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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/11/2025	.	
	.	
	.	
	.	

The Committee on Judiciary (Garcia) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 45.031, Florida Statutes, is amended to
read:

45.031 Judicial sales procedure.—In any sale of real or
personal property under an order or a judgment, the procedures
provided in this section and ss. 45.0315-45.035 must ~~may~~ be
followed unless the court orders the use of alternate sales
procedures under s. 45.0311 or s. 45.03112 ~~as an alternative to~~



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12 ~~any other sale procedure if so ordered by the court.~~

13 (1) FINAL JUDGMENT.—

14 (a) In the order or final judgment, the court shall direct
15 the clerk to sell the property at public sale on a specified day
16 that ~~is no shall be not~~ less than 45 ~~20~~ days or more than 60 ~~35~~
17 days after the date thereof, on terms and conditions specified
18 in the order or judgment. A sale may be held more than 35 days
19 after the date of final judgment or order if the plaintiff or
20 plaintiff's attorney consents to such time. The final judgment
21 must ~~shall~~ contain the following statement in conspicuous type:

22

23 IF THIS PROPERTY IS SOLD AT PUBLIC AUCTION, THERE MAY
24 BE ADDITIONAL MONEY FROM THE SALE AFTER PAYMENT OF
25 PERSONS WHO ARE ENTITLED TO BE PAID FROM THE SALE
26 PROCEEDS PURSUANT TO THIS FINAL JUDGMENT.

27

28 IF YOU ARE A SUBORDINATE LIENHOLDER CLAIMING A RIGHT
29 TO FUNDS REMAINING AFTER THE SALE, IF ANY, YOU MUST
30 FILE A CLAIM WITH THE CLERK NO LATER THAN THE DATE
31 THAT THE CLERK REPORTS THE FUNDS AS UNCLAIMED. IF YOU
32 FAIL TO FILE A TIMELY CLAIM, YOU WILL NOT BE ENTITLED
33 TO ANY REMAINING FUNDS.

34

35 (b) If the property being foreclosed on has qualified for
36 the homestead tax exemption in the most recent approved tax
37 roll, the final judgment must ~~shall~~ additionally contain the
38 following statement in conspicuous type:

39

40 IF YOU ARE THE PROPERTY OWNER, YOU MAY CLAIM THESE



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41 FUNDS YOURSELF. YOU ARE NOT REQUIRED TO HAVE A LAWYER
42 OR ANY OTHER REPRESENTATION AND YOU DO NOT HAVE TO
43 ASSIGN YOUR RIGHTS TO ANYONE ELSE IN ORDER FOR YOU TO
44 CLAIM ANY MONEY TO WHICH YOU ARE ENTITLED. PLEASE
45 CHECK WITH THE CLERK OF THE COURT, ... (INSERT
46 INFORMATION FOR APPLICABLE COURT)... WITHIN TEN (10)
47 DAYS AFTER THE SALE TO SEE IF THERE IS ADDITIONAL
48 MONEY FROM THE FORECLOSURE SALE THAT THE CLERK HAS IN
49 THE REGISTRY OF THE COURT.

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

68
69 (c) A copy of the final judgment must ~~shall~~ be furnished by



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70 the clerk by first-class mail to the last known address of every
71 party to the action or to the attorney of record for such party.
72 Any irregularity in such mailing, including the failure to
73 include this statement in any final judgment or order, does
74 ~~shall~~ not affect the validity or finality of the final judgment
75 or order or any sale held pursuant to the final judgment or
76 order. Any sale held more than 60 ~~35~~ days after the final
77 judgment or order does ~~shall~~ not affect the validity or finality
78 of the final judgment or order or any sale held pursuant to such
79 judgment or order.

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

- 88 (a) A description of the property to be sold.
- 89 (b) The time and place of sale.
- 90 (c) A statement that the sale will be made pursuant to the
91 order or final judgment.
- 92 (d) The caption of the action.
- 93 (e) The name of the clerk making the sale.
- 94 (f) A statement that any person claiming an interest in the
95 surplus from the sale, if any, other than the property owner as
96 of the date of the lis pendens must file a claim before the
97 clerk reports the surplus as unclaimed.

