

By the Committee on Finance and Tax; and Senator Baker

593-05947-08

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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; providing exceptions; requiring
6 clerks to provide public access terminals for electronic
7 sales; authorizing clerks to receive electronic payments
8 and deposits related to electronic sales; amending s.
9 45.035, F.S.; providing a service charge to be received by
10 clerks for sales conducted by electronic means under a
11 specified provision; providing an exception to the fee for
12 moneys in the registry of the court; amending s. 197.542,
13 F.S.; providing for electronic tax deed sales; requiring
14 clerks to provide public access terminals for electronic
15 sales; authorizing clerks to receive electronic payments
16 and deposits related to electronic sales; providing an
17 effective date.

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

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

23 45.031 Judicial sales procedure.--In any sale of real or
24 personal property under an order or judgment, the procedures
25 provided in this section and ss. 45.0315-45.035 may be followed
26 as an alternative to any other sale procedure if so ordered by
27 the court.

28 (10) ELECTRONIC SALES.--The clerk may conduct the sale of
29 real or personal property under an order or judgment pursuant to

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30 this section by electronic means. Such electronic sales shall
31 comply with the procedures provided in this chapter, except that
32 electronic proxy bidding shall be allowed and the clerk may
33 require bidders to advance sufficient funds to pay the deposit
34 required by subsection (3). The clerk shall provide access to the
35 electronic sale by computer terminals that are open to the public
36 at a designated location, and shall accept an advance credit
37 proxy bid from the plaintiff of any amount up to the maximum
38 allowable credit bid of the plaintiff. A clerk who conducts such
39 electronic sales may receive electronic deposits and payments
40 related to the sale.

41 Section 2. Subsection (3) is added to section 45.035,
42 Florida Statutes, to read:

43 45.035 Clerk's fees.--In addition to other fees or service
44 charges authorized by law, the clerk shall receive service
45 charges related to the judicial sales procedure set forth in ss.
46 45.031-45.034 and this section:

47 (3) If the sale is conducted by electronic means as
48 provided in s. 45.031(10), the clerk shall receive an additional
49 service charge of \$40 for services in conducting or contracting
50 for the electronic sale, which service charge shall be assessed
51 as costs and shall be advanced by the plaintiff before the sale.
52 If the clerk requires advance electronic deposits to secure the
53 right to bid, such deposits are not subject to the fee under s.
54 28.24(10). The portion of an advance deposit from a winning
55 bidder required by s. 45.031(3) shall, upon acceptance of the
56 winning bid, be subject to the fee under s. 28.24(10).

57 Section 3. Subsection (4) is added to section 197.542,
58 Florida Statutes, to read:

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59 197.542 Sale at public auction.--

60 (4) Any clerk who conducts electronic foreclosure sales
61 pursuant to s. 43.031(10) may also conduct an electronic tax deed
62 sale in lieu of public outcry. The clerk must comply with the
63 procedures provided in this chapter, except that electronic proxy
64 bidding shall be allowed and the clerk may require bidders to
65 advance sufficient funds to pay the deposit required by
66 subsection (2). The clerk shall provide access to the electronic
67 sale by computer terminals open to the public at a designated
68 location. A clerk who conducts such electronic sales may receive
69 electronic deposits and payments related to the sale. The portion
70 of an advance deposit from a winning bidder required by s.
71 197.542(4) shall, upon acceptance of the winning bid, be subject
72 to the fee under s. 28.24(10).

73 Section 4. This act shall take effect July 1, 2008.