

Agenda Order

Tab 2	CS/SB 48 by JU, Garcia; Compare to H 01375 Alternative Judicial Procedures					
882670	D	S	RCS	ACJ, Garcia	Delete everything after	03/26 05:25 PM
323662	A	S	TP	ACJ, Garcia	Delete L.65 - 585:	03/26 05:25 PM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA
APPROPRIATIONS COMMITTEE ON CRIMINAL AND CIVIL JUSTICE
Senator Garcia, Chair
Senator Martin, Vice Chair

MEETING DATE: Wednesday, March 26, 2025
TIME: 3:30—5:30 p.m.
PLACE: Mallory Horne Committee Room, 37 Senate Building

MEMBERS: Senator Garcia, Chair; Senator Martin, Vice Chair; Senators Ingoglia, Osgood, Polsky, Rouson, Simon, Wright, and Yarborough

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	Review and Discussion of Fiscal Year 2025-2026 Budget Issues Relating to: Department of Corrections Department of Juvenile Justice Department of Law Enforcement Department of Legal Affairs/Attorney General Florida Commission on Offender Review State Courts Public Defenders State Attorneys Regional Conflict Counsels Statewide Guardian ad Litem Capital Collateral Regional Counsels Justice Administration Commission		Discussed
2	CS/SB 48 Judiciary / Garcia (Compare H 1375)	Alternative Judicial Procedures; Requiring, rather than authorizing, that specified sales procedures be followed for certain sales of real or personal property unless a court orders the use of other sales procedures; creating the "Transparency in Alternative Judicial Sales Procedures Act"; requiring parties that want to use an alternative sales procedure to file a motion with the court where the action is pending; authorizing persons to serve as auctioneers or in other roles, under specified conditions, etc. JU 02/11/2025 Fav/CS ACJ 03/05/2025 Temporarily Postponed ACJ 03/18/2025 Not Considered ACJ 03/26/2025 Fav/CS RC	Fav/CS Yeas 9 Nays 0

Other Related Meeting Documents



Senate Appropriations Committee on Criminal and Civil Justice

FY 2025-2026 Committee Budget Proposal

Budget Spreadsheet

Member Project List

Senator Garcia, Chair
Senator Martin, Vice Chair

March 26, 2025

		Agency / Department	SENATE APPROPRIATIONS COMMITTEE ON CRIMINAL AND CIVIL JUSTICE FISCAL YEAR 2025-2026 PROPOSED BUDGET							
Row #	Issue Code	Issue Title	FTE	Rate	Rec GR	NR GR	Total GR	Trust Funds	All Funds	Row #
1		DEPT OF CORRECTIONS								1
2	1100001	Startup (OPERATING)	23,452.00	1,350,556,659	3,424,322,794		3,424,322,794	90,218,123	3,514,540,917	2
3	1100002	Startup Recurring Fixed Capital Outlay (DEBT SERVICE/OTHER)			150,911,226		150,911,226		150,911,226	3
4	160E460	Realignment of Agency Spending Authority for Northwest Regional Data Center - Add			2,219,889		2,219,889	45,304	2,265,193	4
5	1600270	Transfer Positions to Appropriate Budget Entities - Reapproval of P0023 - Deduct	(42.00)	(1,915,894)	-				-	5
6	1600280	Transfer Positions to Appropriate Budget Entities - Reapproval of P0023 - Add	42.00	1,915,894	-				-	6
7	17C99C0	Realign Enterprise Cybersecurity Resiliency - Add			9,345,903		9,345,903	168,043	9,513,946	7
8	2000050	Technical Issue - Deduct			-			(200,000)	(200,000)	8
9	2000060	Technical Issue - Add			-			200,000	200,000	9
10	2000150	Realignment of Funds Between Appropriation Categories - Deduct			(32,615,343)		(32,615,343)		(32,615,343)	10
11	2000160	Realignment of Funds Between Appropriation Categories - Add			32,615,343		32,615,343		32,615,343	11
12	2000250	Realignment of Education and Programs Appropriation - Deduct			-			(2,600,000)	(2,600,000)	12
13	2000260	Realignment of Education and Programs Appropriation - Add			-			2,600,000	2,600,000	13
14	2000290	Transfer Funds to Appropriation Category - Deduct			(5,378,746)		(5,378,746)	(26,179)	(5,404,925)	14
15	2000300	Transfer Funds from Appropriation Category - Add			5,378,746		5,378,746	26,179	5,404,925	15
16	2001600	Transfer Funds to Program Component - Deduct			(1,002,730)		(1,002,730)		(1,002,730)	16
17	2001700	Transfer Funds from Program Component - Add			1,002,730		1,002,730		1,002,730	17
18	2002030	Realignment of Operating Expenditures - Deduct			(867,800)		(867,800)		(867,800)	18
19	2002040	Realignment of Operating Expenditures - Add			867,800		867,800		867,800	19
20	2002050	Realignment to Support Security Operations Staffing Needs - Deduct			(19,445,934)		(19,445,934)		(19,445,934)	20
21	2002060	Realignment to Support Security Operations Staffing Needs - Add			19,445,934		19,445,934		19,445,934	21
22	2002070	Realignment of Salary Rate - Deduct			(11,860,000)				-	22
23	2002080	Realignment of Salary Rate - Add			11,860,000				-	23
24	2300040	Leases			2,496,151		2,496,151		2,496,151	24
25	2300080	Health Services Contractual Services Operations			2,590,316		2,590,316		2,590,316	25
26	2300120	Food Service			-	12,000,000	12,000,000		12,000,000	26
27	2401500	Replacement of Motor Vehicles			-	2,000,000	2,000,000		2,000,000	27
28	2503080	Direct Billing for Administrative Hearings			(16,198)		(16,198)		(16,198)	28
29	3000A50	Criminal Justice Estimating Conference Population Increase			56,135,704		56,135,704		56,135,704	29
30	3001200	Phone Call Savings Pilot for Inmates' Families			-			1,000,000	1,000,000	30
31	33N0001	Redirect Recurring Appropriations to Non-Recurring - Deduct			(50,671,590)		(50,671,590)		(50,671,590)	31
32	33N0002	Redirect Recurring Appropriations to Non-Recurring - Add			-	50,671,590	50,671,590		50,671,590	32
33	33V1620	Vacant Position Reductions	(8.00)		-				-	33
34	3306000	Reduce Excess Budget Authority			-			(24,675,294)	(24,675,294)	34

Agency / Department			SENATE APPROPRIATIONS COMMITTEE ON CRIMINAL AND CIVIL JUSTICE FISCAL YEAR 2025-2026 PROPOSED BUDGET							
Row #	Issue Code	Issue Title	FTE	Rate	Rec GR	NR GR	Total GR	Trust Funds	All Funds	Row #
35	3600PC0	Florida Planning, Accounting, and Ledger Management (PALM) Readiness			-	1,754,433	1,754,433		1,754,433	35
36	36264C0	Technology Restoration Plan - Applications			-	10,000,000	10,000,000		10,000,000	36
37	36307C0	Automated Time and Attendance			1,000,000		1,000,000		1,000,000	37
38	4001900	Community Corrections Public Safety Initiative - Communications			285,300	475,875	761,175		761,175	38
39	4002000	Security Operations Public Safety - Communications			-	1,266,869	1,266,869		1,266,869	39
40	4200040	Increase Administrative Trust Fund Authority			-			200,000	200,000	40
41	4300170	Administrative Management Unit			4,891,900	800,000	5,691,900		5,691,900	41
42	4700610	Certified Peer Specialist Gateway Pilot Program			-			1,200,000	1,200,000	42
43	4700840	Increase Funding for Contractor- Operated Correctional Facilities Medical and Mental Health Audits			268,810		268,810		268,810	43
44	4800120	Fund Health Services Operations			14,000,000		14,000,000		14,000,000	44
45	4800140	Contracted Inmate Health Services			-	23,317,230	23,317,230		23,317,230	45
46	5100179	Operation New Hope Re-Entry Initiative Program			-	2,775,000	2,775,000		2,775,000	46
47	5200500	Per Diem Adjustment for Private Correctional Facilities			-	15,189,483	15,189,483		15,189,483	47
48	5200600	Contractor-Operated Correctional Facility Population Increase			726,730		726,730		726,730	48
49	5300080	Inflationary Adjustments for Operations			-	3,000,000	3,000,000		3,000,000	49
50	6P00700	Correctional Programs and Services			-	8,157,500	8,157,500	2,546,159	10,703,659	50
51	080027	Correctional Facilities - Lease Purchase			(39,876)		(39,876)		(39,876)	51
52	083258	Major Repairs, Renovations and Improvements to Major Institutions			-			2,500,000	2,500,000	52
53	088302	Correction, Environmental Deficiencies			-			5,815,844	5,815,844	53
54	Total	DEPT OF CORRECTIONS	23,444.00	1,350,556,659	3,618,467,059	131,407,980	3,749,875,039	79,018,179	3,828,893,218	54
55										55
56		FL COMMISSION ON OFFENDER REVIEW								56
57	1100001	Startup (OPERATING)	165.00	8,936,490	15,368,676		15,368,676		15,368,676	57
58	Total	FL COMMISSION ON OFFENDER REVIEW	165.00	8,936,490	15,368,676	-	15,368,676	-	15,368,676	58
59										59
60		DEPT OF JUVENILE JUSTICE								60
61	1100001	Startup (OPERATING)	3,251.50	179,386,360	540,463,471		540,463,471	162,490,271	702,953,742	61
62	1100002	Startup Recurring Fixed Capital Outlay (DEBT SERVICE/OTHER)			1,498,640		1,498,640		1,498,640	62
63	160E460	Realignment of Agency Spending Authority for Northwest Regional Data Center - Add			40,085		40,085		40,085	63
64	17C99C0	Realign Enterprise Cybersecurity Resiliency - Add			940,600		940,600		940,600	64
65	2000130	Realignment of Expenditures Between Appropriation Categories - Add			24,806,293		24,806,293	3,136,361	27,942,654	65
66	2000140	Realignment of Expenditures Between Appropriation Categories - Deduct			(24,806,293)		(24,806,293)	(3,136,361)	(27,942,654)	66

Agency / Department			SENATE APPROPRIATIONS COMMITTEE ON CRIMINAL AND CIVIL JUSTICE FISCAL YEAR 2025-2026 PROPOSED BUDGET							
Row #	Issue Code	Issue Title	FTE	Rate	Rec GR	NR GR	Total GR	Trust Funds	All Funds	Row #
67	24010C0	Information Technology Infrastructure Replacement			-	1,000,000	1,000,000		1,000,000	67
68	2401500	Replacement of Motor Vehicles			-	962,008	962,008		962,008	68
69	2503080	Direct Billing for Administrative Hearings			(3,240)		(3,240)		(3,240)	69
70	33V1620	Vacant Position Reductions	(7.00)		-				-	70
71	3600PC0	Florida Planning, Accounting, and Ledger Management (PALM) Readiness			-	852,816	852,816		852,816	71
72	36304C0	Cybersecurity Software Enhancement			-	377,733	377,733		377,733	72
73	36305C0	Information Technology Staff Augmentation			-	250,000	250,000		250,000	73
74	36308C0	Information Technology Security Hardening Platform Support			538,290		538,290		538,290	74
75	36310C0	Information Technology Endpoint Management Solution			-	281,912	281,912		281,912	75
76	5001120	Sustain Contracted Residential Services System			6,590,938		6,590,938		6,590,938	76
77	5001392	AMIKids Gender Specific Program			1,000,000		1,000,000		1,000,000	77
78	5001879	Pace Center for Girls Program			3,621,784		3,621,784		3,621,784	78
79	5002000	Increased Residential Commitment Capacity			6,129,022		6,129,022		6,129,022	79
80	5201000	Crossover Youth Behavioral Health Services			2,733,686		2,733,686		2,733,686	80
81	5203590	Expand Children In Need of Services and Families In Need of Services			1,460,000		1,460,000		1,460,000	81
82	5500150	Operating Cost Increase for Detention Medical Services Contract			1,589,205		1,589,205	1,589,205	3,178,410	82
83	6P00710	Juvenile Justice Programs and Services			-	8,231,802	8,231,802		8,231,802	83
84	6101470	Food Products Category Price Level Increase			-			900,000	900,000	84
85	080410	Department of Juvenile Justice Maintenance and Repair - State Owned Buildings			-	10,655,357	10,655,357	5,000,000	15,655,357	85
86	140085	Grants and Aids to Local Governments and Nonstate Entities - Fixed Capital Outlay			-	500,000	500,000		500,000	86
87	Total	DEPT OF JUVENILE JUSTICE	3,244.50	179,386,360	566,602,481	23,111,628	589,714,109	169,979,476	759,693,585	87
88										88
89		DEPT OF LEGAL AFFAIRS								89
90	1100001	Startup (OPERATING)	1,348.50	99,864,693	101,946,366		101,946,366	263,519,041	365,465,407	90
91	160F150	Transfer of General Revenue Appropriations Between Budget Entities - Deduct			(316,000)		(316,000)		(316,000)	91
92	160F160	Transfer of General Revenue Appropriations Between Budget Entities - Add			316,000		316,000		316,000	92
93	160F170	Transfer of Fund to Realign Appropriate Appropriation Categories - Deduct			-			(124,000)	(124,000)	93
94	160F180	Transfer of Fund to Realign Appropriate Appropriation Categories - Add			-			124,000	124,000	94
95	17C99C0	Realign Enterprise Cybersecurity Resiliency - Add			194,080		194,080	499,063	693,143	95
96	1700230	Transfer Child Advocacy Centers to the Department of Children and Families			(4,957,894)		(4,957,894)		(4,957,894)	96