98



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99 The court may, in its discretion, extend ~~may enlarge~~ the time of
100 the sale. Notice of the changed time of sale must ~~shall~~ be
101 published as provided herein.

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

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

118
119 (Caption of Action)

120
121 CERTIFICATE OF SALE

122
123 The undersigned clerk of the court certifies that notice of
124 public sale of the property described in the order or final
125 judgment was published in, a newspaper circulated in
126 County, Florida, in the manner shown by the proof of publication
127 attached, and on, ...(year)..., the property was offered



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128 for public sale to the highest and best bidder for cash. The
129 highest and best bid received for the property in the amount of
130 \$.... was submitted by, to whom the property was sold. The
131 proceeds of the sale are retained for distribution in accordance
132 with the order or final judgment or law. WITNESS my hand and the
133 seal of this court on, ...(year)....

134 ... (Clerk) ...
135 By ... (Deputy Clerk) ...
136

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

141
142 (Caption of Action)

143
144 CERTIFICATE OF TITLE

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

151 The following property in County, Florida:

152 (description)
153 was sold to

154
155 WITNESS my hand and the seal of the court on, ...(year)....
156 ... (Clerk) ...



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157 By ... (Deputy Clerk) ...

158

159 (6) CONFIRMATION; RECORDING.—When the certificate of title
160 is filed the sale stands ~~shall stand~~ confirmed, and title to the
161 property passes ~~shall pass~~ to the purchaser named in the
162 certificate without the necessity of any further proceedings or
163 instruments. The certificate of title must ~~shall~~ be recorded by
164 the clerk.

165 (7) DISBURSEMENTS OF PROCEEDS.—

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

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

179

180 (Caption of Action)

181

182 CERTIFICATE OF DISBURSEMENTS

183

184 The undersigned clerk of the court certifies that he or she
185 disbursed the proceeds received from the sale of the property as



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186 provided in the order or final judgment to the persons and in
187 the amounts as follows:

188 Name Amount

189

190 Total disbursements: \$....

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

192

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

200

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

202 ... (Clerk)...

203 By ... (Deputy Clerk)...

204

205 (c) If no objections to the report are filed ~~serve~~ within
206 10 days after the report ~~it~~ is filed, the disbursements by the
207 clerk ~~shall~~ stand approved as reported. If timely objections to
208 the report are filed, the party who filed such objections must
209 ~~serve, they shall~~ be heard by the court. Filing or service of
210 objections to the report does not affect or cloud the title of
211 the purchaser of the property in any manner.

212 (d) If any ~~there are~~ funds remain ~~remaining~~ after payment
213 of all disbursements required by the final judgment of
214 foreclosure and shown on the certificate of disbursements, the



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215 surplus must ~~shall~~ be distributed as provided in this section
216 and ss. 45.0315-45.035.

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

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

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



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244 and payments related to the sale.

245 Section 2. Section 45.0311, Florida Statutes, is created to
246 read:

247 45.0311 Alternative judicial sales procedures.-

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

250 (2) PURPOSE.-The purpose of this section is to:

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

257 (b) Recognize that transparency is necessary for all
258 alternative procedures to prevent overreach by any party, avoid
259 fraud, and maximize the sales price while minimizing expenses
260 and delays.

261 (c) Recognize that persons facilitating alternative sales
262 and handling deposits and sales proceeds, including surplus
263 proceeds, must be qualified, independent, and not related to any
264 party or the attorneys for a party and must be subject to the
265 provisions of this section and the jurisdiction of the court.

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

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

272 (b) A short narrative addressing why the court should



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273 authorize alternative sales procedures for the sale of real or
274 personal property and how such alternative sales procedures
275 would maximize the sales price, including the net proceeds of
276 the sale.

277 (c) The requested sales procedures, including the manner,
278 date, time, place, method of sale, advertising, and manner of
279 publication.

