

hbd-06

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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Representative(s) Mealor offered the following:

Amendment (with title amendment)

On page 3, lines 30 and 31,
remove from the bill: all of said lines

and insert in lieu thereof:

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

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

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

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

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

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

19 197.542 Sale at public auction.--

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

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

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

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

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

22
 23
 24 ===== T I T L E A M E N D M E N T =====

25 And the title is amended as follows:

26 On page 1, line 6,

27
 28 after the semicolon insert:

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

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

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