

1 A bill to be entitled

2 An act relating to judicial sales; amending s. 45.031,
3 F.S.; permitting certain sales to be conducted by
4 electronic means; requiring electronic sales to comply
5 with specified procedures; providing exceptions; requiring
6 clerks to provide public access terminals for electronic
7 sales; permitting 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; permitting 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
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
35 the electronic sale by computer terminals open to the public at
36 a designated location and shall accept an advance credit proxy
37 bid from the plaintiff of any amount up to the maximum allowable
38 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 shall not be subject to the fee
54 under s. 28.24(10). The portion of an advance deposit from a
55 winning bidder required by s. 45.031(3) shall, upon acceptance

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56 of the 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:

59 197.542 Sale at public auction.--

60 (4) Any clerk who conducts electronic foreclosure sales
61 pursuant to s. 45.031(10) may also conduct electronic tax deed
62 sales in lieu of public outcry. The clerk must comply with the
63 procedures provided in this chapter, except that electronic
64 proxy bidding shall be allowed and the clerk may require bidders
65 to 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
70 portion of an advance deposit from a winning bidder required by
71 subsection (2) shall, upon acceptance of the winning bid, be
72 subject to the fee under s. 28.24(10).

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