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

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

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

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

293 (h) In the body or as an attachment thereto, a proposed
294 notice for publication of the sale and bidding procedures for
295 the sale.

296 (4) MINIMUM REQUIREMENTS FOR ALTERNATIVE SALES.—An
297 alternative sales procedure must meet all of the following
298 minimum requirements:

299 (a) A hearing must be held in response to a motion filed
300 under subsection (3) and the hearing date must be at least 20
301 days after the date the motion is filed.



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302 (b) The property owner must be joined or have consented to
303 the motion under subsection (3) at the time of filing or by the
304 end of the hearing required under paragraph (a).

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

310 (d) Publication of the notice of sale must meet or exceed
311 the requirements of s. 45.031(2) and include the requirements of
312 the sale and the requirements of this subsection.

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

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

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

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

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



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331 (j) The sale must be held at least 45 days after the entry
332 of the court's order authorizing an alternative sales procedure
333 under this section.

334 (k) The place of sale must be the county where the action
335 is pending, unless the filing party and property owner consent
336 in writing to a specific location outside of the county which is
337 open and freely available to the public, without any
338 restriction, at the time of the sale and which includes Internet
339 access.

340 (l) The bid instructions must specify whether backup
341 bidders are authorized and the terms and conditions for such
342 bidders.

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

347
348 The requirements of this subsection may not be waived.

349 (5) POSSESSION OF DEPOSITS AND PAYMENTS.—

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

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

358 (6) CERTIFICATION OF SALE.—After a sale of a property
359 pursuant to this section, the person who conducted the sale, or



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360 its attorney, must promptly file a certificate of sale and serve
361 a copy on each party in substantially the following form:

362

363 (Caption of Action)

364

365 CERTIFICATE OF JUDICIAL SALE

366

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

380 ... (...)

381 By ... (...)

382

383 (7) OBJECTIONS TO SALE.—Objections to the sale must be
384 filed within 10 days after filing the certificate of judicial
385 sale. If timely objections to the certificate of judicial sale
386 are filed, the court must hear from the party who filed such
387 objections.

388 (8) CERTIFICATE OF RECEIPT OF SALE PROCEEDS.—If the sale is



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389 conducted by a person other than the clerk, such person must
390 file a certificate of receipt of sales proceeds at the same time
391 the certificate of judicial sale is filed and must file
392 additional certificates of receipt of sales proceeds within 1
393 business day after the receipt of additional sums from the high
394 bidder or backup bidder.

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

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

417



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418 (Caption of Action)

419

420 CERTIFICATE OF TITLE

421

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

425 The following property in County, Florida:

426 (description)

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

430

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

432 ...(Clerk)...

433 By ...(Deputy Clerk)...

434

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

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



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447 s. 45.031(7) governs.

448 (13) SURPLUS FUNDS.—The requirements related to
449 distribution of surplus funds by the clerk as provided in ss.
450 45.031(1), 45.032, 45.033, and 45.035(2) apply and may not be
451 waived by a court.

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

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

456 Section 3. Section 45.0312, Florida Statutes, is created to
457 read:

458 45.0312 Appointment of auctioneers and escrow agents for
459 alternative judicial sales.—

460 (1) AUCTIONEERS AND SALE PROFESSIONALS.—Subject to court
461 approval, after a motion and a hearing held no later than 20
462 days after notice for such hearing, a person may serve as an
463 auctioneer, or in another professional role necessary to the
464 alternative sales procedure authorized by the court under s.
465 45.0311, only if such person:

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

473 (b) Is insured individually or under an entity policy for
474 errors and omissions with a minimum of \$250,000 per incident and
475 a deductible of no more than \$10,000, or a fidelity bond of no



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476 less than \$50,000 or such higher coverage or bond amounts as the
477 court may require;

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

481 (d) Has such additional qualifications as the court
482 requires.

