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LEGISLATIVE ACTION

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| Senate | . | House |
| Comm: TP | . | |
| 03/26/2025 | . | |
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| | . | |
| | . | |

The Appropriations Committee on Criminal and Civil Justice
(Garcia) recommended the following:

Senate Amendment (with title amendment)

Delete lines 65 - 585

and insert:

procedures under s. 45.0311 or s. 45.0312 ~~as an alternative to
any other sale procedure if so ordered by the court.~~

(1) FINAL JUDGMENT.—

(a) In the order or final judgment, the court shall direct
the clerk to sell the property at public sale on a specified day
that is no ~~shall be not~~ less than 45 ~~20~~ days or more than 60 ~~35~~



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11 days after the date thereof, on terms and conditions specified
12 in the order or judgment. A sale may be held more than 60 ~~35~~
13 days after the date of final judgment or order if the plaintiff
14 or plaintiff's attorney consents to such time. The final
15 judgment must ~~shall~~ contain the following statement in
16 conspicuous type:

17
18 IF THIS PROPERTY IS SOLD AT PUBLIC AUCTION, THERE MAY
19 BE ADDITIONAL MONEY FROM THE SALE AFTER PAYMENT OF
20 PERSONS WHO ARE ENTITLED TO BE PAID FROM THE SALE
21 PROCEEDS PURSUANT TO THIS FINAL JUDGMENT.

22
23 IF YOU ARE A SUBORDINATE LIENHOLDER CLAIMING A RIGHT
24 TO FUNDS REMAINING AFTER THE SALE, IF ANY, YOU MUST
25 FILE A CLAIM WITH THE CLERK NO LATER THAN THE DATE
26 THAT THE CLERK REPORTS THE FUNDS AS UNCLAIMED. IF YOU
27 FAIL TO FILE A TIMELY CLAIM, YOU WILL NOT BE ENTITLED
28 TO ANY REMAINING FUNDS.

29
30 (b) If the property being foreclosed on has qualified for
31 the homestead tax exemption in the most recent approved tax
32 roll, the final judgment must ~~shall~~ additionally contain the
33 following statement in conspicuous type:

34
35 IF YOU ARE THE PROPERTY OWNER, YOU MAY CLAIM THESE
36 FUNDS YOURSELF. YOU ARE NOT REQUIRED TO HAVE A LAWYER
37 OR ANY OTHER REPRESENTATION AND YOU DO NOT HAVE TO
38 ASSIGN YOUR RIGHTS TO ANYONE ELSE IN ORDER FOR YOU TO
39 CLAIM ANY MONEY TO WHICH YOU ARE ENTITLED. PLEASE



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40 CHECK WITH THE CLERK OF THE COURT, ... (INSERT
41 INFORMATION FOR APPLICABLE COURT)... WITHIN TEN (10)
42 DAYS AFTER THE SALE TO SEE IF THERE IS ADDITIONAL
43 MONEY FROM THE FORECLOSURE SALE THAT THE CLERK HAS IN
44 THE REGISTRY OF THE COURT.

45
46 IF YOU DECIDE TO SELL YOUR HOME OR HIRE SOMEONE TO
47 HELP YOU CLAIM THE ADDITIONAL MONEY, YOU SHOULD READ
48 VERY CAREFULLY ALL PAPERS YOU ARE REQUIRED TO SIGN,
49 ASK SOMEONE ELSE, PREFERABLY AN ATTORNEY WHO IS NOT
50 RELATED TO THE PERSON OFFERING TO HELP YOU, TO MAKE
51 SURE THAT YOU UNDERSTAND WHAT YOU ARE SIGNING AND THAT
52 YOU ARE NOT TRANSFERRING YOUR PROPERTY OR THE EQUITY
53 IN YOUR PROPERTY WITHOUT THE PROPER INFORMATION. IF
54 YOU CANNOT AFFORD TO PAY AN ATTORNEY, YOU MAY CONTACT
55 ... (INSERT LOCAL OR NEAREST LEGAL AID OFFICE AND
56 TELEPHONE NUMBER)... TO SEE IF YOU QUALIFY FINANCIALLY
57 FOR THEIR SERVICES. IF THEY CANNOT ASSIST YOU, THEY
58 MAY BE ABLE TO REFER YOU TO A LOCAL BAR REFERRAL
59 AGENCY OR SUGGEST OTHER OPTIONS. IF YOU CHOOSE TO
60 CONTACT ... (NAME OF LOCAL OR NEAREST LEGAL AID
61 OFFICE)... FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS
62 POSSIBLE AFTER RECEIPT OF THIS NOTICE.

