

ENROLLED

CS/HB 773, Engrossed 1

2008 Legislature

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
 17 provisions relating to electronic tax deed sales in
 18 charter counties; for providing an effective date.

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

21
 22 Section 1. Subsection (10) is added to section 45.031,
 23 Florida Statutes, to read:
 24 45.031 Judicial sales procedure.--In any sale of real or
 25 personal property under an order or judgment, the procedures
 26 provided in this section and ss. 45.0315-45.035 may be followed
 27 as an alternative to any other sale procedure if so ordered by
 28 the court.

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

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

44 45.035 Clerk's fees.--In addition to other fees or service
 45 charges authorized by law, the clerk shall receive service
 46 charges related to the judicial sales procedure set forth in ss.
 47 45.031-45.034 and this section:

48 (3) If the sale is conducted by electronic means, as
 49 provided in s. 45.031(10), the clerk shall receive a service
 50 charge of \$60 as provided in subsection (1) for services in
 51 conducting or contracting for the electronic sale, which service
 52 charge shall be assessed as costs and shall be advanced by the
 53 plaintiff before the sale. If the clerk requires advance
 54 electronic deposits to secure the right to bid, such deposits
 55 shall not be subject to the fee under s. 28.24(10). The portion
 56 of an advance deposit from a winning bidder required by s.

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57 45.031(3) shall, upon acceptance of the winning bid, be subject
 58 to the fee under s. 28.24(10).

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

61 197.542 Sale at public auction.--

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

74 (b) Nothing in this subsection shall be construed to
 75 restrict or limit the authority of a charter county from
 76 conducting electronic tax deed sales. In a charter county where
 77 the clerk of the circuit court does not conduct all electronic
 78 sales, the charter county shall be permitted to receive
 79 electronic deposits and payments related to sales it conducts,
 80 as well as to subject the winning bidder to a fee, consistent
 81 with the schedule in s. 28.24(10).

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