Agency / Department			SENATE APPROPRIATIONS COMMITTEE ON CRIMINAL AND CIVIL JUSTICE FISCAL YEAR 2025-2026 PROPOSED BUDGET							
Row #	Issue Code	Issue Title	FTE	Rate	Rec GR	NR GR	Total GR	Trust Funds	All Funds	Row #
97	2503080	Direct Billing for Administrative Hearings			(3,240)		(3,240)	15,504	12,264	97
98	3008A10	Civil Legal Services - Ethics - Workload		31,261	-			14,000	14,000	98
99	33V0100	Reduce Office of Statewide Prosecution	(14.00)		(1,794,792)		(1,794,792)		(1,794,792)	99
100	3306000	Reduce Excess Budget Authority			-			(39,602)	(39,602)	100
101	3400130	Transfer Funding from General Revenue to Trust Funds - Deduct			(19,506)		(19,506)		(19,506)	101
102	3400140	Transfer Funding from General Revenue to Trust Funds - Add			-			19,506	19,506	102
103	3600PC0	Florida Planning, Accounting, and Ledger Management (PALM) Readiness			-	1,246,149	1,246,149		1,246,149	103
104	36203C0	Information Technology Business Continuity and Disaster Recovery			1,032,000	127,977	1,159,977		1,159,977	104
105	36219C0	Office of the Attorney General Modernization Program			-	6,183,840	6,183,840		6,183,840	105
106	36304C0	Litigation Services Increased Operating Costs			286,382		286,382		286,382	106
107	4000320	Department of Legal Affairs St. Petersburg Office Relocation			64,600	317,186	381,786		381,786	107
108	4000330	Increased Operating Costs			125,000		125,000		125,000	108
109	6P00720	Legal Programs and Services			-	5,870,278	5,870,278		5,870,278	109
110	140085	Grants and Aids to Local Governments and Nonstate Entities - Fixed Capital Outlay			-	200,000	200,000		200,000	110
111	Total	DEPT OF LEGAL AFFAIRS	1,334.50	99,895,954	96,872,996	13,945,430	110,818,426	264,027,512	374,845,938	111
112										112
113		DEPT OF LAW ENFORCEMENT								113
114	1100001	Startup (OPERATING)	2,027.00	145,296,735	228,039,587		228,039,587	168,163,048	396,202,635	114
115	17C99C0	Realign Enterprise Cybersecurity Resiliency - Add			1,032,758		1,032,758		1,032,758	115
116	2503080	Direct Billing for Administrative Hearings			-			(39,709)	(39,709)	116
117	30007C0	Information Technology Cyber Security Enhancements			-	1,390,000	1,390,000		1,390,000	117
118	33V1620	Vacant Position Reductions	(5.00)		-				-	118
119	3600PC0	Florida Planning, Accounting, and Ledger Management (PALM) Readiness			-	1,600,000	1,600,000		1,600,000	119
120	36220C0	Missing and Endangered Persons Information Clearinghouse Technology Upgrade			-			1,900,000	1,900,000	120
121	4100450	Increase Federal Grants Trust Fund Authority			-			5,280,970	5,280,970	121
122	4500720	Office of Wellness Expansion	10.00	694,818	2,487,987	329,380	2,817,367		2,817,367	122
123	4500820	Statewide Pawn Database Feasibility Study			-			250,000	250,000	123
124	4500930	Aviation Operations and Maintenance			2,943,472	631,628	3,575,100		3,575,100	124
125	4500940	Fort Myers Regional Operations Center Facility			700,000	4,300,000	5,000,000		5,000,000	125
126	5010774	Florida Deputy Sheriff 's Association Law Enforcement Apprenticeship Program			10,000,000		10,000,000		10,000,000	126
127	5011301	Salary Increases for Law Enforcement Officers In Fiscally Constrained Counties			1,000,000		1,000,000		1,000,000	127
128	6P00730	Law Enforcement Programs and Services			-	11,990,637	11,990,637		11,990,637	128

Agency / Department			SENATE APPROPRIATIONS COMMITTEE ON CRIMINAL AND CIVIL JUSTICE FISCAL YEAR 2025-2026 PROPOSED BUDGET							
Row #	Issue Code	Issue Title	FTE	Rate	Rec GR	NR GR	Total GR	Trust Funds	All Funds	Row #
129	140085	Grants and Aids to Local Governments and Nonstate Entities - Fixed Capital Outlay			-	65,600,785	65,600,785		65,600,785	129
130	Total	DEPT OF LAW ENFORCEMENT	2,032.00	145,991,553	246,203,804	85,842,430	332,046,234	175,554,309	507,600,543	130
131										131
132		JUSTICE ADMIN COMMISSION (JAC)								132
133	1100001	Startup (OPERATING)	103.50	6,235,164	121,166,299		121,166,299	9,643,834	130,810,133	133
134	160E460	Realignment of Agency Spending Authority for Northwest Regional Data Center - Add			6,905		6,905		6,905	134
135	17C99C0	Realign Enterprise Cybersecurity Resiliency - Add			710		710		710	135
136	2301900	Building Rental for Privately Owned Office Space			48,284		48,284		48,284	136
137	2401500	Replacement of Motor Vehicles						5,250,000	5,250,000	137
138	3301510	Reduce Trust Fund Authority						(330,136)	(330,136)	138
139	3600PC0	Florida Planning, Accounting, and Ledger Management (PALM) Readiness				1,730,576	1,730,576		1,730,576	139
140	36201C0	Information Technology Critical Needs			62,000	15,000	77,000		77,000	140
141	36322C0	Staffing Increase for Information Technology Section	2.00	185,000	286,431	3,868	290,299		290,299	141
142	5001320	Increase Criminal Conflict Case Costs			5,077,755		5,077,755		5,077,755	142
143	5300200	Due Process Costs for Public Defenders				3,000,000	3,000,000		3,000,000	143
144	140085	Grants and Aids to Local Governments and Nonstate Entities - Fixed Capital Outlay				1,500,000	1,500,000		1,500,000	144
145	Total	JUSTICE ADMIN COMMISSION (JAC)	105.50	6,420,164	126,648,384	6,249,444	132,897,828	14,563,698	147,461,526	145
146										146
147		GUARDIAN AD LITEM (GAL)								147
148	1100001	Startup (OPERATING)	826.00	43,166,917	65,466,129		65,466,129	5,549,892	71,016,021	148
149	5000370	Increase Staff to Represent All Children	12.00	552,410	901,994		901,994		901,994	149
150	Total	GUARDIAN AD LITEM (GAL)	838.00	43,719,327	66,368,123	-	66,368,123	5,549,892	71,918,015	150
151										151
152		STATE ATTORNEYS								152
153	1100001	Startup (OPERATING)	6,013.00	421,288,362	505,410,556		505,410,556	155,987,740	661,398,296	153
154	1605500	Reapproval of Position Transfer	2.00							154
155	1605510	Reapproval of Position Transfer - Deduct	(2.00)							155
156	2000100	Realignment of Administrative Expenditures - Add			222,000		222,000	1,755,250	1,977,250	156
157	2000200	Realignment of Administrative Expenditures - Deduct			(222,000)		(222,000)	(1,755,250)	(1,977,250)	157
158	2402400	Additional Equipment - Motor Vehicles						414,843	414,843	158
159	33V1022	Reduce Vacant Positions	(47.00)							159
160	3301510	Reduce Trust Fund Authority						(1,287,112)	(1,287,112)	160
161	3402822	Increase Funding Due to VOCA Reductions				424,228	424,228	1,267,613	1,691,841	161
162	3402900	Transfer State Attorneys Revenue Trust Fund Authority to Grants and Donations Trust Fund - Add						400,000	400,000	162

Agency / Department			SENATE APPROPRIATIONS COMMITTEE ON CRIMINAL AND CIVIL JUSTICE FISCAL YEAR 2025-2026 PROPOSED BUDGET							
Row #	Issue Code	Issue Title	FTE	Rate	Rec GR	NR GR	Total GR	Trust Funds	All Funds	Row #
163	3402910	Transfer State Attorneys Revenue Trust Fund Authority to Grants and Donations Trust Fund - Delete			-			(400,000)	(400,000)	163
164	3600PC0	Florida Planning, Accounting, and Ledger Management (PALM) Readiness			-	940,000	940,000		940,000	164
165	36201C0	Information Technology Critical Needs			-			27,500	27,500	165
166	36224C0	County Agreement for Information Technology Personnel Services		90,000	-			2,473,680	2,473,680	166
167	4200270	Adjustment to Grant and Donations Trust Fund Authority			-			1,012,712	1,012,712	167
168	4200720	Increased Other Personal Services to Support Office Operations			-			500,000	500,000	168
169	4301010	Increased Trust Fund Authority for Victims of Crime Act Grant			-			279,631	279,631	169
170	4303030	County Agreement for Personnel Services	0.50	35,000	-			781,387	781,387	170
171	5000260	Increase Trust Fund Authority for Contractual Amendments			-			78,328	78,328	171
172	5000270	Increase Trust Fund Authority for New Revenue Sources		62,000	-			128,338	128,338	172
173	5000821	Condominium/Hoa Criminal Fraud Task Force		342,676	572,598		572,598		572,598	173
174	5001550	Additional Staffing for Specialty Diversion Courts	8.00	435,184	731,932	26,930	758,862		758,862	174
175	5008010	Body Camera Evidence Review	3.00	96,411	169,922	9,678	179,600		179,600	175
176	5009700	Public Records Management	7.00	282,822	487,602	22,956	510,558		510,558	176
177	51R0100	Increase Current Authorized Rate		2,104,100	-				-	177
178	Total	STATE ATTORNEYS	5,984.50	424,736,555	507,372,610	1,423,792	508,796,402	161,664,660	670,461,062	178
179										179
180		PUBLIC DEFENDERS								180
181	1100001	Startup (OPERATING)	2,859.50	214,336,182	278,835,848		278,835,848	49,667,701	328,503,549	181
182	160F010	Transfer Funds Between Categories - Add			-			250,000	250,000	182
183	160F020	Transfer Funds Between Categories - Deduct			-			(250,000)	(250,000)	183
184	1600A50	Reapproval of Salary Rate Transfer Between Budget Entities - Deduct		(250,000)	-				-	184
185	2000100	Realignment of Administrative Expenditures - Add			437,065		437,065		437,065	185
186	2000200	Realignment of Administrative Expenditures - Deduct			(437,065)		(437,065)		(437,065)	186
187	2401000	Replacement Equipment			-			151,000	151,000	187
188	2402400	Additional Equipment - Motor Vehicles			-			250,000	250,000	188
189	33V1022	Reduce Vacant Positions	(37.00)		-				-	189
190	3600PC0	Florida Planning, Accounting, and Ledger Management (PALM) Readiness			-	940,000	940,000		940,000	190
191	36201C0	Information Technology Critical Needs			-			146,794	146,794	191
192	4200710	Increased Support Staff	1.00	31,200	54,176		54,176		54,176	192
193	4201900	Increased Funding for Office Operations			-			120,000	120,000	193
194	4300100	Excess Trust Fund Authority			-			(600,000)	(600,000)	194
195	5000260	Increase Trust Fund Authority for Contractual Amendments			-			138,000	138,000	195
196	5008010	Body Camera Evidence Review		100,000	-			121,280	121,280	196
197	51R0100	Increase Current Authorized Rate		1,838,334	-				-	197
198	Total	PUBLIC DEFENDERS	2,823.50	216,055,716	278,890,024	940,000	279,830,024	49,994,775	329,824,799	198

Agency / Department			SENATE APPROPRIATIONS COMMITTEE ON CRIMINAL AND CIVIL JUSTICE FISCAL YEAR 2025-2026 PROPOSED BUDGET							
Row #	Issue Code	Issue Title	FTE	Rate	Rec GR	NR GR	Total GR	Trust Funds	All Funds	Row #
199										199
200		APPELLATE PUBLIC DEFENDERS								200
201	1100001	Startup (OPERATING)	173.00	15,613,184	23,150,511		23,150,511	378,491	23,529,002	201
202	33V1022	Reduce Vacant Positions	(4.00)		-				-	202
203	Total	APPELLATE PUBLIC DEFENDERS	169.00	15,613,184	23,150,511	-	23,150,511	378,491	23,529,002	203
204										204
205		CAPITAL COLLATERAL REGIONAL COUNSELS)								205
206	1100001	Startup (OPERATING)	94.00	7,946,184	14,127,582		14,127,582	1,340,345	15,467,927	206
207	2301900	Building Rental for Privately Owned Office Space			27,417		27,417		27,417	207
208	24010C0	Information Technology Infrastructure Replacement			-	159,375	159,375		159,375	208
209	3600PC0	Florida Planning, Accounting, and Ledger Management (PALM) Readiness			-	94,000	94,000		94,000	209
210	36201C0	Information Technology Critical Needs			15,492	4,476	19,968		19,968	210
211	36206C0	Software Maintenance			-	14,763	14,763		14,763	211
212	4200720	Increased Other Personal Services to Support Office Operations			10,000		10,000		10,000	212
213	51R0100	Increase Current Authorized Rate		50,000	-				-	213
214	Total	CAPITAL COLLATERAL REGIONAL COUNSELS)	94.00	7,996,184	14,180,491	272,614	14,453,105	1,340,345	15,793,450	214
215										215
216		CRIMINAL CONFLICT AND CIVIL REGIONAL COUNSEL								216
217	1100001	Startup (OPERATING)	572.00	44,086,127	70,754,122		70,754,122	6,429,195	77,183,317	217
218	1600A60	Reapproval of Salary Rate Transfer Between Budget Entities - Add		250,000	-				-	218
219	2000100	Realignment of Administrative Expenditures - Add			401,000		401,000	197,678	598,678	219
220	2000200	Realignment of Administrative Expenditures - Deduct			(401,000)		(401,000)	(197,678)	(598,678)	220
221	2301900	Building Rental for Privately Owned Office Space			212,406		212,406		212,406	221
222	24010C0	Information Technology Infrastructure Replacement			-	158,750	158,750		158,750	222
223	2403400	Law Library Requirements			20,000		20,000		20,000	223
224	3E002C0	On-Line Westlaw Access for Legal Research			16,752		16,752		16,752	224
225	3009520	Increase Trust Fund Authority for Title IV-E Funding	10.00	370,000	-			2,616,338	2,616,338	225
226	3600PC0	Florida Planning, Accounting, and Ledger Management (PALM) Readiness			-	235,000	235,000		235,000	226
227	36201C0	Information Technology Critical Needs			14,570	23,150	37,720		37,720	227
228	4200710	Increased Support Staff	9.00	400,000	678,233	45,513	723,746		723,746	228
229	4201700	Rental Space Requirements			238,828		238,828		238,828	229
230	4202030	Office Relocation Funding Requirements			-	25,000	25,000		25,000	230
231	51R0100	Increase Current Authorized Rate		1,350,000	-				-	231
232	5300250	Increased Due Process Costs for Criminal Conflict and Civil Regional Counsels			451,000		451,000		451,000	232
233	Total	CRIMINAL CONFLICT AND CIVIL REGIONAL COUNSEL	591.00	46,456,127	72,385,911	487,413	72,873,324	9,045,533	81,918,857	233

