

Bill No. SB 1132

Amendment No. Barcode 874234

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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Senator Brown-Waite moved the following amendment:

Senate Amendment (with title amendment)

On page 3, lines 30 and 31, delete those lines

and insert:

Section 2. Subsection (7) of section 197.502, Florida Statutes, is amended to read:

197.502 Application for obtaining tax deed by holder of tax sale certificate; fees.--

(7) On county-held certificates for which ~~if~~ there are no bidders at the public sale, the clerk shall enter the land on a list entitled "lands available for taxes" and shall immediately notify the county commission and all other persons holding certificates against the land that the land is available. During the first 90 days after the land is placed on the list of lands available for taxes, the county may purchase the land for the opening bid. Thereafter, any person, the county, or any other governmental unit may purchase the land from the clerk, without further notice or advertising, for the opening bid, except that when the county

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1 or other governmental unit is the purchaser for its own use,
2 the board of county commissioners may cancel omitted years'
3 taxes, as provided under s. 197.447. Interest on the opening
4 bid continues to accrue through the month of sale as
5 prescribed by s. 197.542.

6 Section 3. Subsection (3) of section 197.512, Florida
7 Statutes, is amended to read:

8 197.512 Notice, form of publication for obtaining tax
9 deed by holder.--

10 (3) Except when the land is redeemed according to law
11 ~~Upon ultimate disposition of the application for a tax deed,~~
12 the clerk shall record ~~enter~~ his or her certificate of notice
13 and his or her certificate of advertising in the public
14 records of the county with such other relevant documents as
15 may be required by the department.

16 Section 4. Section 197.542, Florida Statutes, is
17 amended to read:

18 197.542 Sale at public auction.--

19 (1) The lands advertised for sale to the highest
20 bidder as a result of an application filed under s. 197.502
21 shall be sold at public auction by the clerk of the circuit
22 court, or his or her deputy, of the county where the lands are
23 located on the date, at the time, and at the location as set
24 forth in the published notice, which shall be during the
25 regular hours the clerk's office is open. At the time and
26 place, the clerk shall read the notice of sale and shall offer
27 the lands described in the notice for sale to the highest
28 bidder for cash at public outcry. The amount required to
29 redeem the tax certificate, plus the amounts paid by the
30 holder to the clerk of the circuit court in charges for costs
31 of sale, redemption of other tax certificates on the same

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1 lands, and all other costs to the applicant for tax deed, plus
2 interest thereon at the rate of 1.5 percent per month for the
3 period running from the month after the date of application
4 for the deed through the month of sale and costs incurred for
5 the service of notice provided for in s. 197.522(2), shall be
6 considered the bid of the certificateholder for the property.
7 However, if the land to be sold is assessed on the latest tax
8 roll as homestead property, the bid of the certificateholder
9 shall be increased to include an amount equal to one-half of
10 the assessed value of the homestead property as required by s.
11 197.502. If there are no higher bids, the land shall be
12 struck off and sold to the certificateholder, who shall
13 forthwith pay to the clerk the documentary stamp tax and
14 recording fees due, and a tax deed shall thereupon be issued
15 and recorded by the clerk.

16 (2) If there are other bids, the certificateholder
17 shall have the right to bid as others present may bid, and the
18 property shall be struck off and sold to the highest bidder.
19 The high bidder shall post with the clerk a nonrefundable cash
20 deposit of \$200 at the time of the sale, to be applied to the
21 sale price at the time of full payment. Notice of this deposit
22 requirement shall be posted at the auction site, and the clerk
23 may require that bidders show their willingness and ability to
24 post the cost deposit. If full payment of the final bid and of
25 documentary stamp tax and recording fees is not made within 24
26 hours, excluding weekends and legal holidays, the clerk shall
27 cancel all bids, readvertise the sale as provided in this
28 section, and pay all costs of the sale from the deposit. Any
29 remaining funds must be applied toward the opening bid.The
30 clerk may refuse to recognize the bid of any person who has
31 previously bid and refused, for any reason, to honor such bid.

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1 ~~(3)(2) The clerk of the circuit court shall demand~~
2 ~~immediate payment of an amount equal to the highest bid plus~~
3 ~~applicable documentary stamp taxes and recording fees. If full~~
4 ~~payment is not received by the clerk within 24 hours after the~~
5 ~~advertised time of the sale, the clerk shall cancel the bids~~
6 ~~and readvertise the property for sale. If the sale is canceled~~
7 ~~for any reason, the clerk shall immediately readvertise the~~
8 ~~sale to be held no later than 30 days after from the date the~~
9 ~~sale was canceled. Only one advertisement is shall be~~
10 ~~necessary. No further notice is shall be required. The amount~~
11 ~~of the statutory (opening) bid shall be increased by the cost~~
12 ~~of advertising, additional clerk's fees as provided for in s.~~
13 ~~28.24(26), and interest as provided for in subsection (1).~~
14 ~~The clerk shall receive full payment prior to the issuance of~~
15 ~~the tax deed.~~

16 Section 5. This section and section 1 of this act
17 shall take effect upon becoming a law and sections 2, 3, and 4
18 shall take effect October 1, 2001, as to sales for which the
19 respective application for obtaining a tax deed is filed on or
20 after October 1, 2001.

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

24 And the title is amended as follows:

25 On page 1, line 6,

26

27 after the semicolon insert:

28 amending s. 197.502, F.S.; amending procedures
29 that apply if there are no bidders at a public
30 sale of property against which tax certificates
31 are held; prescribing the period during which

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1 interest on the opening bid continues to
2 accrue; amending s. 197.512, F.S.; providing an
3 exception to certain recording duties of the
4 clerk; amending s. 197.542, F.S.; revising
5 procedures relating to the sale at public
6 auction of lands on which an application for
7 tax deed has been obtained; requiring the high
8 bidder to post a nonrefundable cash deposit at
9 the time of the sale;

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