63
64 (c) A copy of the final judgment must ~~shall~~ be furnished by
65 the clerk by first-class mail to the last known address of every
66 party to the action or to the attorney of record for such party.
67 Any irregularity in such mailing, including the failure to
68 include this statement in any final judgment or order, does



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69 ~~shall~~ not affect the validity or finality of the final judgment
70 or order or any sale held pursuant to the final judgment or
71 order. Any sale held more than 60 ~~35~~ days after the final
72 judgment or order does ~~shall~~ not affect the validity or finality
73 of the final judgment or order or any sale held pursuant to such
74 judgment or order.

75 (2) PUBLICATION OF SALE.—Notice of sale must ~~shall~~ be
76 published on a publicly accessible website as provided in s.
77 50.0311 for at least 2 consecutive weeks before the sale or once
78 a week for 2 consecutive weeks in a newspaper of general
79 circulation, as provided in chapter 50, published in the county
80 where the sale is to be held. The second publication by
81 newspaper must ~~shall~~ be at least 5 days before the sale. The
82 notice must ~~shall~~ contain:

83 (a) A description of the property to be sold.

84 (b) The time and place of sale.

85 (c) A statement that the sale will be made pursuant to the
86 order or final judgment.

87 (d) The caption of the action.

88 (e) The name of the clerk making the sale.

89 (f) A statement that any person claiming an interest in the
90 surplus from the sale, if any, other than the property owner as
91 of the date of the lis pendens must file a claim before the
92 clerk reports the surplus as unclaimed.

93
94 The court may, in its discretion, extend ~~may enlarge~~ the time of
95 the sale. Notice of the changed time of sale must ~~shall~~ be
96 published as provided herein.

97 (3) CONDUCT OF SALE; DEPOSIT REQUIRED.—The sale must ~~shall~~



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98 be conducted at public auction at the time and place set forth
99 in the final judgment. The clerk shall receive the service
100 charge imposed in s. 45.035 for services in making, recording,
101 and certifying the sale and title that must ~~shall~~ be assessed as
102 costs. At the time of the sale, the successful high bidder must
103 ~~shall~~ post with the clerk a deposit equal to 5 percent of the
104 final bid. The deposit must ~~shall~~ be applied to the sale price
105 at the time of payment. If final payment is not made within the
106 prescribed period, the clerk must ~~shall~~ readvertise the sale as
107 provided in this section and pay all costs of the sale from the
108 deposit. Any remaining funds must ~~shall~~ be applied toward the
109 judgment.

110 (4) CERTIFICATION OF SALE.—After a sale of the property,
111 the clerk shall promptly file a certificate of sale and serve a
112 copy of it on each party in substantially the following form:

113

114 (Caption of Action)

115

116

CERTIFICATE OF SALE

117

118 The undersigned clerk of the court certifies that notice of
119 public sale of the property described in the order or final
120 judgment was published in, a newspaper circulated in
121 County, Florida, in the manner shown by the proof of publication
122 attached, and on, ... (year) ..., the property was offered
123 for public sale to the highest and best bidder for cash. The
124 highest and best bid received for the property in the amount of
125 \$.... was submitted by, to whom the property was sold. The
126 proceeds of the sale are retained for distribution in accordance



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127 with the order or final judgment or law, including ss. 45.0315-
128 45.035, Florida Statutes, relating to any surplus. WITNESS my
129 hand and the seal of this court on, ...(year)....

