

By Senator Baker

20-03372-08

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1 A bill to be entitled

2 An act relating to judicial sales; amending s. 45.031,
3 F.S.; providing for certain sales to be conducted by
4 electronic means; requiring that electronic sales comply
5 with specified procedures; requiring the clerk of the
6 court to provide the public with access to computer
7 terminals for electronic sales; authorizing clerks to
8 receive electronic payments and deposits related to
9 electronic sales; amending s. 45.035, F.S.; increasing the
10 service charge collected by the clerk for a sale conducted
11 by electronic means; providing an effective date.

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13 Be It Enacted by the Legislature of the State of Florida:

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15 Section 1. Subsection (10) is added to section 45.031,
16 Florida Statutes, to read:

17 45.031 Judicial sales procedure.--In any sale of real or
18 personal property under an order or judgment, the procedures
19 provided in this section and ss. 45.0315-45.035 may be followed
20 as an alternative to any other sale procedure if so ordered by
21 the court.

22 (10) ELECTRONIC SALES.--The clerk may conduct the sale of
23 real or personal property under an order or judgment pursuant to
24 this section by electronic means. Such sales conducted
25 electronically must comply with the procedures provided in this
26 chapter. The clerk shall provide public access to the sale by
27 computer terminals open to the public at a designated location. A
28 clerk who conducts a sale electronically may receive electronic
29 deposits and payments related to the property sale.

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30 Section 2. Subsection (1) of section 45.035, Florida
31 Statutes, is amended to read:

32 45.035 Clerk's fees.--In addition to other fees or service
33 charges authorized by law, the clerk shall receive service
34 charges related to the judicial sales procedure set forth in ss.
35 45.031-45.034 and this section:

36 (1) The clerk shall receive a service charge of \$60 for
37 services in making, recording, and certifying the sale and title,
38 which service charge shall be assessed as costs and shall be
39 advanced by the plaintiff before the sale. However, if the sale
40 is to be conducted by electronic means as authorized in s.
41 45.031(10), the service charge shall be \$100.

42 Section 3. This act shall take effect July 1, 2008.