483 (2) ESCROW AGENTS.—Subject to court approval, after a
484 motion and a hearing held no less than 20 days after notice for
485 such hearing, a person may serve as an escrow agent for the
486 handling of deposits and sales proceeds necessary to the
487 alternative sales procedures authorized by the court under s.
488 45.0311 only if such person:

489 (a) Is a qualified public depository as defined in s.
490 280.02;

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

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



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505 than \$50,000, or such higher coverage or bond amounts as the
506 court may require; and

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

510 (3) INDEPENDENCE.—

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

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

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

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

528 3. Have any financial relationship to the action, to the
529 real or personal property being sold, or to a party or attorney
530 described in paragraph (a) or a relative as described in
531 paragraph (b), other than the payment of the fees authorized by
532 court order.

533 (4) ACTIONS FOR FAILURE TO FOLLOW COURT ORDER AND



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534 ALTERNATIVE SALES PROCEDURES.—

535 (a) An action for actual damages for a material violation
536 of this section may be brought by the property owner or any
537 party to the action for the failure of a person approved by the
538 court under this section to follow the alternative judicial
539 sales procedures in s. 45.0311 or this section, or court orders
540 entered pursuant to s. 45.0311 or this section.

541 (b) Notwithstanding any other law, a person approved by the
542 court under this section who intentionally violates s. 45.0311,
543 this section, or any court order entered under s. 45.0311 or
544 this section commits a felony of the third degree, punishable as
545 provided in s. 775.082, s. 775.083, or s. 775.084.

546 Section 4. This act shall take effect July 1, 2025.

547
548 ===== T I T L E A M E N D M E N T =====

549 And the title is amended as follows:

550 Delete everything before the enacting clause
551 and insert:

552 A bill to be entitled
553 An act relating to alternative judicial procedures;
554 amending s. 45.031, F.S.; requiring, rather than
555 authorizing, that specified sales procedures be
556 followed for certain sales of real or personal
557 property unless a court orders the use of other sales
558 procedures; revising the timeframe during which the
559 court directs the clerk to sell property at a public
560 sale; specifying that if objections are not filed
561 within a specified timeframe after a certain report is
562 filed, disbursements stand as reported; requiring that



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563 a hearing be held if specified objections are timely
564 filed; creating s. 45.0311, F.S.; providing a short
565 title; providing legislative purpose; requiring
566 parties that want to use an alternative sales
567 procedure to file a motion with the court where the
568 action is pending; providing requirements for such
569 motion; requiring that alternative sales procedures
570 meet specified minimum requirements; requiring that
571 certain funds be placed in an escrow or trust account
572 if not held by the clerk of the court; specifying that
573 such funds, if held by the clerk, are subject to a
574 certain service charge and may not be waived by a
575 court; requiring that the person who conducts the sale
576 promptly file a certain certificate of sale and serve
577 a copy of such certificate on all parties involved;
578 requiring that objections to the sale be filed within
579 a specified timeframe; requiring a court to hold a
580 hearing on such objections; requiring the filing of a
581 additional certificates within certain timeframes in
582 specified circumstances; providing the procedures for
583 selecting a backup bidder if the original winning
584 bidder fails to make the final payment before the sale
585 closing date; requiring the person conducting the sale
586 to file a certain notice; requiring the clerk to file
587 such certificate of title and serve copies to all
588 parties involved; providing that when certificates of
589 title are filed, the sale stands confirmed and title
590 passes to the purchaser without additional proceedings
591 or instruments; requiring the clerk to record the



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592 certificate of title; providing that certain persons
593 are authorized to disburse sale proceeds as authorized
594 by a court order, but surplus funds must be deposited
595 with the clerk together with court fees; providing
596 applicability; creating s. 45.0312, F.S.; authorizing
597 persons to serve as auctioneers or in other roles,
598 under specified conditions; providing qualifications
599 for such persons; authorizing persons to serve as
600 escrow agents under specified conditions; providing
601 qualifications for such person; defining the term
602 "relative"; specifying what constitutes independence;
603 authorizing civil actions under specified conditions;
604 providing criminal penalties for persons who
605 intentionally violate specified provisions or certain
606 court orders; providing an effective date.