Agency / Department			SENATE APPROPRIATIONS COMMITTEE ON CRIMINAL AND CIVIL JUSTICE FISCAL YEAR 2025-2026 PROPOSED BUDGET							
Row #	Issue Code	Issue Title	FTE	Rate	Rec GR	NR GR	Total GR	Trust Funds	All Funds	Row #
234										234
235		STATE COURT SYSTEM								235
236	1100001	Startup (OPERATING)	4,627.00	444,229,879	639,051,638		639,051,638	120,019,399	759,071,037	236
237	160F010	5% Approved Budget Amendment Adjustment - Add			20,000		20,000		20,000	237
238	160F020	5% Approved Budget Amendment Adjustment - Deduct			(20,000)		(20,000)		(20,000)	238
239	1604220	Approved Budget Amendment Adjustment - Add			6,793		6,793		6,793	239
240	1604230	Approved Budget Amendment Adjustment - Deduct			(6,793)		(6,793)		(6,793)	240
241	1604240	Approved Budget Amendment			-			581,255	581,255	241
242	1604560	Approved Budget Amendment - Rate Transfer - Add		1,281,577						242
243	1604570	Approved Budget Amendment - Rate Transfer - Deduct		(1,281,577)						243
244	17C99C0	Realign Enterprise Cybersecurity Resiliency - Add			552,144		552,144		552,144	244
245	2000010	Transfer Appropriations Between Appropriation Categories to Realign Expenditures - Deduct		(40,806)	(50,283)		(50,283)		(50,283)	245
246	2000020	Transfer Appropriations Between Appropriation Categories to Realign Expenditures - Add		40,806	50,283		50,283		50,283	246
247	2402400	Additional Equipment - Motor Vehicles				-		160,000	160,000	247
248	2600100	Child Support Enforcement Hearing Officer - Annualized Salary & Benefits				-		590,538	590,538	248
249	3000830	Due Process Resources	7.00	551,614	2,418,047	33,450	2,451,497		2,451,497	249
250	3000840	Court Reporting Resources	15.00	758,825	2,072,846	991,713	3,064,559		3,064,559	250
251	3001700	Case Processing Support	13.00	691,003	1,151,422	43,550	1,194,972		1,194,972	251
252	3009310	Certification of Additional Judgeships	67.00	7,828,265	13,041,595	248,354	13,289,949		13,289,949	252
253	33V1620	Vacant Position Reductions		(30.00)		-				253
254	3600PC0	Florida Planning, Accounting, and Ledger Management (PALM) Readiness				1,363,136	1,363,136		1,363,136	254
255	36270C0	OSCA Technology Resources			218,865		218,865	502,872	721,737	255
256	36314C0	Appellate Technology Resources			1,881,892		1,881,892	138,000	2,019,892	256
257	5400010	Public Access to the Courts - Broadcasting			64,981	20,800	85,781		85,781	257
258	5402000	Courthouse Furnishings - Nonpublic Areas						283,351	283,351	258
259	6P00750	Court Programs and Services				772,650	772,650		772,650	259
260	080079	<i>Sixth District Court of Appeal New Courthouse Construction - Dms Mgd</i>						2,000,000	2,000,000	260
261	140700	<i>Fixed Capital Outlay - County Courthouse Facilities</i>				1,000,000	1,000,000		1,000,000	261
262	Total	STATE COURT SYSTEM	4,699.00	454,059,586	660,453,430	4,473,653	664,927,083	124,275,415	789,202,498	262
263	Grand Total		45,524.50	2,999,823,859	6,292,964,500	268,154,384	6,561,118,884	1,055,392,285	7,616,511,169	263

**Senate Appropriations Committee on Criminal and Civil Justice
Fiscal Year 2025-2026 Proposed Project Funding**

Row	LFIR #	Project Title	General Revenue	Trust Fund	Agency
1	3423	Hillsborough County Clerk Record Center	1,500,000		Justice Administrative Commission
2	1172	Civil Citation Program Expansion - Teen Court of Sarasota, Inc.	350,000		State Court System
3	1218	Early Childhood Court	422,650		State Court System
4	3067	Collier County Courthouse Annex Switchgear Expansion	1,000,000		State Court System
5	1159	CABA Pro Bono Legal Services	350,000		Department of Legal Affairs
6	1252	Nancy J. Cotterman Center Advocacy Program	350,000		Department of Legal Affairs
7	1294	Pinellas-Goodwill Pathways	255,434		Department of Legal Affairs
8	1315	Florida Organized Retail Crime Exchange (FORCE) Intelligence Platform	120,000		Department of Legal Affairs
9	1388	Hillsborough - First Responder Hope Line	350,000		Department of Legal Affairs
10	1502	The PRC Pro Bono Legal Services Clinic	500,000		Department of Legal Affairs
11	1585	Special Needs Legal Assistance Program	150,000		Department of Legal Affairs
12	1606	More Too Life: Services For Sex Trafficking Victims	610,000		Department of Legal Affairs
13	1607	Fighting Human Trafficking Program	350,000		Department of Legal Affairs
14	1986	SEE THE GIRL: CONTINUITY OF CARE MODEL	650,000		Department of Legal Affairs
15	2318	Citrus County Children's Advocacy Center, Inc. - Jessie's Place Building Expansion	200,000		Department of Legal Affairs
16	2805	Selah Freedom Anti-Sex Trafficking Awareness, Prevention, Victim Outreach & Restoration	1,241,844		Department of Legal Affairs
17	2843	Big Brothers Big Sisters Association of Florida, Inc. - Bigs in Blue Mentoring Project	350,000		Department of Legal Affairs
18	3381	The Lotus Coalition Safe Housing and Resource Center for Survivors of Human Trafficking	593,000		Department of Legal Affairs
19	1163	Horizons Community Corp A/C Pilot Program	300,000		Department of Corrections
20	1208	Home Builders Institute (HBI) Building Careers for Inmates & Returning Citizens	350,000		Department of Corrections
21	1933	Persevere - Training, Access, and Careers through Technology (TACT) Program	500,000		Department of Corrections
22	2496	Continuum of Care for Enhanced Offender Rehabilitation		2,546,159	Department of Corrections
23	2990	Re-Entry Alliance Pensacola (REAP) - Escambia and Santa Rosa Counties	350,000		Department of Corrections
24	3317	Davis-Bradley Mental Health Overlay: Integrated Behavioral Health Treatment Services	577,500		Department of Corrections
25	3350	inspHire	1,080,000		Department of Corrections
26	3468	Enhanced Victim Notification System	3,000,000		Department of Corrections
27	3485	Operation New Hope - Ready4Work	2,000,000		Department of Corrections
28	1027	K9s United	200,000		Department of Law Enforcement
29	1087	Wandering Mitigation and Rescue Project	250,000		Department of Law Enforcement
30	1107	Alachua County Jail - Capital Efficiency Analysis	225,000		Department of Law Enforcement
31	1120	Florida Law Enforcement Initiative	1,250,000		Department of Law Enforcement
32	1162	Volusia Sheriff's Office New Headquarters Complex	350,000		Department of Law Enforcement
33	1167	10th Judicial Circuit Medical Examiner Facility Expansion & Renovation	6,000,000		Department of Law Enforcement
34	1206	El Portal Police Department Upgrades	350,000		Department of Law Enforcement
35	1262	Pasco Sheriff's Office- Trinity Forward Operating Center	15,700,000		Department of Law Enforcement
36	1411	Project: Cold Case	250,000		Department of Law Enforcement
37	1611	Hillsborough County Sheriff's Office H145 Part 2	350,000		Department of Law Enforcement
38	1805	City of South Miami Computer Automated Dispatch/Records Management System (CAD/RMS)	350,000		Department of Law Enforcement
39	1889	Broward County Forensic Science Center (Office of the ME and BSO Crime Laboratory)	435,885		Department of Law Enforcement
40	1932	City of Coral Springs - Public Safety Improvements	350,000		Department of Law Enforcement
41	1939	Coral Gables Police Department High Water Rescue Vehicle	250,000		Department of Law Enforcement
42	1953	Rejuvenating of Public Safety Annex and Enhancing of Law Enforcement Services	1,500,000		Department of Law Enforcement
43	1973	Fort Pierce Police Department Investigative Infrastructure Improvements	241,423		Department of Law Enforcement
44	2004	Tampa Jewish Community Preventative Security Initiative	525,000		Department of Law Enforcement
45	2037	Public Safety Complex: Site Plan and First Stage Construction Design	1,000,000		Department of Law Enforcement
46	2050	Aventura Real Time Crime Center Technology	404,524		Department of Law Enforcement
47	2062	Sanibel Police Station Construction - Hurricane Recovery (Ian, Helene, and Milton)	500,000		Department of Law Enforcement
48	2230	City of Mount Dora Public Event Safety Initiative	123,590		Department of Law Enforcement
49	2448	Hialeah Police Department Next Generation Radios	350,000		Department of Law Enforcement
50	2527	Active Hearing Protection for Law Enforcement	1,500,000		Department of Law Enforcement

**Senate Appropriations Committee on Criminal and Civil Justice
Fiscal Year 2025-2026 Proposed Project Funding**

Row	LFIR #	Project Title	General Revenue	Trust Fund	Agency
51	2681	Florida Law Enforcement Active Shooter Training	500,000		Department of Law Enforcement
52	2689	Washington County Sheriff's Office Vehicle Fleet Modernization	400,000		Department of Law Enforcement
53	2690	Washington County Jail Repairs and Rehabilitation	350,000		Department of Law Enforcement
54	2812	Hialeah Gardens Law Enforcement Training and Emergency Vehicle Staging Facility	350,000		Department of Law Enforcement
55	2874	Vero Beach Police Department CAD / RMS Replacement	350,000		Department of Law Enforcement
56	2886	North Miami Beach Police Marine Vehicle	300,000		Department of Law Enforcement
57	2899	Digital Twin for Public Safety in Currie Park	700,000		Department of Law Enforcement
58	2900	Riviera Beach Law Enforcement Training Facility	350,000		Department of Law Enforcement
59	2912	Franklin County Sheriff's-Judicial & Rehabilitative Center for Excellence	500,000		Department of Law Enforcement
60	2915	Gulf County Sheriff's Office Expansion and Hardening	350,000		Department of Law Enforcement
61	2942	New Miami Beach Police Training Facility	200,000		Department of Law Enforcement
62	2961	Law Enforcement Property & Evidence Hub	350,000		Department of Law Enforcement
63	2973	Body Worn Cameras for Citrus County Sheriff's Office	350,000		Department of Law Enforcement
64	2989	Escambia County Gun Violence Reduction	350,000		Department of Law Enforcement
65	3012	Dixie County Sheriff's Office Multipurpose Evidence Building	350,000		Department of Law Enforcement
66	3015	Florida Sheriffs Youth Learning Center	7,000,000		Department of Law Enforcement
67	3091	Hardee County Sheriff's Office Critical Facility Administration Building	3,500,000		Department of Law Enforcement
68	3112	Public Emergency Response on Tamiami Trail: Construction of the Miccosukee Police Substation	500,000		Department of Law Enforcement
69	3200	City of Lauderhill Gun Violence Reduction	356,000		Department of Law Enforcement
70	3245	Hardee County Sheriff's Critical Facility Jail Project	25,000,000		Department of Law Enforcement
71	3293	Palm Bay Police Department Communications Center Expansion, Phase 1	80,000		Department of Law Enforcement
72	3337	Palm Beach County Sheriff's Office Forensic Genetic Testing	500,000		Department of Law Enforcement
73	3409	Law Enforcement Against Public Corruption	350,000		Department of Law Enforcement
74	3469	Internet Crimes Against Children	2,100,000		Department of Law Enforcement
75	1114	So You Want Your Name In Lights Youth Mentoring Programs	600,000		Department of Juvenile Justice
76	1129	Retention Plan for DJJ Contracted Direct-Care Staff	350,000		Department of Juvenile Justice
77	1415	Nassau County Youth Alternative to Secured Detention (S.W.E.A.T)	125,000		Department of Juvenile Justice
78	1459	Juvenile Drug Court	350,000		Department of Juvenile Justice
79	1580	Delinquency Diversion Program for Children and Youth in Foster Care	1,000,000		Department of Juvenile Justice
80	1923	FL Alliance of Boys & Girls Clubs' Positive Youth Development Program	1,500,000		Department of Juvenile Justice
81	1927	Integrated Care and Coordination for Youth (ICCY)	678,602		Department of Juvenile Justice
82	1928	Keeping Up Out of School Suspension Program	195,000		Department of Juvenile Justice
83	1934	Youth & Police Initiative (YPI) Train-the-Trainer Model	500,000		Department of Juvenile Justice
84	1949	Adolescent and Family Outpatient Program Expansion	250,000		Department of Juvenile Justice
85	2047	Parenting with Love and Limits (PLL) Evidenced Based Services	250,000		Department of Juvenile Justice
86	2095	Prodigy Cultural Arts Program	350,000		Department of Juvenile Justice
87	2097	Pasco, Pinellas, & Hillsborough County Youth Advocate Program	350,000		Department of Juvenile Justice
88	2098	RISE (Reach, Inspire, Support, and Empower) Youth Program	75,000		Department of Juvenile Justice
89	2149	Stop Now and Plan for Dually Served Youth	350,000		Department of Juvenile Justice
90	2960	Duval County Youth Mentorship Program	248,200		Department of Juvenile Justice
91	3072	AMIkids Family Centric Services	1,060,000		Department of Juvenile Justice
92	3111	CINS/FINS Youth Shelter Serving Sarasota and Desoto Counties	500,000		Department of Juvenile Justice

The Florida Senate

APPEARANCE RECORD

3-26-25

Meeting Date

DOC budget

Bill Number or Topic

Deliver both copies of this form to Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name Sharee L. Brooks Cooper

Phone 561-501-9377

Address 4530 30th Street SW

Email shareebrooks33@gmail.com

Lehigh Acres, FL 33973

City State Zip

Speaking: [X] For [] Against [] Information OR Waive Speaking: [] In Support [] Against

Budget

PLEASE CHECK ONE OF THE FOLLOWING:

[X] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

03/26/25
Meeting Date

The Florida Senate
APPEARANCE RECORD

Budget
Bill Number or Topic

Deliver both copies of this form to
Senate professional staff conducting the meeting

Committee
Name PAMELA C. WHITLEY
Address 7559 SW 97TH AVENUE
OCOLA FL 34401
City State Zip

Amendment Barcode (if applicable)
Phone 925-216-9423
Email pcwhitley28@gmail.com

Speaking: For Against Information **OR** Waive Speaking: In Support Against
budget increase

PLEASE CHECK ONE OF THE FOLLOWING:

- I am appearing without compensation or sponsorship.
- I am a registered lobbyist, representing:
- I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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This form is part of the public record for this meeting.

3/26/2025

Meeting Date

The Florida Senate APPEARANCE RECORD

DOC Budget

Bill Number or Topic

Deliver both copies of this form to
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name

Brigidann Forman

Phone

861-317-5282

Address

361 Seabrook rd

Email

bsssteam3@yahoo.com

Street

Tequesta

State

FL

Zip

33469

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



I am not a lobbyist, but received
something of value for my appearance
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This form is part of the public record for this meeting.