130 ... (Clerk)...

131 By ... (Deputy Clerk)...

132

133 (5) CERTIFICATE OF TITLE.—If no objections to the sale are
134 filed within 10 days after filing the certificate of sale, the
135 clerk must ~~shall~~ file a certificate of title and serve a copy of
136 it on each party in substantially the following form:

137

138 (Caption of Action)

139

140 CERTIFICATE OF TITLE

141

142 The undersigned clerk of the court certifies that he or she
143 executed and filed a certificate of sale in this action on,
144 ...(year)..., for the property described herein and that no
145 objections to the sale have been filed within the time allowed
146 for filing objections.

147 The following property in County, Florida:

148 (description)

149 was sold to

150

151 WITNESS my hand and the seal of the court on, ...(year)....

152 ... (Clerk)...

153 By ... (Deputy Clerk)...

154

155 (6) CONFIRMATION; RECORDING.—When the certificate of title



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156 is filed the sale stands ~~shall stand~~ confirmed, and title to the
157 property passes ~~shall pass~~ to the purchaser named in the
158 certificate without the necessity of any further proceedings or
159 instruments. The certificate of title must ~~shall~~ be recorded by
160 the clerk.

161 (7) DISBURSEMENTS OF PROCEEDS.—

162 (a) On filing a certificate of title, the clerk shall
163 disburse the proceeds of the sale in accordance with the order
164 or final judgment and shall file a report of such disbursements
165 and serve a copy of it on each party, and on the Department of
166 Revenue if the department was named as a defendant in the action
167 or if the Department of Commerce or the former Agency for
168 Workforce Innovation was named as a defendant while the
169 Department of Revenue was providing reemployment assistance tax
170 collection services under contract with the Department of
171 Commerce or the former Agency for Workforce Innovation through
172 an interagency agreement pursuant to s. 443.1316.

173 (b) The certificate of disbursements must ~~shall~~ be in
174 substantially the following form:

175

176 (Caption of Action)

177

178 CERTIFICATE OF DISBURSEMENTS

179

180 The undersigned clerk of the court certifies that he or she
181 disbursed the proceeds received from the sale of the property as
182 provided in the order or final judgment to the persons and in
183 the amounts as follows:

184 Name Amount



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Total disbursements: \$....

Surplus retained by clerk, if any: \$....

IF YOU ARE A PERSON CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER THAN THE DATE THAT THE CLERK REPORTS THE FUNDS AS UNCLAIMED. IF YOU FAIL TO FILE A CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS. AFTER THE FUNDS ARE REPORTED AS UNCLAIMED, ONLY THE OWNER OF RECORD AS OF THE DATE OF THE LIS PENDENS MAY CLAIM THE SURPLUS.

WITNESS my hand and the seal of the court on, ...(year)....
... (Clerk)...
By ... (Deputy Clerk)...

(c) If no objections to the report are filed ~~served~~ within 10 days after the report ~~it~~ is filed, the disbursements by the clerk ~~shall~~ stand approved as reported. If timely objections to the report are filed, the party who filed such objections must ~~served, they shall~~ be heard by the court. Filing or service of objections to the report does not affect or cloud the title of the purchaser of the property in any manner.

(d) If any ~~there are~~ funds remain ~~remaining~~ after payment of all disbursements required by the order or final judgment ~~of foreclosure~~ and shown on the certificate of disbursements, the surplus must ~~shall~~ be distributed as provided in this section and ss. 45.0315-45.035.

