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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 that a
17 charter county is not restricted or limited from
18 conducting electronic tax deed sales; authorizing a
19 charter county to receive electronic deposits and payments
20 related to the sales such charter county conducts and
21 impose a fee on the winning bidder, if the clerk of the
22 circuit court does not conduct all electronic sales;
23 providing an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

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

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29 45.031 Judicial sales procedure.--In any sale of real or
30 personal property under an order or judgment, the procedures
31 provided in this section and ss. 45.0315-45.035 may be followed
32 as an alternative to any other sale procedure if so ordered by
33 the court.

34 (10) ELECTRONIC SALES.--The clerk may conduct the sale of
35 real or personal property under an order or judgment pursuant to
36 this section by electronic means. Such electronic sales shall
37 comply with the procedures provided in this chapter, except that
38 electronic proxy bidding shall be allowed and the clerk may
39 require bidders to advance sufficient funds to pay the deposit
40 required by subsection (3). The clerk shall provide access to the
41 electronic sale by computer terminals that are open to the public
42 at a designated location, and shall accept an advance credit
43 proxy bid from the plaintiff of any amount up to the maximum
44 allowable credit bid of the plaintiff. A clerk who conducts such
45 electronic sales may receive electronic deposits and payments
46 related to the sale.

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

49 45.035 Clerk's fees.--In addition to other fees or service
50 charges authorized by law, the clerk shall receive service
51 charges related to the judicial sales procedure set forth in ss.
52 45.031-45.034 and this section:

53 (3) If the sale is conducted by electronic means, as
54 provided in s. 45.031(10), the clerk shall receive a service
55 charge of \$60 as provided in subsection (1) for services in
56 conducting or contracting for the electronic sale, which service
57 charge shall be assessed as costs and shall be advanced by the

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58 plaintiff before the sale. If the clerk requires advance
59 electronic deposits to secure the right to bid, such deposits are
60 not subject to the fee under s. 28.24(10). The portion of an
61 advance deposit from a winning bidder required by s. 45.031(3)
62 shall, upon acceptance of the winning bid, be subject to the fee
63 under s. 28.24(10).

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

66 197.542 Sale at public auction.--

67 (4) A clerk may conduct an electronic tax deed sale in lieu
68 of public outcry. The clerk must comply with the procedures
69 provided in this chapter, except that electronic proxy bidding
70 shall be allowed and the clerk may require bidders to advance
71 sufficient funds to pay the deposit required by subsection (2).
72 The clerk shall provide access to the electronic sale by computer
73 terminals open to the public at a designated location. A clerk
74 who conducts such electronic sales may receive electronic
75 deposits and payments related to the sale. The portion of an
76 advance deposit required by subsection (2) from a winning bidder
77 shall, upon acceptance of the winning bid, be subject to the fee
78 under s. 28.24(10). This subsection does not restrict or limit a
79 charter county from conducting electronic tax deed sales. In a
80 charter county where the clerk of the circuit court does not
81 conduct all of its electronic sales, the charter county may
82 receive electronic deposits and payments related to any sales
83 such charter county conducts and to subject the winning bidder to
84 a fee consistent with the schedule in s. 28.24(10).

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