S-001 (08/10/2021)

By the Committee on Judiciary; and Senator Garcia

590-01946-25

202548c1

1 A bill to be entitled
 2 An act relating to alternative judicial procedures;
 3 amending s. 45.031, F.S.; requiring, rather than
 4 authorizing, that specified sales procedures be
 5 followed for certain sales of real or personal
 6 property unless a court orders the use of other sales
 7 procedures; revising the timeframe during which the
 8 court directs the clerk to sell property at a public
 9 sale; specifying that if objections are not filed
 10 within a specified timeframe after a certain report is
 11 filed, disbursements stand as reported; requiring that
 12 a hearing be held if specified objections are timely
 13 filed; creating s. 45.0311, F.S.; providing a short
 14 title; providing legislative purpose; requiring
 15 parties that want to use an alternative sales
 16 procedure to file a motion with the court where the
 17 action is pending; providing requirements for such
 18 motion; requiring that alternative sales procedures
 19 meet specified minimum requirements; requiring that
 20 certain funds be placed in an escrow or trust account
 21 if not held by the clerk of the court; specifying that
 22 such funds, if held by the clerk, are subject to a
 23 certain service charge and may not be waived by a
 24 court; requiring that the person who conducts the sale
 25 promptly file a certain certificate of sale and serve
 26 a copy of such certificate on all parties involved;
 27 requiring that objections to the sale be filed within
 28 a specified timeframe; requiring a court to hold a
 29 hearing on such objections; requiring the filing of a

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590-01946-25

202548c1

30 additional certificates within certain timeframes in
 31 specified circumstances; providing the procedures for
 32 selecting a backup bidder if the original winning
 33 bidder fails to make the final payment before the sale
 34 closing date; requiring the person conducting the sale
 35 to file a certain notice; requiring the clerk to file
 36 such certificate of title and serve copies to all
 37 parties involved; providing that when certificates of
 38 title are filed, the sale stands confirmed and title
 39 passes to the purchaser without additional proceedings
 40 or instruments; requiring the clerk to record the
 41 certificate of title; providing that certain persons
 42 are authorized to disburse sale proceeds as authorized
 43 by a court order, but surplus funds must be deposited
 44 with the clerk together with court fees; providing
 45 applicability; creating s. 45.0312, F.S.; authorizing
 46 persons to serve as auctioneers or in other roles,
 47 under specified conditions; providing qualifications
 48 for such persons; authorizing persons to serve as
 49 escrow agents under specified conditions; providing
 50 qualifications for such person; defining the term
 51 "relative"; specifying what constitutes independence;
 52 authorizing civil actions under specified conditions;
 53 providing criminal penalties for persons who
 54 intentionally violate specified provisions or certain
 55 court orders; providing an effective date.

56
 57 Be It Enacted by the Legislature of the State of Florida:
 58

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590-01946-25

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59 Section 1. Section 45.031, Florida Statutes, is amended to
60 read:

61 45.031 Judicial sales procedure.—In any sale of real or
62 personal property under an order or a judgment, the procedures
63 provided in this section and ss. 45.0315-45.035 must ~~may~~ be
64 followed unless the court orders the use of alternate sales
65 procedures under s. 45.0311 or s. 45.03112 as an alternative to
66 any other sale procedure if so ordered by the court.

67 (1) FINAL JUDGMENT.—

68 (a) In the order or final judgment, the court shall direct
69 the clerk to sell the property at public sale on a specified day
70 that is no ~~shall be not~~ less than 45 ~~20~~ days or more than 60 ~~35~~
71 days after the date thereof, on terms and conditions specified
72 in the order or judgment. A sale may be held more than 35 days
73 after the date of final judgment or order if the plaintiff or
74 plaintiff's attorney consents to such time. The final judgment
75 must ~~shall~~ contain the following statement in conspicuous type:

76 IF THIS PROPERTY IS SOLD AT PUBLIC AUCTION, THERE MAY
77 BE ADDITIONAL MONEY FROM THE SALE AFTER PAYMENT OF
78 PERSONS WHO ARE ENTITLED TO BE PAID FROM THE SALE
79 PROCEEDS PURSUANT TO THIS FINAL JUDGMENT.

80
81
82 IF YOU ARE A SUBORDINATE LIENHOLDER CLAIMING A RIGHT
83 TO FUNDS REMAINING AFTER THE SALE, IF ANY, YOU MUST
84 FILE A CLAIM WITH THE CLERK NO LATER THAN THE DATE
85 THAT THE CLERK REPORTS THE FUNDS AS UNCLAIMED. IF YOU
86 FAIL TO FILE A TIMELY CLAIM, YOU WILL NOT BE ENTITLED
87 TO ANY REMAINING FUNDS.

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590-01946-25

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(b) If the property being foreclosed on has qualified for
the homestead tax exemption in the most recent approved tax
roll, the final judgment must ~~shall~~ additionally contain the
following statement in conspicuous type:

IF YOU ARE THE PROPERTY OWNER, YOU MAY CLAIM THESE
FUNDS YOURSELF. YOU ARE NOT REQUIRED TO HAVE A LAWYER
OR ANY OTHER REPRESENTATION AND YOU DO NOT HAVE TO
ASSIGN YOUR RIGHTS TO ANYONE ELSE IN ORDER FOR YOU TO
CLAIM ANY MONEY TO WHICH YOU ARE ENTITLED. PLEASE
CHECK WITH THE CLERK OF THE COURT, ...(INSERT
INFORMATION FOR APPLICABLE COURT)... WITHIN TEN (10)
DAYS AFTER THE SALE TO SEE IF THERE IS ADDITIONAL
MONEY FROM THE FORECLOSURE SALE THAT THE CLERK HAS IN
THE REGISTRY OF THE COURT.

IF YOU DECIDE TO SELL YOUR HOME OR HIRE SOMEONE TO
HELP YOU CLAIM THE ADDITIONAL MONEY, YOU SHOULD READ
VERY CAREFULLY ALL PAPERS YOU ARE REQUIRED TO SIGN,
ASK SOMEONE ELSE, PREFERABLY AN ATTORNEY WHO IS NOT
RELATED TO THE PERSON OFFERING TO HELP YOU, TO MAKE
SURE THAT YOU UNDERSTAND WHAT YOU ARE SIGNING AND THAT
YOU ARE NOT TRANSFERRING YOUR PROPERTY OR THE EQUITY
IN YOUR PROPERTY WITHOUT THE PROPER INFORMATION. IF
YOU CANNOT AFFORD TO PAY AN ATTORNEY, YOU MAY CONTACT
...(INSERT LOCAL OR NEAREST LEGAL AID OFFICE AND
TELEPHONE NUMBER)... TO SEE IF YOU QUALIFY FINANCIALLY
FOR THEIR SERVICES. IF THEY CANNOT ASSIST YOU, THEY

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117 MAY BE ABLE TO REFER YOU TO A LOCAL BAR REFERRAL
 118 AGENCY OR SUGGEST OTHER OPTIONS. IF YOU CHOOSE TO
 119 CONTACT ... (NAME OF LOCAL OR NEAREST LEGAL AID
 120 OFFICE)... FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS
 121 POSSIBLE AFTER RECEIPT OF THIS NOTICE.
 122

123 (c) A copy of the final judgment ~~must shall~~ be furnished by
 124 the clerk by first-class mail to the last known address of every
 125 party to the action or to the attorney of record for such party.
 126 Any irregularity in such mailing, including the failure to
 127 include this statement in any final judgment or order, does
 128 ~~shall~~ not affect the validity or finality of the final judgment
 129 or order or any sale held pursuant to the final judgment or
 130 order. Any sale held more than 60 ~~35~~ days after the final
 131 judgment or order does shall not affect the validity or finality
 132 of the final judgment or order or any sale held pursuant to such
 133 judgment or order.

134 (2) PUBLICATION OF SALE.—Notice of sale must shall be
 135 published on a publicly accessible website as provided in s.
 136 50.0311 for at least 2 consecutive weeks before the sale or once
 137 a week for 2 consecutive weeks in a newspaper of general
 138 circulation, as provided in chapter 50, published in the county
 139 where the sale is to be held. The second publication by
 140 newspaper must shall be at least 5 days before the sale. The
 141 notice must shall contain:

- 142 (a) A description of the property to be sold.
- 143 (b) The time and place of sale.
- 144 (c) A statement that the sale will be made pursuant to the
 145 order or final judgment.

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- 146 (d) The caption of the action.
- 147 (e) The name of the clerk making the sale.
- 148 (f) A statement that any person claiming an interest in the
 149 surplus from the sale, if any, other than the property owner as
 150 of the date of the lis pendens must file a claim before the
 151 clerk reports the surplus as unclaimed.
 152

153 The court may, in its discretion, extend ~~may enlarge~~ the time of
 154 the sale. Notice of the changed time of sale must shall be
 155 published as provided herein.

156 (3) CONDUCT OF SALE; DEPOSIT REQUIRED.—The sale must shall
 157 be conducted at public auction at the time and place set forth
 158 in the final judgment. The clerk shall receive the service
 159 charge imposed in s. 45.035 for services in making, recording,
 160 and certifying the sale and title that must shall be assessed as
 161 costs. At the time of the sale, the successful high bidder must
 162 ~~shall~~ post with the clerk a deposit equal to 5 percent of the
 163 final bid. The deposit must shall be applied to the sale price
 164 at the time of payment. If final payment is not made within the
 165 prescribed period, the clerk must shall readvertise the sale as
 166 provided in this section and pay all costs of the sale from the
 167 deposit. Any remaining funds must shall be applied toward the
 168 judgment.

169 (4) CERTIFICATION OF SALE.—After a sale of the property the
 170 clerk shall promptly file a certificate of sale and serve a copy
 171 of it on each party in substantially the following form:

172
 173 (Caption of Action)
 174

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CERTIFICATE OF SALE

The undersigned clerk of the court certifies that notice of public sale of the property described in the order or final judgment was published in, a newspaper circulated in County, Florida, in the manner shown by the proof of publication attached, and on, ...(year)..., the property was offered for public sale to the highest and best bidder for cash. The highest and best bid received for the property in the amount of \$... was submitted by, to whom the property was sold. The proceeds of the sale are retained for distribution in accordance with the order or final judgment or law. WITNESS my hand and the seal of this court on, ...(year)....

...(Clerk)...

By ...(Deputy Clerk)...

(5) CERTIFICATE OF TITLE.—If no objections to the sale are filed within 10 days after filing the certificate of sale, the clerk must ~~shall~~ file a certificate of title and serve a copy of it on each party in substantially the following form:

(Caption of Action)

CERTIFICATE OF TITLE

The undersigned clerk of the court certifies that he or she executed and filed a certificate of sale in this action on, ...(year)..., for the property described herein and that no objections to the sale have been filed within the time allowed

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for filing objections.

The following property in County, Florida:

(description)

was sold to

WITNESS my hand and the seal of the court on, ...(year)....

...(Clerk)...

By ...(Deputy Clerk)...

(6) CONFIRMATION; RECORDING.—When the certificate of title is filed the sale stands ~~shall stand~~ confirmed, and title to the property passes ~~shall pass~~ to the purchaser named in the certificate without the necessity of any further proceedings or instruments. The certificate of title must ~~shall~~ be recorded by the clerk.

(7) DISBURSEMENTS OF PROCEEDS.—

(a) On filing a certificate of title, the clerk shall disburse the proceeds of the sale in accordance with the order or final judgment and shall file a report of such disbursements and serve a copy of it on each party, and on the Department of Revenue if the department was named as a defendant in the action or if the Department of Commerce or the former Agency for Workforce Innovation was named as a defendant while the Department of Revenue was providing reemployment assistance tax collection services under contract with the Department of Commerce or the former Agency for Workforce Innovation through an interagency agreement pursuant to s. 443.1316.

(b) The certificate of disbursements must ~~shall~~ be in substantially the following form:

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233

234 (Caption of Action)

235

236 CERTIFICATE OF DISBURSEMENTS

237

238 The undersigned clerk of the court certifies that he or she
 239 disbursed the proceeds received from the sale of the property as
 240 provided in the order or final judgment to the persons and in
 241 the amounts as follows:

242 Name	243 Amount
----------	------------

244

245 Total disbursements: \$....
246 Surplus retained by clerk, if any: \$....

247

247 IF YOU ARE A PERSON CLAIMING A RIGHT TO FUNDS REMAINING AFTER
 248 THE SALE, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER THAN THE
 249 DATE THAT THE CLERK REPORTS THE FUNDS AS UNCLAIMED. IF YOU FAIL
 250 TO FILE A CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING
 251 FUNDS. AFTER THE FUNDS ARE REPORTED AS UNCLAIMED, ONLY THE OWNER
 252 OF RECORD AS OF THE DATE OF THE LIS PENDENS MAY CLAIM THE
 253 SURPLUS.

254

255 WITNESS my hand and the seal of the court on, ...(year)....

256

... (Clerk)...

257

By ... (Deputy Clerk)...

258

259 (c) If no objections to the report are filed ~~served~~ within
 260 10 days after the report ~~it~~ is filed, the disbursements by the
 261 clerk ~~shall~~ stand approved as reported. If timely objections to

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262

262 the report are filed, the party who filed such objections must
 263 ~~served, they shall~~ be heard by the court. Filing or service of
 264 objections to the report does not affect or cloud the title of
 265 the purchaser of the property in any manner.

266

266 (d) If any ~~there are~~ funds remain ~~remaining~~ after payment
 267 of all disbursements required by the final judgment of
 268 foreclosure and shown on the certificate of disbursements, the
 269 surplus must ~~shall~~ be distributed as provided in this section
 270 and ss. 45.0315-45.035.

271

271 (8) VALUE OF PROPERTY.—The amount of the bid for the
 272 property at the sale is ~~shall be~~ conclusively presumed to be
 273 sufficient consideration for the sale. Any party may file ~~serve~~
 274 an objection to the amount of the bid within 10 days after the
 275 clerk files the certificate of sale. If timely objections to the
 276 bid are filed, the party who filed such objections must ~~served,~~
 277 ~~the objections shall~~ be heard by the court. Filing or service of
 278 objections to the amount of the bid does not affect or cloud the
 279 title of the purchaser in any manner. If the case is one in
 280 which a deficiency judgment may be sought and application is
 281 made for a deficiency, the amount bid at the sale may be
 282 considered by the court as one of the factors in determining a
 283 deficiency under the usual equitable principles.

284

284 (9) EXECUTION SALES.—This section does ~~shall~~ not apply to
 285 property sold under executions.

286

286 (10) ELECTRONIC SALES.—The clerk may conduct the sale of
 287 real or personal property under an order or judgment pursuant to
 288 this section by electronic means. Such electronic sales must
 289 ~~shall~~ comply with the procedures provided in this chapter,
 290 except that electronic proxy bidding must ~~shall~~ be allowed and

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291 the clerk may require bidders to advance sufficient funds to pay
 292 the deposit required by subsection (3). The clerk shall provide
 293 access to the electronic sale by computer terminals open to the
 294 public at a designated location and shall accept an advance
 295 credit proxy bid from the plaintiff of any amount up to the
 296 maximum allowable credit bid of the plaintiff. A clerk who
 297 conducts such electronic sales may receive electronic deposits
 298 and payments related to the sale.

299 Section 2. Section 45.0311, Florida Statutes, is created to
 300 read:

301 45.0311 Alternative judicial sales procedures.-

302 (1) SHORT TITLE.-The section may be cited as the
 303 "Transparency in Alternative Judicial Sales Procedures Act."

304 (2) PURPOSE.-The purpose of this section is to:

305 (a) Recognize that alternatives to the judicial sales
 306 procedures under s. 45.031 are beneficial in certain
 307 proceedings, due to the nature of the real or personal property
 308 to be sold under an order or a judgment, to maximize the
 309 potential sales proceeds, including the net proceeds thereof,
 310 for the benefit of all parties, including the property owner.