(8) VALUE OF PROPERTY.—The amount of the bid for the



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214 property at the sale is ~~shall be~~ conclusively presumed to be
215 sufficient consideration for the sale. Any party may file ~~serve~~
216 an objection to the amount of the bid within 10 days after the
217 clerk files the certificate of sale. If timely objections to the
218 bid are filed, the party who filed such objections must ~~served,~~
219 ~~the objections shall~~ be heard by the court. Filing or service of
220 objections to the amount of the bid does not affect or cloud the
221 title of the purchaser in any manner. If the case is one in
222 which a deficiency judgment may be sought and application is
223 made for a deficiency, the amount bid at the sale may be
224 considered by the court as one of the factors in determining a
225 deficiency under the usual equitable principles.

226 (9) EXECUTION SALES.—This section does ~~shall~~ not apply to
227 property sold under executions.

228 (10) ELECTRONIC SALES.—The clerk may conduct the sale of
229 real or personal property under an order or judgment pursuant to
230 this section by electronic means. Such electronic sales must
231 ~~shall~~ comply with the procedures provided in this chapter,
232 except that electronic proxy bidding must ~~shall~~ be allowed, and
233 the clerk may require bidders to advance sufficient funds to pay
234 the deposit required by subsection (3). The clerk shall provide
235 access to the electronic sale by computer terminals open to the
236 public at a designated location and shall accept an advance
237 credit proxy bid from the plaintiff of any amount up to the
238 maximum allowable credit bid of the plaintiff. A clerk who
239 conducts such electronic sales may receive electronic deposits
240 and payments related to the sale.

241 Section 2. Section 45.0311, Florida Statutes, is created to
242 read:



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243 45.0311 Alternative judicial sales procedures.-

244 (1) SHORT TITLE.-The section may be cited as the
245 "Transparency in Alternative Judicial Sales Procedures Act."

246 (2) PURPOSE.-The purpose of this section is to recognize
247 that:

248 (a) Alternatives to the judicial sales procedures under s.
249 45.031 are beneficial in certain proceedings, due to the nature
250 of the real or personal property to be sold under an order or a
251 judgment, to maximize the potential sales proceeds, including
252 the net proceeds thereof, for the benefit of all parties,
253 including the property owner.

254 (b) Transparency is necessary for all alternative
255 procedures to prevent overreach by any party, avoid fraud, and
256 maximize the sales price while minimizing expenses and delays.

257 (c) Persons facilitating alternative sales and handling
258 deposits and sales proceeds, including surplus proceeds, must be
259 qualified, independent, and not related to any party or the
260 attorneys for a party and must be subject to the provisions of
261 this section and the jurisdiction of the court.

262 (3) REQUEST FOR ALTERNATIVE JUDICIAL SALES PROCEDURES.-Any
263 party, including the property owner, may file a motion for the
264 use of alternative sales procedures in the court where the
265 action is pending. The motion must contain, at a minimum, all of
266 the following:

267 (a) A description of the property to be sold.

268 (b) A short narrative addressing the rationale for the
269 court to authorize alternative sales procedures for the sale of
270 real or personal property and the manner in which such
271 alternative sales procedures would maximize the sales price,



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272 including the net proceeds of the sale.

273 (c) The requested sales procedures, including the manner,
274 date, time, place, method of sale, advertising, and manner of
275 publication.

276 (d) An express statement of whether the sale will be
277 conducted by the clerk of the circuit court or another person.

278 (e) An express statement of whether bids, deposits, and
279 sales proceeds will be received and handled by the clerk of the
280 circuit court or another person.

281 (f) For all persons to be employed under s. 43.0312 to
282 conduct an aspect of the sale or to handle deposits or sales
283 proceeds, including any surplus proceeds, the declaration
284 required by s. 45.0312 for such person addressing his or her
285 qualifications. This declaration may be attached to the motion.

286 (g) If the movant is not the property owner, a separate
287 written joinder or the consent from the property owner, either
288 of which must be contemporaneous to and must reference this
289 motion.

290 (h) In the body of the motion or as an attachment thereto,
291 a proposed notice for publication of the sale and bidding
292 procedures for the sale.

