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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
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 everything after the enacting clause
and insert:

Section 1. Section 45.0311, Florida Statutes, is created to
read:

45.0311 Mandatory requirements for judicial sales.-

(1) The court may not approve a request from a party to
substantially deviate from the judicial sales procedures of s.
45.031, except as provided in this section.



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11 (2) The Legislature finds that a deviation from the
12 judicial sales procedures under s. 45.031 may be beneficial in
13 certain proceedings due to the nature of the real or personal
14 property to be sold under an order or a judgment to maximize the
15 potential sales proceeds, including the net proceeds thereof,
16 for the benefit of all parties. Transparency is necessary for
17 all alternative procedures to prevent overreach by any party,
18 avoid fraud, and maximize the sales price while minimizing
19 expenses and delays. A person who facilitates alternative sales
20 or handles deposits or sales proceeds, including surplus
21 proceeds, must be qualified, independent, and not related to any
22 party or an attorney for a party and must be subject to the
23 provisions of this section and the jurisdiction of the court.

24 (3) A party requesting a deviation must request the relief
25 clearly and in a separate pleading. Any deviation authorized by
26 the court must be set forth in writing in the final judgment of
27 foreclosure or other order.

28 (4) A trial court may not alter any of the following
29 requirements for a judicial sale:

30 (a) Only one set of bidding procedures may apply to a sale.
31 Each bidder must follow the same procedures and receive the same
32 information relating to the sale of the real or personal
33 property. Preferences or advantages may not be given to any
34 party, person, or bidder.

35 (b) The publication of the notice of sale must meet or
36 exceed the requirements of s. 45.031(2).

37 (c) Credit bid rights must be limited to the amount owed to
38 the creditor or lienholder as provided in the order or final
39 judgment that determined such amount. Any overbid amount must be



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40 paid in cash.

41 (d) The highest cash bidder must win the bid. The deadline
42 for payment of the winning bid may not exceed 5 business days.

43 (e) An in-person auction may not be conducted outside of
44 the county of foreclosure.

45 (f) Costs, fees, and service charges that are payable to
46 the clerk of the court may not be waived.

47 (g) The 10-day period to object to the sale as provided in
48 s. 45.031(5), and the confirmation of the sale as provided in s.
49 45.031(6), may not be altered.

50 (h) The requirements related to a foreclosure surplus in
51 ss. 45.031(1), 45.032, 45.033, and 45.035(2) may not be waived.

52 (5) If the party requests that the court authorize someone
53 other than the clerk of the court or the sheriff to conduct the
54 sale, the request must be clear and the following requirements
55 apply:

56 (a) An alternative auctioneer must have insurance or post a
57 bond filed with and payable to the clerk of court to protect the
58 interests of the parties. The court must set the amount of the
59 bond as the approximate the value of the property to be sold. An
60 attorney in the action may not be the auctioneer. The auctioneer
61 must recuse himself or herself if a business partner or relative
62 within the third degree consanguinity registers or attempts to
63 bid.

64 (b) Any person holding funds must have insurance or post
65 sufficient bond to protect the interests of the parties.

66 (c) An in-person auction must be conducted in a place that
67 is open to the general public at the time of the auction and
68 that is reasonably accessible.



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69 (6) A person harmed by violation of this section has a
70 cause of action for damages resulting from the violation.

71 Section 2. This act shall take effect July 1, 2025.

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73 ===== T I T L E A M E N D M E N T =====

74 And the title is amended as follows:

75 Delete everything before the enacting clause
76 and insert:

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 A bill to be entitled

78 An act relating to foreclosure procedures; creating s.

79 45.0311, F.S.; specifying mandatory requirements for

80 foreclosure sales; providing legislative intent;

81 requiring that a request to deviate from certain

82 procedures be in a separate pleading; listing

83 procedures that may be waived; providing requirements

84 for an alternative auctioneer; creating a cause of

85 action; providing an effective date.