311 (b) Recognize that transparency is necessary for all
 312 alternative procedures to prevent overreach by any party, avoid
 313 fraud, and maximize the sales price while minimizing expenses
 314 and delays.

315 (c) Recognize that persons facilitating alternative sales
 316 and handling deposits and sales proceeds, including surplus
 317 proceeds, must be qualified, independent, and not related to any
 318 party or the attorneys for a party and must be subject to the
 319 provisions of this section and the jurisdiction of the court.

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320 (3) REQUEST FOR ALTERNATIVE JUDICIAL SALES PROCEDURES.-Any
 321 party, including the property owner, may file a motion for the
 322 use of alternative sales procedures in the court where the
 323 action is pending. The motion must contain, at a minimum, all of
 324 the following:

325 (a) A description of the property to be sold.

326 (b) A short narrative addressing why the court should
 327 authorize alternative sales procedures for the sale of real or
 328 personal property and how such alternative sales procedures
 329 would maximize the sales price, including the net proceeds of
 330 the sale.

331 (c) The requested sales procedures, including the manner,
 332 date, time, place, method of sale, advertising, and manner of
 333 publication.

334 (d) An express statement of whether the sale will be
 335 conducted by the clerk of the circuit court or another person.

336 (e) An express statement of whether bids, deposits, and
 337 sales proceeds will be received and handled by the clerk of the
 338 circuit court or another person.

339 (f) For all persons to be employed under s. 43.0312 to
 340 conduct an aspect of the sale or to handle deposits or sales
 341 proceeds, including any surplus proceeds, the declaration
 342 required by s. 45.0312 for such person addressing his or her
 343 qualifications. This declaration may be attached to the motion.

344 (g) If the movant is not the property owner, a separate
 345 written joinder or the consent from the property owner, either
 346 of which must be contemporaneous to and reference this motion.

347 (h) In the body or as an attachment thereto, a proposed
 348 notice for publication of the sale and bidding procedures for

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349 the sale.

350 (4) MINIMUM REQUIREMENTS FOR ALTERNATIVE SALES.—An
 351 alternative sales procedure must meet all of the following
 352 minimum requirements:

353 (a) A hearing must be held in response to a motion filed
 354 under subsection (3) and the hearing date must be at least 20
 355 days after the date the motion is filed.

356 (b) The property owner must be joined or have consented to
 357 the motion under subsection (3) at the time of filing or by the
 358 end of the hearing required under paragraph (a).

359 (c) There may be only one set of bidding procedures. Each
 360 bidder must follow the same procedures and receive the same
 361 information relating to the sale of the real or personal
 362 property. Preferences or advantages may not be given to any
 363 party, person, or bidder.

364 (d) Publication of the notice of sale must meet or exceed
 365 the requirements of s. 45.031(2) and include the requirements of
 366 the sale and the requirements of this subsection.

367 (e) Credit bid rights must be limited to the amount owed to
 368 the creditor or lienholder as provided in the order or final
 369 judgment that determined such amount. Any overbid amount must be
 370 paid in cash.

371 (f) As a prerequisite to bidding, a deposit of 5 percent of
 372 a bidder's presale high bid amount must be posted in cash, by
 373 wire transfer, or by cashier's check, and a process must be in
 374 place for returning such funds to a bidder that is not the
 375 winning bidder.

376 (g) The highest cash bidder must win the bid.

377 (h) The winning bidder must post a deposit of 5 percent of

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378 the winning bid before 5 p.m. of the day after the auction sale,
 379 and such deposit is forfeited if the bidder fails to make the
 380 final payment by the required closing date.

381 (i) The date to close and consummate the sale must be
 382 within 30 days after the date of the sale auction, and the
 383 winning bidder forfeits his or her bid if the final payment is
 384 not made by such date.

385 (j) The sale must be held at least 45 days after the entry
 386 of the court's order authorizing an alternative sales procedure
 387 under this section.

388 (k) The place of sale must be the county where the action
 389 is pending, unless the filing party and property owner consent
 390 in writing to a specific location outside of the county which is
 391 open and freely available to the public, without any
 392 restriction, at the time of the sale and which includes Internet
 393 access.

394 (l) The bid instructions must specify whether backup
 395 bidders are authorized and the terms and conditions for such
 396 bidders.

397 (m) The winning bidder must pay all fees of the clerk of
 398 the court, including registry fees that may not be waived by the
 399 court, on the high bid amount, as prescribed by ss. 28.24(11)
 400 and 45.035(1).

401
 402 The requirements of this subsection may not be waived.

403 (5) POSSESSION OF DEPOSITS AND PAYMENTS.—

404 (a) If the bidder's deposit, the bid amount, or any other
 405 funds paid by a bidder or a party are not held by the clerk of
 406 the court, the funds or cashier's check must be held in an

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407 escrow or trust account by a person appointed by the court
 408 pursuant to s. 45.0312.

409 (b) For all deposits and sales held by a clerk, the funds
 410 are subject to the service charge in s. 28.24 and may not be
 411 waived by the court.

412 (6) CERTIFICATION OF SALE.—After a sale of a property
 413 pursuant to this section, the person who conducted the sale, or
 414 its attorney, must promptly file a certificate of sale and serve
 415 a copy on each party in substantially the following form:

416
 417 (Caption of Action)

418
 419 CERTIFICATE OF JUDICIAL SALE

420
 421 The undersigned clerk of the court certifies that notice of
 422 public sale of the property described in the order and the
 423 approved sale notice were published by ... (include all
 424 locations of publication)...., in the manner shown by attached,
 425 and on, ..(year)..., the property was offered for public
 426 sale to the highest and best bidder for cash. The highest and
 427 best bid received for the property in the amount of \$... was
 428 submitted by, to whom the property was sold, and such
 429 bidder paid \$... as of this date (insert deadline to close
 430 sale).... . The proceeds of the sale are retained for
 431 distribution in accordance with the order or final judgment or
 432 ss. 45.0311 and 45.0315-45.035, Florida Statutes. WITNESS my
 433 hand and the seal of this court on, ..(year)....

434 ...(...)

435 By ...(...)

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(7) OBJECTIONS TO SALE.—Objections to the sale must be
filed within 10 days after filing the certificate of judicial
sale. If timely objections to the certificate of judicial sale
are filed, the court must hear from the party who filed such
objections.

(8) CERTIFICATE OF RECEIPT OF SALE PROCEEDS.—If the sale is
conducted by a person other than the clerk, such person must
file a certificate of receipt of sales proceeds at the same time
the certificate of judicial sale is filed and must file
additional certificates of receipt of sales proceeds within 1
business day after the receipt of additional sums from the high
bidder or backup bidder.

(9) BACKUP BIDDER.—If the high bidder fails to make the
final payment by the required sale closing date, the deposit is
forfeited and must first be used to pay all costs of the sale,
after which any remaining sums must be applied toward the
judgment. In such a circumstance, the person conducting the sale
shall notify the backup bidder that he or she must timely make
payment by the deadline for backup bidders and file a
certificate of forfeiture and an amended certificate of sale
identifying the backup bidder as the winning bidder and the sale
price and details applicable to such bidder.

(10) CERTIFICATE OF TITLE.—If no objections to the sale are
timely filed or the court has not entered an order overruling
any objection to the sale, and if the purchase price and clerk
fees have been paid, the person conducting the sale must file a
notice that confirms that the sale is consummated, names the
bidder purchasing the property, and states that a certificate of

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465 title is ready to be issued by the clerk of the circuit court.
466 After filing such notice, or, for sales conducted by the clerk
467 of the court, after receipt of the purchase price and clerk
468 fees, the clerk shall file a certificate of title and serve a
469 copy of such title on each party in substantially the following
470 form:

471
472 (Caption of Action)

473
474 CERTIFICATE OF TITLE

475
476 The undersigned clerk of the court certifies that in
477 accordance with the certificate of sale and consummation of sale
478 filed in this action on, ...(year)..., for:

479 The following property in County, Florida:
480 (description)
481 was sold to, and that no
482 objections to the sale have been filed within the time allowed
483 for filing objections or have been determined.

484
485 WITNESS my hand and the seal of the court on, ...(year)....
486 ...(Clerk)...
487 By ...(Deputy Clerk)...

488
489 (11) CONFIRMATION; RECORDING.-When the certificate of title
490 is filed, the sale stands confirmed and the title to the
491 property passes to the purchaser named in such certificate
492 without the need of any other proceeding or instrument. The
493 clerk of the circuit court shall record the certificate of

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494 title.

495 (12) DISBURSEMENT OF PROCEEDS.-If the sale is conducted by
496 a person other than the clerk of the circuit court, such person
497 is authorized to disburse the sale proceeds as expressly
498 authorized by the court order, but any surplus funds must be
499 deposited with the clerk of the court together with court fees
500 under ss. 28.24 and 45.031(1). For sales conducted by the clerk,
501 s. 45.031(7) governs.

502 (13) SURPLUS FUNDS.-The requirements related to
503 distribution of surplus funds by the clerk as provided in ss.
504 45.031(1), 45.032, 45.033, and 45.035(2) apply and may not be
505 waived by a court.

506 (14) VALUE OF PROPERTY.-Section 45.031(8) applies to sales
507 conducted under this section.

508 (15) REDEMPTION OF RIGHTS.-Section 45.0315 applies to sales
509 conducted under this section.

510 Section 3. Section 45.0312, Florida Statutes, is created to
511 read:

512 45.0312 Appointment of auctioneers and escrow agents for
513 alternative judicial sales.-

514 (1) AUCTIONEERS AND SALE PROFESSIONALS.-Subject to court
515 approval, after a motion and a hearing held no later than 20
516 days after notice for such hearing, a person may serve as an
517 auctioneer, or in another professional role necessary to the
518 alternative sales procedure authorized by the court under s.
519 45.0311, only if such person:

520 (a) Is an auctioneer licensed under part VI of chapter 468,
521 a real estate broker licensed under chapter 475 and in good
522 standing for the preceding 5 years, an attorney who is a member

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523 in good standing with The Florida Bar and has been practicing
 524 for at least 5 years, or a title insurer authorized to transact
 525 business in this state pursuant to s. 624.401 and in good
 526 standing for the preceding 5 years;

527 (b) Is insured individually or under an entity policy for
 528 errors and omissions with a minimum of \$250,000 per incident and
 529 a deductible of no more than \$10,000, or a fidelity bond of no
 530 less than \$50,000 or such higher coverage or bond amounts as the
 531 court may require;

532 (c) Declares in writing under penalty of perjury that he or
 533 she is eligible under this subsection and independent as
 534 required by subsection (3); and

535 (d) Has such additional qualifications as the court
 536 requires.

537 (2) ESCROW AGENTS.—Subject to court approval, after a
 538 motion and a hearing held no less than 20 days after notice for
 539 such hearing, a person may serve as an escrow agent for the
 540 handling of deposits and sales proceeds necessary to the
 541 alternative sales procedures authorized by the court under s.
 542 45.0311 only if such person:

543 (a) Is a qualified public depository as defined in s.
 544 280.02;

545 (b) Is a title insurance agent licensed pursuant to s.
 546 626.8417, a title insurance agency licensed pursuant to s.
 547 626.8418, or a title insurer authorized to transact business in
 548 this state pursuant to s. 624.401; has been in good standing for
 549 the preceding 5 years; and such person's trust and escrow
 550 accounts are maintained with a qualified public depository as
 551 defined in s. 280.02;

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552 (c) Is an attorney who is a member in good standing of The
 553 Florida Bar who has been practicing law for at least 5 years;
 554 such person's trust account is maintained with a qualified
 555 public depository as defined in s. 280.02; and such person is
 556 insured individually or under an entity policy for errors and
 557 omissions with a minimum of \$250,000 per incident and a
 558 deductible of no more than \$10,000 or a fidelity bond of no less
 559 than \$50,000, or such higher coverage or bond amounts as the
 560 court may require; and

561 (d) Declares in writing under penalty of perjury that such
 562 person is eligible under this subsection and independent as
 563 required by subsection (3).

564 (3) INDEPENDENCE.—

565 (a) As used in this subsection, the term "relative" means
 566 an individual who is related to another as father, mother, son,
 567 daughter, brother, sister, uncle, aunt, first cousin, nephew,
 568 niece, husband, wife, father-in-law, mother-in-law, son-in-law,
 569 daughter-in-law, brother-in-law, sister-in-law, stepfather,
 570 stepmother, stepson, stepdaughter, stepbrother, stepsister, half
 571 brother, or half sister.

572 (b) To be independent for the purposes of this section, a
 573 person may not:

574 1. Be a party to the action, an attorney representing a
 575 party in the action, or an employee of a party or the attorney
 576 of a party in the action.

577 2. Be a relative of a party to the action, or an employee,
 578 an officer, a director, an affiliate, or a subsidiary thereof;
 579 or an attorney representing a party in the action, or a
 580 relative, an employee, an officer, a director, or an affiliate

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581 or an associate thereof.

582 3. Have any financial relationship to the action, to the
583 real or personal property being sold, or to a party or attorney
584 described in paragraph (a) or a relative as described in
585 paragraph (b), other than the payment of the fees authorized by
586 court order.

587 (4) ACTIONS FOR FAILURE TO FOLLOW COURT ORDER AND
588 ALTERNATIVE SALES PROCEDURES.-

589 (a) An action for actual damages for a material violation
590 of this section may be brought by the property owner or any
591 party to the action for the failure of a person approved by the
592 court under this section to follow the alternative judicial
593 sales procedures in s. 45.0311 or this section, or court orders
594 entered pursuant to s. 45.0311 or this section.

595 (b) Notwithstanding any other law, a person approved by the
596 court under this section who intentionally violates s. 45.0311,
597 this section, or any court order entered under s. 45.0311 or
598 this section commits a felony of the third degree, punishable as
599 provided in s. 775.082, s. 775.083, or s. 775.084.

600 Section 4. This act shall take effect July 1, 2025.



The Florida Senate

Committee Agenda Request

To: Senator Ileana Garcia, Chair
Appropriations Committee on Criminal and Civil Justice

Subject: Committee Agenda Request

Date: February 13, 2025

I respectfully request that **Senate Bill #48**, relating to **Alternative Judicial Procedures**; Requiring, rather than authorizing, that specified sales procedures be followed for certain sales of real or personal property unless a court orders the use of other sales procedures; creating the "Transparency in Alternative Judicial Sales Procedures Act"; requiring parties that want to use an alternative sales procedure to file a motion with the court where the action is pending; authorizing persons to serve as auctioneers or in other roles, under specified conditions, etc., be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in black ink, appearing to read "Ileana Garcia", written over a horizontal line.

Senator Ileana Garcia
Florida Senate, District 36

The Florida Senate

APPEARANCE RECORD

SB 48

3/26/2025

Meeting Date

Crim Justice Approps

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Amendment Barcode (if applicable)

Name Hayden Dempsey

Phone 813-951-2206

Address 101 East College Ave
Street

Email _____

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Auction.com

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(fisenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



882670

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/26/2025	.	
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	.	