293 (4) MINIMUM REQUIREMENTS FOR ALTERNATIVE SALES.—An
294 alternative sales procedure must meet all of the following
295 minimum requirements:

296 (a) A hearing must be held in response to a motion filed
297 under subsection (3), and the hearing date must be at least 20
298 days after the date the motion is filed.

299 (b) The property owner must be joined, or have consented
300 to, the motion under subsection (3) at the time of filing or by



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301 the end of the hearing required under paragraph (a).

302 (c) There may be only one set of bidding procedures. Each
303 bidder must follow the same procedures and receive the same
304 information relating to the sale of the real or personal
305 property. Preferences or advantages may not be given to any
306 party, person, or bidder.

307 (d) Publication of the notice of sale must meet or exceed
308 the requirements of s. 45.031(2) and include the requirements of
309 the sale and the requirements of this subsection.

310 (e) Credit bid rights are limited to the amount owed to the
311 creditor or lienholder as provided in the order or final
312 judgment that determined such amount. Any overbid amount must be
313 paid in cash.

314 (f) As a prerequisite to bidding, a deposit of 5 percent of
315 a bidder's presale high bid amount must be posted in cash, by
316 wire transfer, or by cashier's check, and a process must be in
317 place for returning such funds to a bidder that is not the
318 winning bidder.

319 (g) The highest cash bidder must win the bid.

320 (h) The winning bidder must post a deposit of 5 percent of
321 the winning bid before 5 p.m. of the day after the auction sale,
322 and such deposit is forfeited if the bidder fails to make the
323 final payment by the required closing date.

324 (i) The date to close and consummate the sale must be
325 within 30 days after the date of the sale auction, and the
326 winning bidder forfeits his or her bid if the final payment is
327 not made by such date.

328 (j) The sale must be held at least 45 days after the entry
329 of the court's order authorizing an alternative sales procedure



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330 under this section.

331 (k) The place of sale must be the county where the action
332 is pending, unless the filing party and property owner consent
333 in writing to a specific location outside of the county. At the
334 time of sale, the place of sale must include Internet access and
335 be open and freely accessible to the public without any
336 restriction.

337 (l) The bid instructions must specify whether backup
338 bidders are authorized and the terms and conditions for such
339 bidders.

340 (m) The winning bidder must pay all fees of the clerk of
341 the court, including registry fees that may not be waived by the
342 court, on the high bid amount, as prescribed by ss. 28.24(11)
343 and 45.035(1).

344
345 The requirements of this subsection may not be waived.

346 (5) POSSESSION OF DEPOSITS AND PAYMENTS.-

347 (a) If the bidder's deposit, the bid amount, or any other
348 funds paid by a bidder or a party are not held by the clerk of
349 the court, the funds or cashier's check must be held in an
350 escrow or trust account by a person appointed by the court
351 pursuant to s. 45.0312.

352 (b) For all deposits and sales held by a clerk, the funds
353 are subject to the service charge in s. 28.24 and may not be
354 waived by the court.

355 (6) CERTIFICATION OF SALE.-After a sale of a property
356 pursuant to this section, the person who conducted the sale, or
357 the person's attorney, shall promptly file a certificate of sale
358 and serve a copy on each party in substantially the following



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359 form:

360

361 (Caption of Action)

362

363 CERTIFICATE OF JUDICIAL SALE

364

365 The undersigned clerk of the court certifies that notice of
366 public sale of the property described in the order and the
367 approved sale notice were published by(include all
368 locations of publication)...., in the manner shown by attached,
369 and on, ...(year)..., the property was offered for public
370 sale to the highest and best bidder for cash. The highest and
371 best bid received for the property in the amount of \$.... was
372 submitted by, to whom the property was sold, and such
373 bidder paid \$.... as of this date(insert deadline to close
374 sale).... . The proceeds of the sale are retained for
375 distribution in accordance with the order or final judgment or
376 ss. 45.0311 and 45.0315-45.035, Florida Statutes. WITNESS my
377 hand and the seal of this court on, ...(year)....

378

...(...)

379

By ...(...)

