchange of property
- Any other monetary consideration or consideration which has value

When the consideration paid or exchanged for real property is property other than money, the consideration is equal to the fair market value of the real property.

A deed transferring an interest in real property between a husband and wife may be subject to documentary stamp tax. If the property is mortgaged, tax is generally due on half of the outstanding balance of the mortgages encumbering the property. Tax is generally not due if the property is not mortgaged or if the marital home is transferred due to a divorce.

Bonds

Documentary stamp tax is due upon the original issuance of bonds in this state. The tax rate is \$.35 per \$100 (or portion thereof) based upon the face value of the bond.

Notes and Other Written Obligations to Pay Money

The tax rate on a written obligation to pay money is \$.35 for each \$100 (or portion thereof) of the obligation evidenced by the document. Tax is due on a document that contains a promise to pay a specific amount of money and is signed, executed, or delivered in Florida. The maximum amount of documentary stamp tax due on unsecured notes or other written obligations is \$2,450.

Examples include:

- Demand notes
- Term notes
- Retail installment sale contracts
- Leases with an unconditional promise to pay
- Certain renewal notes
- Title loans

Mortgages, Liens, and Other Evidences of Indebtedness

Documentary stamp tax is due on a mortgage, lien, or other evidence of indebtedness filed or recorded in Florida. The tax rate is \$.35 per \$100 (or portion thereof) and is based on the amount of the indebtedness or obligation secured, even if the indebtedness is contingent. When a mortgage, lien, or other evidence of indebtedness is given to secure a previously unsecured indebtedness or obligation upon which the maximum tax of \$2,450 was paid, tax is due on the full amount of the indebtedness or obligation secured, minus the \$2,450 already paid.

Exemptions

Documentary stamp tax is generally payable by any of the parties to a taxable transaction. If one party is exempt, the tax is required of the nonexempt party. United States government agencies; Florida government agencies; and Florida's counties, municipalities, and political subdivisions are exempt from documentary stamp tax.

Certain documents are specifically exempted from documentary stamp tax by Florida Statutes or federal law. If you are unsure whether a document is exempt, contact Taxpayer Services (see back panel).

Collecting and Paying the Tax

Nonregistered persons who have less than five (5) taxable transactions per month should use [Form DR-228](#), *Documentary Stamp Tax Return for Nonregistered Taxpayers' Unrecorded Documents*, to remit tax.

Any person with five (5) or more taxable transactions per month must register with the Department. You can register to collect and/or report tax via the Department's Internet site; go to www.myflorida.com/dor and click on [e-Services](#). If you do not have Internet access, you can complete a paper *Application to Collect and/or Report Tax in Florida* ([Form DR-1](#)).

Registered taxpayers should use their personalized *Documentary Stamp Tax Return for Registered Taxpayers' Unrecorded Documents* ([Form DR-225](#)) to remit tax.

Penalty and Interest

Any document that, upon audit or when recorded, does not contain evidence of the proper amount of the tax paid is assessed a **penalty** of 10 percent of the amount of tax owed per month, not to exceed 50 percent of the tax not paid. A minimum penalty is assessed on late returns, even if no tax is due.

A floating rate of **interest** applies to underpayments and late payments of tax. The rate is updated January 1 and July 1 of each year by using the formula established in section 213.235, Florida Statutes. For current and prior period interest rates, contact Taxpayer Services (see "Whom to Call").

Reference Material

Tax Laws

Call Taxpayer Services to request a copy of Rule 12B-4, Florida Administrative Code and Chapter 201, Florida Statutes. Tax laws are also available on the Department's Internet site. Look for the [Florida Tax Law Library](#).

For Information and Forms

Information and forms are available on our Internet site at www.myflorida.com/dor.

To speak with a Department of Revenue representative, call Taxpayer Services, Monday through Friday, 8 a.m. to 7 p.m., ET, at 800-352-3671.

Persons with hearing or speech impairments may call the TDD line at 800-367-8331 or 850-922-1115.

For a written reply to **tax questions**, write:

Taxpayer Services
Florida Department of Revenue
1379 Blountstown Hwy
Tallahassee FL 32304-2716

To receive forms by mail:

- Order multiple copies of forms from our Internet site at www.myflorida.com/dor/forms or
- Fax **form requests** to the DOR Distribution Center at 850-922-2208 or
- Mail **form requests** to:

Distribution Center
Florida Department of Revenue
168A Blountstown Hwy
Tallahassee FL 32304-2702