The Appropriations Committee on Criminal and Civil Justice
(Garcia) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 45.0311, Florida Statutes, is created to
read:

45.0311 Mandatory requirements for judicial sales.-

(1) The court may not approve a request from a party to
substantially deviate from the judicial sales procedures of s.
45.031, except as provided in this section.



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11 (2) The Legislature finds that a deviation from the
12 judicial sales procedures under s. 45.031 may be beneficial in
13 certain proceedings due to the nature of the real or personal
14 property to be sold under an order or a judgment to maximize the
15 potential sales proceeds, including the net proceeds thereof,
16 for the benefit of all parties. Transparency is necessary for
17 all alternative procedures to prevent overreach by any party,
18 avoid fraud, and maximize the sales price while minimizing
19 expenses and delays. A person who facilitates alternative sales
20 or handles deposits or sales proceeds, including surplus
21 proceeds, must be qualified, independent, and not related to any
22 party or an attorney for a party and must be subject to the
23 provisions of this section and the jurisdiction of the court.

24 (3) A party requesting a deviation must request the relief
25 clearly and in a separate pleading. Any deviation authorized by
26 the court must be set forth in writing in the final judgment of
27 foreclosure or other order.

28 (4) A trial court may not alter any of the following
29 requirements for a judicial sale:

30 (a) Only one set of bidding procedures may apply to a sale.
31 Each bidder must follow the same procedures and receive the same
32 information relating to the sale of the real or personal
33 property. Preferences or advantages may not be given to any
34 party, person, or bidder.

35 (b) The publication of the notice of sale must meet or
36 exceed the requirements of s. 45.031(2).

37 (c) Credit bid rights must be limited to the amount owed to
38 the creditor or lienholder as provided in the order or final
39 judgment that determined such amount. Any overbid amount must be



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40 paid in cash.

41 (d) The highest cash bidder must win the bid. The deadline
42 for payment of the winning bid may not exceed 5 business days.

43 (e) An in-person auction may not be conducted outside of
44 the county of foreclosure.

45 (f) Costs, fees, and service charges that are payable to
46 the clerk of the court may not be waived.

47 (g) The 10-day period to object to the sale as provided in
48 s. 45.031(5), and the confirmation of the sale as provided in s.
49 45.031(6), may not be altered.

50 (h) The requirements related to a foreclosure surplus in
51 ss. 45.031(1), 45.032, 45.033, and 45.035(2) may not be waived.

52 (5) If the party requests that the court authorize someone
53 other than the clerk of the court or the sheriff to conduct the
54 sale, the request must be clear and the following requirements
55 apply:

56 (a) An alternative auctioneer must have insurance or post a
57 bond filed with and payable to the clerk of court to protect the
58 interests of the parties. The court must set the amount of the
59 bond as the approximate the value of the property to be sold. An
60 attorney in the action may not be the auctioneer. The auctioneer
61 must recuse himself or herself if a business partner or relative
62 within the third degree consanguinity registers or attempts to
63 bid.

64 (b) Any person holding funds must have insurance or post
65 sufficient bond to protect the interests of the parties.

66 (c) An in-person auction must be conducted in a place that
67 is open to the general public at the time of the auction and
68 that is reasonably accessible.



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69 (6) A person harmed by violation of this section has a
70 cause of action for damages resulting from the violation.

71 Section 2. This act shall take effect July 1, 2025.

72

73 ===== T I T L E A M E N D M E N T =====

74 And the title is amended as follows:

75 Delete everything before the enacting clause
76 and insert:

77

 A bill to be entitled

78 An act relating to foreclosure procedures; creating s.

79 45.0311, F.S.; specifying mandatory requirements for

80 foreclosure sales; providing legislative intent;

81 requiring that a request to deviate from certain

82 procedures be in a separate pleading; listing

83 procedures that may be waived; providing requirements

84 for an alternative auctioneer; creating a cause of

85 action; providing an effective date.



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LEGISLATIVE ACTION

Senate	.	House
Comm: TP	.	
03/26/2025	.	
	.	
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	.	

The Appropriations Committee on Criminal and Civil Justice
(Garcia) recommended the following:

Senate Amendment (with title amendment)

Delete lines 65 - 585

and insert:

procedures under s. 45.0311 or s. 45.0312 ~~as an alternative to
any other sale procedure if so ordered by the court.~~

(1) FINAL JUDGMENT.—

(a) In the order or final judgment, the court shall direct
the clerk to sell the property at public sale on a specified day
that is no ~~shall be not~~ less than 45 ~~20~~ days or more than 60 ~~35~~



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11 days after the date thereof, on terms and conditions specified
12 in the order or judgment. A sale may be held more than 60 ~~35~~
13 days after the date of final judgment or order if the plaintiff
14 or plaintiff's attorney consents to such time. The final
15 judgment must ~~shall~~ contain the following statement in
16 conspicuous type:

17
18 IF THIS PROPERTY IS SOLD AT PUBLIC AUCTION, THERE MAY
19 BE ADDITIONAL MONEY FROM THE SALE AFTER PAYMENT OF
20 PERSONS WHO ARE ENTITLED TO BE PAID FROM THE SALE
21 PROCEEDS PURSUANT TO THIS FINAL JUDGMENT.

22
23 IF YOU ARE A SUBORDINATE LIENHOLDER CLAIMING A RIGHT
24 TO FUNDS REMAINING AFTER THE SALE, IF ANY, YOU MUST
25 FILE A CLAIM WITH THE CLERK NO LATER THAN THE DATE
26 THAT THE CLERK REPORTS THE FUNDS AS UNCLAIMED. IF YOU
27 FAIL TO FILE A TIMELY CLAIM, YOU WILL NOT BE ENTITLED
28 TO ANY REMAINING FUNDS.

29
30 (b) If the property being foreclosed on has qualified for
31 the homestead tax exemption in the most recent approved tax
32 roll, the final judgment must ~~shall~~ additionally contain the
33 following statement in conspicuous type:

34
35 IF YOU ARE THE PROPERTY OWNER, YOU MAY CLAIM THESE
36 FUNDS YOURSELF. YOU ARE NOT REQUIRED TO HAVE A LAWYER
37 OR ANY OTHER REPRESENTATION AND YOU DO NOT HAVE TO
38 ASSIGN YOUR RIGHTS TO ANYONE ELSE IN ORDER FOR YOU TO
39 CLAIM ANY MONEY TO WHICH YOU ARE ENTITLED. PLEASE



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40 CHECK WITH THE CLERK OF THE COURT, ... (INSERT
41 INFORMATION FOR APPLICABLE COURT)... WITHIN TEN (10)
42 DAYS AFTER THE SALE TO SEE IF THERE IS ADDITIONAL
43 MONEY FROM THE FORECLOSURE SALE THAT THE CLERK HAS IN
44 THE REGISTRY OF THE COURT.

45
46 IF YOU DECIDE TO SELL YOUR HOME OR HIRE SOMEONE TO
47 HELP YOU CLAIM THE ADDITIONAL MONEY, YOU SHOULD READ
48 VERY CAREFULLY ALL PAPERS YOU ARE REQUIRED TO SIGN,
49 ASK SOMEONE ELSE, PREFERABLY AN ATTORNEY WHO IS NOT
50 RELATED TO THE PERSON OFFERING TO HELP YOU, TO MAKE
51 SURE THAT YOU UNDERSTAND WHAT YOU ARE SIGNING AND THAT
52 YOU ARE NOT TRANSFERRING YOUR PROPERTY OR THE EQUITY
53 IN YOUR PROPERTY WITHOUT THE PROPER INFORMATION. IF
54 YOU CANNOT AFFORD TO PAY AN ATTORNEY, YOU MAY CONTACT
55 ... (INSERT LOCAL OR NEAREST LEGAL AID OFFICE AND
56 TELEPHONE NUMBER)... TO SEE IF YOU QUALIFY FINANCIALLY
57 FOR THEIR SERVICES. IF THEY CANNOT ASSIST YOU, THEY
58 MAY BE ABLE TO REFER YOU TO A LOCAL BAR REFERRAL
59 AGENCY OR SUGGEST OTHER OPTIONS. IF YOU CHOOSE TO
60 CONTACT ... (NAME OF LOCAL OR NEAREST LEGAL AID
61 OFFICE)... FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS
62 POSSIBLE AFTER RECEIPT OF THIS NOTICE.

63
64 (c) A copy of the final judgment must ~~shall~~ be furnished by
65 the clerk by first-class mail to the last known address of every
66 party to the action or to the attorney of record for such party.
67 Any irregularity in such mailing, including the failure to
68 include this statement in any final judgment or order, does



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69 ~~shall~~ not affect the validity or finality of the final judgment
70 or order or any sale held pursuant to the final judgment or
71 order. Any sale held more than 60 ~~35~~ days after the final
72 judgment or order does ~~shall~~ not affect the validity or finality
73 of the final judgment or order or any sale held pursuant to such
74 judgment or order.

75 (2) PUBLICATION OF SALE.—Notice of sale must ~~shall~~ be
76 published on a publicly accessible website as provided in s.
77 50.0311 for at least 2 consecutive weeks before the sale or once
78 a week for 2 consecutive weeks in a newspaper of general
79 circulation, as provided in chapter 50, published in the county
80 where the sale is to be held. The second publication by
81 newspaper must ~~shall~~ be at least 5 days before the sale. The
82 notice must ~~shall~~ contain:

83 (a) A description of the property to be sold.

84 (b) The time and place of sale.

85 (c) A statement that the sale will be made pursuant to the
86 order or final judgment.

87 (d) The caption of the action.

88 (e) The name of the clerk making the sale.

89 (f) A statement that any person claiming an interest in the
90 surplus from the sale, if any, other than the property owner as
91 of the date of the lis pendens must file a claim before the
92 clerk reports the surplus as unclaimed.

93
94 The court may, in its discretion, extend ~~may enlarge~~ the time of
95 the sale. Notice of the changed time of sale must ~~shall~~ be
96 published as provided herein.

97 (3) CONDUCT OF SALE; DEPOSIT REQUIRED.—The sale must ~~shall~~



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98 be conducted at public auction at the time and place set forth
99 in the final judgment. The clerk shall receive the service
100 charge imposed in s. 45.035 for services in making, recording,
101 and certifying the sale and title that must ~~shall~~ be assessed as
102 costs. At the time of the sale, the successful high bidder must
103 ~~shall~~ post with the clerk a deposit equal to 5 percent of the
104 final bid. The deposit must ~~shall~~ be applied to the sale price
105 at the time of payment. If final payment is not made within the
106 prescribed period, the clerk must ~~shall~~ readvertise the sale as
107 provided in this section and pay all costs of the sale from the
108 deposit. Any remaining funds must ~~shall~~ be applied toward the
109 judgment.

110 (4) CERTIFICATION OF SALE.—After a sale of the property,
111 the clerk shall promptly file a certificate of sale and serve a
112 copy of it on each party in substantially the following form:

113

114 (Caption of Action)

115

116

CERTIFICATE OF SALE

117

118 The undersigned clerk of the court certifies that notice of
119 public sale of the property described in the order or final
120 judgment was published in, a newspaper circulated in
121 County, Florida, in the manner shown by the proof of publication
122 attached, and on, ... (year) ..., the property was offered
123 for public sale to the highest and best bidder for cash. The
124 highest and best bid received for the property in the amount of
125 \$.... was submitted by, to whom the property was sold. The
126 proceeds of the sale are retained for distribution in accordance



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127 with the order or final judgment or law, including ss. 45.0315-
128 45.035, Florida Statutes, relating to any surplus. WITNESS my
129 hand and the seal of this court on, ...(year)....

130(Clerk)..
131 By ...(Deputy Clerk)..
132

133 (5) CERTIFICATE OF TITLE.—If no objections to the sale are
134 filed within 10 days after filing the certificate of sale, the
135 clerk must ~~shall~~ file a certificate of title and serve a copy of
136 it on each party in substantially the following form:

137
138 (Caption of Action)

139
140 CERTIFICATE OF TITLE

141
142 The undersigned clerk of the court certifies that he or she
143 executed and filed a certificate of sale in this action on,
144 ...(year)..., for the property described herein and that no
145 objections to the sale have been filed within the time allowed
146 for filing objections.

147 The following property in County, Florida:

148 (description)
149 was sold to

150
151 WITNESS my hand and the seal of the court on, ...(year)....
152(Clerk)..
153 By ...(Deputy Clerk)..
154

155 (6) CONFIRMATION; RECORDING.—When the certificate of title



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156 is filed the sale stands ~~shall stand~~ confirmed, and title to the
157 property passes ~~shall pass~~ to the purchaser named in the
158 certificate without the necessity of any further proceedings or
159 instruments. The certificate of title must ~~shall~~ be recorded by
160 the clerk.

161 (7) DISBURSEMENTS OF PROCEEDS.—

162 (a) On filing a certificate of title, the clerk shall
163 disburse the proceeds of the sale in accordance with the order
164 or final judgment and shall file a report of such disbursements
165 and serve a copy of it on each party, and on the Department of
166 Revenue if the department was named as a defendant in the action
167 or if the Department of Commerce or the former Agency for
168 Workforce Innovation was named as a defendant while the
169 Department of Revenue was providing reemployment assistance tax
170 collection services under contract with the Department of
171 Commerce or the former Agency for Workforce Innovation through
172 an interagency agreement pursuant to s. 443.1316.

173 (b) The certificate of disbursements must ~~shall~~ be in
174 substantially the following form:

175

176 (Caption of Action)

177

178 CERTIFICATE OF DISBURSEMENTS

179

180 The undersigned clerk of the court certifies that he or she
181 disbursed the proceeds received from the sale of the property as
182 provided in the order or final judgment to the persons and in
183 the amounts as follows:

184 Name Amount



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Total disbursements: \$....

Surplus retained by clerk, if any: \$....

IF YOU ARE A PERSON CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER THAN THE DATE THAT THE CLERK REPORTS THE FUNDS AS UNCLAIMED. IF YOU FAIL TO FILE A CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS. AFTER THE FUNDS ARE REPORTED AS UNCLAIMED, ONLY THE OWNER OF RECORD AS OF THE DATE OF THE LIS PENDENS MAY CLAIM THE SURPLUS.

WITNESS my hand and the seal of the court on, ...(year)....
... (Clerk) ...
By ... (Deputy Clerk) ...

(c) If no objections to the report are filed ~~served~~ within 10 days after the report ~~it~~ is filed, the disbursements by the clerk ~~shall~~ stand approved as reported. If timely objections to the report are filed, the party who filed such objections must ~~served, they shall~~ be heard by the court. Filing or service of objections to the report does not affect or cloud the title of the purchaser of the property in any manner.

(d) If any ~~there are~~ funds remain ~~remaining~~ after payment of all disbursements required by the order or final judgment ~~of~~ ~~foreclosure~~ and shown on the certificate of disbursements, the surplus must ~~shall~~ be distributed as provided in this section and ss. 45.0315-45.035.