380

381 (7) OBJECTIONS TO SALE.-Objections to the sale must be
382 filed within 10 days after filing the certificate of judicial
383 sale. If timely objections to the certificate of judicial sale
384 are filed, the party who filed such objections must be heard by
385 the court.

386

387 (8) CERTIFICATE OF RECEIPT OF SALE PROCEEDS.-If the sale is
conducted by a person other than the clerk, such person must



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388 file a certificate of receipt of sales proceeds at the same time
389 the certificate of judicial sale is filed and must file
390 additional certificates of receipt of sales proceeds within 1
391 business day after the receipt of additional sums from the high
392 bidder or backup bidder.

393 (9) BACKUP BIDDER.—If the high bidder fails to make the
394 final payment by the required sale closing date, the deposit is
395 forfeited and must first be used to pay all costs of the sale,
396 after which any remaining sums must be applied toward the
397 judgment. In such a circumstance, the person conducting the sale
398 shall notify the backup bidder that he or she must timely make
399 payment by the deadline for backup bidders and file a
400 certificate of forfeiture and an amended certificate of sale
401 identifying the backup bidder as the winning bidder and the sale
402 price and details applicable to such bidder.

403 (10) CERTIFICATE OF TITLE.—If no objections to the sale are
404 timely filed or the court has not entered an order overruling
405 any objection to the sale, and if the purchase price and clerk
406 fees have been paid, the person conducting the sale must file a
407 notice that confirms that the sale is consummated, names the
408 bidder purchasing the property, and states that a certificate of
409 title is ready to be issued by the clerk of the circuit court.
410 After filing such notice, or, for sales conducted by the clerk
411 of the court, after receipt of the purchase price and clerk
412 fees, the clerk shall file a certificate of title and serve a
413 copy of such title on each party in substantially the following
414 form:

415
416 (Caption of Action)



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CERTIFICATE OF TITLE

The undersigned clerk of the court certifies that in accordance with the certificate of sale and consummation of sale filed in this action on, ... (year)...., for:

The following property in County, Florida:

(description)

was sold to, and that no objections to the sale have been filed within the time allowed for filing objections or have been determined.

WITNESS my hand and the seal of the court on, ... (year)....

... (Clerk)...

By ... (Deputy Clerk)...

(11) CONFIRMATION; RECORDING.—When the certificate of title is filed, the sale stands confirmed and the title to the property passes to the purchaser named in such certificate without the need of any other proceeding or instrument. The clerk of the circuit court shall record the certificate of title.

(12) DISBURSEMENT OF PROCEEDS.—If the sale is conducted by a person other than the clerk of the circuit court, such person is authorized to disburse the sale proceeds as expressly authorized by the court order, but any surplus funds must be deposited with the clerk of the court together with court fees under ss. 28.24 and 45.031(1). For sales conducted by the clerk, s. 45.031(7) governs.



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446 (13) SURPLUS FUNDS.—The requirements related to
447 distribution of surplus funds by the clerk as provided in ss.
448 45.031(1), 45.032, 45.033, and 45.035(2) apply and may not be
449 waived by a court.

450 (14) VALUE OF PROPERTY.—Section 45.031(8) applies to sales
451 conducted under this section.

452 (15) REDEMPTION OF RIGHTS.—Section 45.0315 applies to sales
453 conducted under this section.

454 Section 3. Section 45.0312, Florida Statutes, is created to
455 read:

456 45.0312 Appointment of auctioneers and escrow agents for
457 alternative judicial sales.—

458 (1) AUCTIONEERS AND SALE PROFESSIONALS.—Subject to court
459 approval, after a motion and a hearing held no later than 20
460 days after notice for such hearing, a person may serve as an
461 auctioneer, or in another professional role necessary to the
462 alternative sales procedure authorized by the court under s.
463 45.0311, only if such person:

464 (a) Is an auctioneer licensed under part VI of chapter 468,
465 a real estate broker licensed under chapter 475 and in good
466 standing for the preceding 5 years, an attorney who is a member
467 in good standing with The Florida Bar and has been practicing
468 for at least 5 years, or a title insurer authorized to transact
469 business in this state pursuant to s. 624.401 and in good
470 standing for the preceding 5 years;

471 (b) Is insured individually or under an entity policy for
472 errors and omissions with a minimum of \$250,000 per incident and
473 a deductible of no more than \$10,000, or a fidelity bond of no
474 less than \$50,000 or such higher coverage or bond amounts as the



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475 court may require;

476 (c) Declares in writing under penalty of perjury that he or
477 she is eligible under this subsection and independent as
478 required by subsection (3); and

479 (d) Has such additional qualifications as the court
480 requires.

481 (2) ESCROW AGENTS.—Subject to court approval, after a
482 motion and a hearing held no less than 20 days after notice for
483 such hearing, a person may serve as an escrow agent for the
484 handling of deposits and sales proceeds necessary to the
485 alternative sales procedures authorized by the court under s.
486 45.0311 only if such person:

487 (a) Is a qualified public depository as defined in s.
488 280.02;

489 (b) Is a title insurance agent licensed pursuant to s.
490 626.8417, a title insurance agency licensed pursuant to s.
491 626.8418, or a title insurer authorized to transact business in
492 this state pursuant to s. 624.401; has been in good standing for
493 the preceding 5 years; and such person's trust and escrow
494 accounts are maintained with a qualified public depository as
495 defined in s. 280.02;

496 (c) Is an attorney who is a member in good standing of The
497 Florida Bar who has been practicing law for at least 5 years;
498 such person's trust account is maintained with a qualified
499 public depository as defined in s. 280.02; and such person is
500 insured individually or under an entity policy for errors and
501 omissions with a minimum of \$250,000 per incident and a
502 deductible of no more than \$10,000 or a fidelity bond of no less
503 than \$50,000, or such higher coverage or bond amounts as the



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504 court may require; and

505 (d) Declares in writing under penalty of perjury that such
506 person is eligible under this subsection and independent as
507 required by subsection (3).

508 (3) INDEPENDENCE.-

509 (a) As used in this subsection, the term "relative" means
510 an individual who is related to another as father, mother, son,
511 daughter, brother, sister, uncle, aunt, first cousin, nephew,
512 niece, husband, wife, father-in-law, mother-in-law, son-in-law,
513 daughter-in-law, brother-in-law, sister-in-law, stepfather,
514 stepmother, stepson, stepdaughter, stepbrother, stepsister, half
515 brother, or half sister.

516 (b) To be independent for the purposes of this section, a
517 person may not:

518 1. Be a party to the action, an attorney representing a
519 party in the action, or an employee of a party or the attorney
520 of a party in the action.

521 2. Be a relative of a party to the action, or an employee,
522 an officer, a director, an affiliate, or a subsidiary thereof;
523 or an attorney representing a party in the action, or a
524 relative, an employee, an officer, a director, or an affiliate
525 or an associate thereof.

526 3. Have any financial relationship to the action, to the
527 real or personal property being sold, or to a party or attorney
528 described in subparagraph 1. or a relative as described in
529 subparagraph 2., other than the payment of the fees authorized
530 by

531
532 ===== T I T L E A M E N D M E N T =====



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533 And the title is amended as follows:

534 Delete lines 9 - 13

535 and insert:

536 sale; increasing the timeframe after the date of final
537 judgment or order under a specified condition;
538 revising the certificate of sale the clerk must file
539 after a sale of a property; specifying that if
540 objections are not filed within a specified timeframe
541 after a certain report is filed, disbursements stand
542 as reported; requiring that a hearing be held if
543 specified objections are timely filed; providing that
544 if any funds remain after payment of all disbursements
545 required by order or final judgment of the court and
546 shown on the certificate of disbursements, the surplus
547 must be distributed in a specified manner; creating s.
548 45.0311, F.S.; providing a short