(8) VALUE OF PROPERTY.—The amount of the bid for the



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214 property at the sale is ~~shall be~~ conclusively presumed to be
215 sufficient consideration for the sale. Any party may file ~~serve~~
216 an objection to the amount of the bid within 10 days after the
217 clerk files the certificate of sale. If timely objections to the
218 bid are filed, the party who filed such objections must ~~served,~~
219 ~~the objections shall~~ be heard by the court. Filing or service of
220 objections to the amount of the bid does not affect or cloud the
221 title of the purchaser in any manner. If the case is one in
222 which a deficiency judgment may be sought and application is
223 made for a deficiency, the amount bid at the sale may be
224 considered by the court as one of the factors in determining a
225 deficiency under the usual equitable principles.

226 (9) EXECUTION SALES.—This section does ~~shall~~ not apply to
227 property sold under executions.

228 (10) ELECTRONIC SALES.—The clerk may conduct the sale of
229 real or personal property under an order or judgment pursuant to
230 this section by electronic means. Such electronic sales must
231 ~~shall~~ comply with the procedures provided in this chapter,
232 except that electronic proxy bidding must ~~shall~~ be allowed, and
233 the clerk may require bidders to advance sufficient funds to pay
234 the deposit required by subsection (3). The clerk shall provide
235 access to the electronic sale by computer terminals open to the
236 public at a designated location and shall accept an advance
237 credit proxy bid from the plaintiff of any amount up to the
238 maximum allowable credit bid of the plaintiff. A clerk who
239 conducts such electronic sales may receive electronic deposits
240 and payments related to the sale.

241 Section 2. Section 45.0311, Florida Statutes, is created to
242 read:



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243 45.0311 Alternative judicial sales procedures.-
244 (1) SHORT TITLE.-The section may be cited as the
245 "Transparency in Alternative Judicial Sales Procedures Act."
246 (2) PURPOSE.-The purpose of this section is to recognize
247 that:
248 (a) Alternatives to the judicial sales procedures under s.
249 45.031 are beneficial in certain proceedings, due to the nature
250 of the real or personal property to be sold under an order or a
251 judgment, to maximize the potential sales proceeds, including
252 the net proceeds thereof, for the benefit of all parties,
253 including the property owner.
254 (b) Transparency is necessary for all alternative
255 procedures to prevent overreach by any party, avoid fraud, and
256 maximize the sales price while minimizing expenses and delays.
257 (c) Persons facilitating alternative sales and handling
258 deposits and sales proceeds, including surplus proceeds, must be
259 qualified, independent, and not related to any party or the
260 attorneys for a party and must be subject to the provisions of
261 this section and the jurisdiction of the court.
262 (3) REQUEST FOR ALTERNATIVE JUDICIAL SALES PROCEDURES.-Any
263 party, including the property owner, may file a motion for the
264 use of alternative sales procedures in the court where the
265 action is pending. The motion must contain, at a minimum, all of
266 the following:
267 (a) A description of the property to be sold.
268 (b) A short narrative addressing the rationale for the
269 court to authorize alternative sales procedures for the sale of
270 real or personal property and the manner in which such
271 alternative sales procedures would maximize the sales price,



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272 including the net proceeds of the sale.

273 (c) The requested sales procedures, including the manner,
274 date, time, place, method of sale, advertising, and manner of
275 publication.

276 (d) An express statement of whether the sale will be
277 conducted by the clerk of the circuit court or another person.

278 (e) An express statement of whether bids, deposits, and
279 sales proceeds will be received and handled by the clerk of the
280 circuit court or another person.

281 (f) For all persons to be employed under s. 43.0312 to
282 conduct an aspect of the sale or to handle deposits or sales
283 proceeds, including any surplus proceeds, the declaration
284 required by s. 45.0312 for such person addressing his or her
285 qualifications. This declaration may be attached to the motion.

286 (g) If the movant is not the property owner, a separate
287 written joinder or the consent from the property owner, either
288 of which must be contemporaneous to and must reference this
289 motion.

290 (h) In the body of the motion or as an attachment thereto,
291 a proposed notice for publication of the sale and bidding
292 procedures for the sale.

293 (4) MINIMUM REQUIREMENTS FOR ALTERNATIVE SALES.—An
294 alternative sales procedure must meet all of the following
295 minimum requirements:

296 (a) A hearing must be held in response to a motion filed
297 under subsection (3), and the hearing date must be at least 20
298 days after the date the motion is filed.

299 (b) The property owner must be joined, or have consented
300 to, the motion under subsection (3) at the time of filing or by



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301 the end of the hearing required under paragraph (a).

302 (c) There may be only one set of bidding procedures. Each
303 bidder must follow the same procedures and receive the same
304 information relating to the sale of the real or personal
305 property. Preferences or advantages may not be given to any
306 party, person, or bidder.

307 (d) Publication of the notice of sale must meet or exceed
308 the requirements of s. 45.031(2) and include the requirements of
309 the sale and the requirements of this subsection.

310 (e) Credit bid rights are limited to the amount owed to the
311 creditor or lienholder as provided in the order or final
312 judgment that determined such amount. Any overbid amount must be
313 paid in cash.

314 (f) As a prerequisite to bidding, a deposit of 5 percent of
315 a bidder's presale high bid amount must be posted in cash, by
316 wire transfer, or by cashier's check, and a process must be in
317 place for returning such funds to a bidder that is not the
318 winning bidder.

319 (g) The highest cash bidder must win the bid.

320 (h) The winning bidder must post a deposit of 5 percent of
321 the winning bid before 5 p.m. of the day after the auction sale,
322 and such deposit is forfeited if the bidder fails to make the
323 final payment by the required closing date.

324 (i) The date to close and consummate the sale must be
325 within 30 days after the date of the sale auction, and the
326 winning bidder forfeits his or her bid if the final payment is
327 not made by such date.

328 (j) The sale must be held at least 45 days after the entry
329 of the court's order authorizing an alternative sales procedure



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330 under this section.

331 (k) The place of sale must be the county where the action
332 is pending, unless the filing party and property owner consent
333 in writing to a specific location outside of the county. At the
334 time of sale, the place of sale must include Internet access and
335 be open and freely accessible to the public without any
336 restriction.

337 (l) The bid instructions must specify whether backup
338 bidders are authorized and the terms and conditions for such
339 bidders.

340 (m) The winning bidder must pay all fees of the clerk of
341 the court, including registry fees that may not be waived by the
342 court, on the high bid amount, as prescribed by ss. 28.24(11)
343 and 45.035(1).

344
345 The requirements of this subsection may not be waived.

346 (5) POSSESSION OF DEPOSITS AND PAYMENTS.—

347 (a) If the bidder's deposit, the bid amount, or any other
348 funds paid by a bidder or a party are not held by the clerk of
349 the court, the funds or cashier's check must be held in an
350 escrow or trust account by a person appointed by the court
351 pursuant to s. 45.0312.

352 (b) For all deposits and sales held by a clerk, the funds
353 are subject to the service charge in s. 28.24 and may not be
354 waived by the court.

355 (6) CERTIFICATION OF SALE.—After a sale of a property
356 pursuant to this section, the person who conducted the sale, or
357 the person's attorney, shall promptly file a certificate of sale
358 and serve a copy on each party in substantially the following



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359 form:

360

361 (Caption of Action)

362

363

CERTIFICATE OF JUDICIAL SALE

364

365 The undersigned clerk of the court certifies that notice of

366 public sale of the property described in the order and the

367 approved sale notice were published by(include all

368 locations of publication)...., in the manner shown by attached,

369 and on, ... (year)..., the property was offered for public

370 sale to the highest and best bidder for cash. The highest and

371 best bid received for the property in the amount of \$.... was

372 submitted by, to whom the property was sold, and such

373 bidder paid \$.... as of this date(insert deadline to close

374 sale).... . The proceeds of the sale are retained for

375 distribution in accordance with the order or final judgment or

376 ss. 45.0311 and 45.0315-45.035, Florida Statutes. WITNESS my

377 hand and the seal of this court on, ... (year)....

378

... (...)...

379

By ... (...)...

380

381 (7) OBJECTIONS TO SALE.-Objections to the sale must be

382 filed within 10 days after filing the certificate of judicial

383 sale. If timely objections to the certificate of judicial sale

384 are filed, the party who filed such objections must be heard by

385 the court.

386 (8) CERTIFICATE OF RECEIPT OF SALE PROCEEDS.-If the sale is

387 conducted by a person other than the clerk, such person must



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388 file a certificate of receipt of sales proceeds at the same time
389 the certificate of judicial sale is filed and must file
390 additional certificates of receipt of sales proceeds within 1
391 business day after the receipt of additional sums from the high
392 bidder or backup bidder.

393 (9) BACKUP BIDDER.—If the high bidder fails to make the
394 final payment by the required sale closing date, the deposit is
395 forfeited and must first be used to pay all costs of the sale,
396 after which any remaining sums must be applied toward the
397 judgment. In such a circumstance, the person conducting the sale
398 shall notify the backup bidder that he or she must timely make
399 payment by the deadline for backup bidders and file a
400 certificate of forfeiture and an amended certificate of sale
401 identifying the backup bidder as the winning bidder and the sale
402 price and details applicable to such bidder.

403 (10) CERTIFICATE OF TITLE.—If no objections to the sale are
404 timely filed or the court has not entered an order overruling
405 any objection to the sale, and if the purchase price and clerk
406 fees have been paid, the person conducting the sale must file a
407 notice that confirms that the sale is consummated, names the
408 bidder purchasing the property, and states that a certificate of
409 title is ready to be issued by the clerk of the circuit court.
410 After filing such notice, or, for sales conducted by the clerk
411 of the court, after receipt of the purchase price and clerk
412 fees, the clerk shall file a certificate of title and serve a
413 copy of such title on each party in substantially the following
414 form:

415
416 (Caption of Action)



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CERTIFICATE OF TITLE

The undersigned clerk of the court certifies that in accordance with the certificate of sale and consummation of sale filed in this action on, ...(year)..., for:

The following property in County, Florida:

(description)

was sold to, and that no objections to the sale have been filed within the time allowed for filing objections or have been determined.

WITNESS my hand and the seal of the court on, ...(year)....

...(Clerk)...

By ...(Deputy Clerk)...

(11) CONFIRMATION; RECORDING.—When the certificate of title is filed, the sale stands confirmed and the title to the property passes to the purchaser named in such certificate without the need of any other proceeding or instrument. The clerk of the circuit court shall record the certificate of title.

(12) DISBURSEMENT OF PROCEEDS.—If the sale is conducted by a person other than the clerk of the circuit court, such person is authorized to disburse the sale proceeds as expressly authorized by the court order, but any surplus funds must be deposited with the clerk of the court together with court fees under ss. 28.24 and 45.031(1). For sales conducted by the clerk, s. 45.031(7) governs.



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446 (13) SURPLUS FUNDS.—The requirements related to
447 distribution of surplus funds by the clerk as provided in ss.
448 45.031(1), 45.032, 45.033, and 45.035(2) apply and may not be
449 waived by a court.

450 (14) VALUE OF PROPERTY.—Section 45.031(8) applies to sales
451 conducted under this section.

452 (15) REDEMPTION OF RIGHTS.—Section 45.0315 applies to sales
453 conducted under this section.

454 Section 3. Section 45.0312, Florida Statutes, is created to
455 read:

456 45.0312 Appointment of auctioneers and escrow agents for
457 alternative judicial sales.—

458 (1) AUCTIONEERS AND SALE PROFESSIONALS.—Subject to court
459 approval, after a motion and a hearing held no later than 20
460 days after notice for such hearing, a person may serve as an
461 auctioneer, or in another professional role necessary to the
462 alternative sales procedure authorized by the court under s.
463 45.0311, only if such person:

464 (a) Is an auctioneer licensed under part VI of chapter 468,
465 a real estate broker licensed under chapter 475 and in good
466 standing for the preceding 5 years, an attorney who is a member
467 in good standing with The Florida Bar and has been practicing
468 for at least 5 years, or a title insurer authorized to transact
469 business in this state pursuant to s. 624.401 and in good
470 standing for the preceding 5 years;

471 (b) Is insured individually or under an entity policy for
472 errors and omissions with a minimum of \$250,000 per incident and
473 a deductible of no more than \$10,000, or a fidelity bond of no
474 less than \$50,000 or such higher coverage or bond amounts as the



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475 court may require;

476 (c) Declares in writing under penalty of perjury that he or
477 she is eligible under this subsection and independent as
478 required by subsection (3); and

479 (d) Has such additional qualifications as the court
480 requires.

481 (2) ESCROW AGENTS.—Subject to court approval, after a
482 motion and a hearing held no less than 20 days after notice for
483 such hearing, a person may serve as an escrow agent for the
484 handling of deposits and sales proceeds necessary to the
485 alternative sales procedures authorized by the court under s.
486 45.0311 only if such person:

487 (a) Is a qualified public depository as defined in s.
488 280.02;

489 (b) Is a title insurance agent licensed pursuant to s.
490 626.8417, a title insurance agency licensed pursuant to s.
491 626.8418, or a title insurer authorized to transact business in
492 this state pursuant to s. 624.401; has been in good standing for
493 the preceding 5 years; and such person's trust and escrow
494 accounts are maintained with a qualified public depository as
495 defined in s. 280.02;

496 (c) Is an attorney who is a member in good standing of The
497 Florida Bar who has been practicing law for at least 5 years;
498 such person's trust account is maintained with a qualified
499 public depository as defined in s. 280.02; and such person is
500 insured individually or under an entity policy for errors and
501 omissions with a minimum of \$250,000 per incident and a
502 deductible of no more than \$10,000 or a fidelity bond of no less
503 than \$50,000, or such higher coverage or bond amounts as the



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504 court may require; and

505 (d) Declares in writing under penalty of perjury that such
506 person is eligible under this subsection and independent as
507 required by subsection (3).

508 (3) INDEPENDENCE.-

509 (a) As used in this subsection, the term "relative" means
510 an individual who is related to another as father, mother, son,
511 daughter, brother, sister, uncle, aunt, first cousin, nephew,
512 niece, husband, wife, father-in-law, mother-in-law, son-in-law,
513 daughter-in-law, brother-in-law, sister-in-law, stepfather,
514 stepmother, stepson, stepdaughter, stepbrother, stepsister, half
515 brother, or half sister.

516 (b) To be independent for the purposes of this section, a
517 person may not:

518 1. Be a party to the action, an attorney representing a
519 party in the action, or an employee of a party or the attorney
520 of a party in the action.

521 2. Be a relative of a party to the action, or an employee,
522 an officer, a director, an affiliate, or a subsidiary thereof;
523 or an attorney representing a party in the action, or a
524 relative, an employee, an officer, a director, or an affiliate
525 or an associate thereof.

526 3. Have any financial relationship to the action, to the
527 real or personal property being sold, or to a party or attorney
528 described in subparagraph 1. or a relative as described in
529 subparagraph 2., other than the payment of the fees authorized
530 by

531
532 ===== T I T L E A M E N D M E N T =====



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533 And the title is amended as follows:

534 Delete lines 9 - 13

535 and insert:

536 sale; increasing the timeframe after the date of final
537 judgment or order under a specified condition;
538 revising the certificate of sale the clerk must file
539 after a sale of a property; specifying that if
540 objections are not filed within a specified timeframe
541 after a certain report is filed, disbursements stand
542 as reported; requiring that a hearing be held if
543 specified objections are timely filed; providing that
544 if any funds remain after payment of all disbursements
545 required by order or final judgment of the court and
546 shown on the certificate of disbursements, the surplus
547 must be distributed in a specified manner; creating s.
548 45.0311, F.S.; providing a short

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Committee on Criminal and Civil Justice

BILL: CS/CS/SB 48

INTRODUCER: Appropriations Committee on Criminal and Civil Justice; Judiciary Committee and Senator Garcia

SUBJECT: Alternative Judicial Procedures

DATE: March 27, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bond</u>	<u>Cibula</u>	<u>JU</u>	<u>Fav/CS</u>
2.	<u>Kolich</u>	<u>Harkness</u>	<u>ACJ</u>	<u>Fav/CS</u>
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 48 limits a trial court from substantially deviating from the statutory real property foreclosure sales procedures. Any deviation must be clearly requested by a party. A deviation may not favor one bidder over another or give the plaintiff a credit bid in excess of the amount owed. Requirements for public notice, costs and fees of the clerk, the time to object to the sale and the finality of the sale, and treatment of surplus may not be varied.

An auctioneer other than the clerk or the sheriff may be used, but must post bond or have insurance. A private auctioneer must withdraw if a relative or business associate registers to bid.

The bill creates a civil cause of action for anyone harmed by a violation of these requirements.

The bill may generate additional workload for the Clerks of Court and the state court system. See Section V. Fiscal Impact Statement.

The bill is effective July 1, 2025.

II. Present Situation:

Foreclosure

Foreclosure is the legal process for forced sale at auction of real property to satisfy, in part or in whole, an unpaid lawful debt owed by the owner of the property. If the winning bidder is a third-party bidder, the proceeds of the sale first pay the costs of the foreclosure, then the rest of the proceeds are applied to the debt owed to the judgment creditor. Some foreclosure auctions yield a surplus because the final bid exceeds the debt. A foreclosure surplus is paid to or for the benefit of the foreclosed former owner.

In most foreclosures, however, there is no surplus after the foreclosure sale. Commonly, the plaintiff is the winning bidder and takes title to the property. Foreclosure is most often used in the context of a mortgage where the property owner has agreed to the debt. Foreclosures also result from construction liens, certain tax liens, association liens, and judgment liens.

Current law does not require a certain sale procedure, a trial judge entering a final judgment in a foreclosure case may use any procedure that conforms to constitutional due process. However, a foreclosure procedure is created by statute¹ and embodied in court-created final judgment forms.² The statutory and rule procedures are followed by most courts in most foreclosure cases.³ Under the default procedures:

- The trial court directs the clerk of court to auction the property on a specific date that is not less than 20 days or more than 35 days after the date of judgment.⁴
- Certain notices regarding the possibility of a foreclosure surplus that may be claimed by the foreclosed owner must be included in the final judgment.⁵
- The clerk must furnish every defendant with a copy of the final judgment setting the sale date.⁶
- Notice of the sale must be published for two consecutive weeks on a publicly available website or once a week for two consecutive weeks in a newspaper of general circulation. The requirements for information that must be in the notice are listed in statute.⁷
- The clerk must be paid a service charge of \$70.⁸
- The sale must be by public auction.⁹ The statute does not specify a time or place; it merely requires that the time and place be in final judgment and in the public notice. Historically, sales were conducted on a porch, patio, or exterior staircase of the courthouse, at a time and

¹ Section 45.031, F.S.

² Form 1.996(a), F.R.C.P.

³ A 2012 appellate decision implies that the statutory procedure should be followed unless there is reason not to. *Royal Palm Corp. Ctr. Ass'n, Ltd. v. PNC Bank, NA*, 89 So. 3d 923, 927 (Fla. 4th DCA 2012). The statute is not a “procedural straightjacket” and a trial court has reasonable discretion to change the procedure in a case. *Id.* at 28, *LR5A–JV v. Little House, LLC*, 50 So. 3d 691 (Fla. 5th DCA 2010).

⁴ Section 45.031(1)(a), F.S.

⁵ Section 45.031(1)(b), F.S.

⁶ Section 45.031(1)(c), F.S. In practice, the foreclosing plaintiff must furnish the copies, addressed envelopes, and postage. The clerk merely certifies that the mailing was completed and that the clerk gave the mailing to the Postal Service.

⁷ Section 45.031(2), F.S.

⁸ Sections 45.031(3) and 45.035, F.S.

⁹ Section 45.031(3), F.S.

place set locally by longstanding tradition.¹⁰ Currently, most foreclosure sales are conducted through an internet-based auction system selected by the clerk.¹¹

- At a traditional auction sale, custom and practice is that the foreclosing plaintiff makes the first bid at \$100.¹² Often, there is no other bidder. If other bidders participate, the clerk must allow the foreclosing plaintiff a credit bid of any amount up to the amount of the judgment. The plaintiff's credit bid is not specified in statute but was created by custom and use because "no useful purpose [is] served in requiring a bondholder or a mortgagor to pay cash to a court officer conducting a judicial sale when he would be entitled to immediately have it paid back to him under the decree authorizing the sale."¹³ Note that the plaintiff's credit bid is limited to the amount of the judgment. A plaintiff bidding more than the amount of the judgment must pay the overage to the clerk.
- A successful third-party bidder (one other than the foreclosing plaintiff) must immediately post a deposit of five percent of the winning bid. If the winning bidder does not pay the remaining amount of his or her bid plus service charges and taxes by the stated deadline, the deposit is forfeited and is applied against the outstanding judgment.¹⁴ If the winning bidder fails to pay the full bid timely, the case file goes back to the trial court to set a new sale date. The statutory process does not specify the deadline for full payment. It appears that the deadlines are set by local custom. A review of eight counties showed that half required full payment on the day of the sale and the latest deadline required full payment by 4:00 p.m. on the day after the auction.¹⁵
- Whether the winning bidder is the plaintiff or a third-party bidder, the parties to the foreclosure have 10 days to object to the sale. If no timely objection is filed, the clerk issues a Certificate of Title to the winning bidder¹⁶ and the person named in the certificate is deemed the owner free and clear of any real property interest foreclosed.¹⁷ If a third party is the winning bidder and has paid the clerk the winning bid amount, the clerk, after deducting any outstanding costs, service charges, and taxes pays the remaining sum to the plaintiff, up to the amount of the outstanding judgment. If there are funds then remaining, known as a surplus, the clerk disburses the funds accordingly.¹⁸
- The clerk of court may retain a vendor to conduct foreclosure auctions through the internet.¹⁹ It appears that most of the clerks use this option.²⁰

¹⁰ For instance, Leon County historically conducted sales weekdays starting at 11:00 am on the west exterior patio of the courthouse. The west side of the building was still in the shade at that time, summer rainstorms usually did not start until after 2:00 pm., and the midday sale time gave the deputy clerk time before and after the sale to complete paperwork.

¹¹ Forty-four of the state's 67 counties (including the 8 sample counties) use the same vendor. See RealAuction: Our Client site, <https://www.realauction.com/clients/index>.

¹² The customary first bid of \$100 likely comes from the calculation of the documentary stamp tax of \$0.70 for every \$100 or portion thereof, making \$0.70 the minimum tax imposed. The documentary stamp tax is due on all documents transferring title to real property, including the clerk's Certificate of Title.

¹³ *Branch Banking & Tr. Co. v. Tomblin*, 163 So. 3d 1229, 1230 (Fla. 5th DCA 2015), *Grable v. Nunez*, 66 So. 2d 675, 677 (Fla.1953).

¹⁴ Section 45.031(3), F.S.

¹⁵ Surveyed counties were Broward, Duval, Escambia, Hillsborough, Leon, Miami-Dade, Orange, Palm Beach, Pinellas, and Sarasota.

¹⁶ Section 45.031(5), F.S.

¹⁷ Section 45.031(6), F.S.

¹⁸ The distribution of the surplus from a foreclosure sale is not affected by this bill.

¹⁹ Section 45.031(10), F.S.

²⁰ Forty-four of the state's 67 counties (including the 8 sample counties) use the same vendor. See RealAuction: Our Client site, <https://www.realauction.com/clients/index>.

Current Concerns related to Foreclosure Sales

In practice, trial court judges do not prepare ordinary final judgments. Instead, they require the attorney for the prevailing party to prepare the judgment form, subject to the court's supervision. Recently, some attorneys have requested that courts allow procedures that differ from the suggested statutory procedure and trial court judges have allowed those differences.²¹ Examples of questionable differences include:

- An auctioneer other than a clerk or the clerk's selected internet sales vendor is used. In some cases, the auctioneer has been the foreclosing plaintiff's attorney.
- Auctions have been conducted on or near the foreclosed property, sometimes in places with little public access, little to no reasonable parking, or access that might not reasonably accommodate the disabled.
- In some auctions, the final judgment provided that the foreclosing plaintiff would take title should the winning bidder fail to timely pay the bid. A sham bidder would appear and would drive up the bids to where all others would drop out. Later, the sham bidder would not pay, leaving the plaintiff to be deemed the winning bidder.²²
- A bidder for the plaintiff was given an unlimited credit bid (i.e., was allowed to bid in excess of the judgment), but was not required to pay the excess of the bid that should have been paid as surplus to the former owner.

III. Effect of Proposed Changes:

This bill requires the trial court to use the statutory procedure but allows a trial court to vary from the statutory foreclosure procedures within certain limits. The existing statutory procedures are not modified.

A request to use an alternative sales procedure must be made by separate motion and thus cannot be slipped into a proposed final judgment of foreclosure.

The following minimum requirements of the foreclosure sale cannot be modified by the court:

- Bidding procedures must be uniform among all bidders.
- The published notice of sale must include at a minimum the information required in the standard procedures.
- The credit bid of a plaintiff may not exceed the amount set by the final judgment.
- The sale must be in the county and at a place that is open to the public at the time of sale.
- The existing 10-day limit for filing an objection to sale may not be changed, nor can the finality of a sale absent objection be altered.
- Existing statutory fees due to the clerk may not be waived.
- Existing statutory treatment of a surplus must be followed.

²¹ Ben Weider and Brittany Wallman, *RIGGED. Florida lawyer writes rules to win condo auctions for \$100. Judges let him do it.* MIAMI HERALD, April 2, 2024, updated January 23, 2025, <https://www.miamiherald.com/news/business/real-estate-news/article285934076.html>.

²² Motion to Vacate Amended Final Judgment (November 3, 2021), *Emerald Tower Assoc. v. Celano*, Broward County Circuit Court case CACE202112603.

A private auctioneer (one other than the clerk of court or the sheriff, or a deputy thereof) must have insurance or post bond covering the value of the property. A private auctioneer has the duty to recuse if a business partner or relative within the third degree of consanguinity registers to bid or attempts to bid on the property. An attorney in the action may not be appointed as an auctioneer.

Any person other than the clerk or sheriff that holds funds must have insurance or post sufficient bond.

An in-person auction must be conducted in a place that is open to the general public at the time of the auction and that is reasonably accessible.

The bill creates a private cause of action available to any person who has violated the requirements and limits on foreclosure sales.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. **Government Sector Impact:**

The bill may increase the Clerks of Court workload and staffing needs. Additionally, the bill will provide fee predictability to the Clerk by prohibiting the court from waiving the statutory fee in s. 45.035(1), F.S. The bill may also result in a minimal increase in workload to the state court system.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Statutes Affected:**

This bill creates section 45.0311 of the Florida Statutes.

IX. **Additional Information:**

A. **Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Appropriations Committee on Criminal and Civil Justice on March 26, 2025:

The amendment simplified and shortened the bill, making the following significant changes: removed provisions that would have extended the time limits for conducting a sale; removed specific requirements for a private auctioneer and added a bond requirement; removed prohibition on bidders related to a private auctioneer and added the requirement that a private auctioneer must recuse if a related person bids or registers to bid; simplified requirements related to private escrow to just a requirement to post bond or insurance as set by the court; simplified pleading requirements; removed authority for backup bidders; simplified the civil cause of action; and removed the newly created felony.

CS by Judiciary on February 11, 2025:

The amendment simplifies the bill and makes the following changes: extends the allowable time for conducting a foreclosure sale from between 20 days and 35 days to between 45 and 60 days; removes a provision that would have restricted credit bids to 10 percent of the appraised value of the property; removes a provision that would have extended the time to pay a final bid to 30 days; removes a prohibition on bidding by certain relatives or other related persons; removes a requirement that the final bid in any foreclosure sale exceed 75% of the tax appraised value of the property; adds criteria for deviations from the standard foreclosure procedure; adds a requirement that a request for deviation from the standard foreclosure procedure be made by motion notifying the court of the deviation; and lists sale procedures that may not be modified.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

CourtSmart Tag Report

Room: SB 37

Case No.:

Type:

Caption: Senate Appropriations Committee on Criminal and Civil Justice

Judge:

Started: 3/26/2025 3:30:56 PM

Ends: 3/26/2025 3:59:27 PM

Length: 00:28:32

3:30:56 PM Sen. Garcia (Chair)
3:31:31 PM TAB 1: Review and Discussion of Fiscal Year 2025-2026
3:33:56 PM Sen. Ingoglia
3:35:04 PM Marti
3:36:00 PM Sen. Simon
3:36:11 PM Marti
3:36:16 PM Sen. Simon
3:36:50 PM Marti
3:37:04 PM Sen. Ingoglia
3:37:22 PM Marti
3:37:25 PM Sen. Osgood
3:37:47 PM Marti
3:38:14 PM Brigidenn Forman
3:43:53 PM Sheree Brooks Cooper
3:45:16 PM Sen. Osgood
3:45:32 PM Pamela Whitley
3:46:43 PM Sen. Garcia
3:47:03 PM Sen. Martin (Chair)
3:47:09 PM S 48
3:47:21 PM Sen. Garcia
3:47:29 PM Am. 882670
3:47:51 PM Sen. Garcia
3:48:17 PM Sen. Martin
3:48:32 PM S 48 cont.
3:48:46 PM Sen. Ingoglia
3:49:08 PM Sen. Garcia
3:53:00 PM Sen. Ingoglia
3:54:53 PM Sen. Garcia
3:55:50 PM Sen. Martin
3:55:55 PM Hayden Dempsey, Auction.com
3:56:54 PM Sen. Wright
3:57:22 PM Sen. Maritn
3:57:24 PM Sen. Garcia
3:58:25 PM Sen. Martin
3:58:31 PM Sen. Garcia (Chair)