

Tab 3	<b>SB 48</b> by <b>Garcia</b> ; Judicial Sales Procedures				Delete everything after 02/11 05:37 PM
698220	D	S	RCS	JU, Garcia	

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**JUDICIARY**  
**Senator Yarborough, Chair**  
**Senator Burton, Vice Chair**

**MEETING DATE:** Tuesday, February 11, 2025

**TIME:** 4:00—6:00 p.m.

**PLACE:** *Toni Jennings Committee Room, 110 Senate Building*

**MEMBERS:** Senator Yarborough, Chair; Senator Burton, Vice Chair; Senators DiCeglie, Gaetz, Hooper, Leek, Osgood, Passidomo, Polsky, Thompson, and Trumbull

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	Presentation by the Florida Sheriffs' Association on the effectiveness of recent anti-squatting legislation		Presented
2	Presentation by The Florida Bar on the regulation of the unlicensed practice of law		Presented
	Presentation by The Florida Bar on the regulation of lawyer advertising		Presented
3	<b>SB 48</b> Garcia	Judicial Sales Procedures; Specifying that courts must follow certain provisions when ordering the sale of real or personal property unless the use of other specified procedures is ordered; designating the "Transparency in Judicial Sales and Foreclosure Sales Act"; prohibiting a court from allowing the use of bidding credits or certain other offsets in specified judicial sales or foreclosure sales; authorizing courts to order an alternate judicial sales procedure under specified conditions, etc.	Fav/CS Yea 10 Nays 0
		JU 02/11/2025 Fav/CS CA RC	

Other Related Meeting Documents



# Florida Sheriffs Association

Presentation to the Senate Judiciary Committee

February 11, 2025

**Seminole County Sheriff's Office**

Manuel Guarch, *Chief Counsel*

Bob Cortes, *Senior Administrator for Government & Community Affairs*

# Overview of HB 621 (2024)

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- The bill addressed a rise in instances in which squatters are moving into people's homes in Florida and claiming residence, forcing a lengthy judicial review process before they can be removed from the property.
- Allows an owner to file a complaint with the sheriff to request the sheriff remove the squatter if certain conditions are met.
- The sheriff must verify the complaint and serve a notice on any unlawful occupants.



# Overview of HB 621 (2024)

- **Creates criminal penalties for squatters and for those who encourage squatting and teach others the scam.**
  - Makes it a first-degree misdemeanor if a person uses a false document with the intent to detain or remain upon the property.
  - Creates the crime of criminal mischief for a person who unlawfully detains or occupies or trespasses upon a residential dwelling and intentionally causes \$1,000 or more in damages, punishable as a second-degree felony.
  - Makes it a first-degree felony if a person knowingly advertises the sale or rent of a residential property without legal authority or ownership.



Sheriff Dennis Lemma spoke at the bill signing of HB 621 highlighting the importance of the new law and the need to hold squatters accountable.



# Effectiveness of HB 621 (2024)

## Case Example 1: Lying Landlord

In **September of 2024**, Owner contacted SO claiming he purchased the property the prior month and though he was aware of a few legal tenants who were previously allowed to be there, He claimed one of the residential units was vacant at the time he purchased the property and alleged that two weeks later he noticed lights on inside the unit that was supposed to be vacant. He alleged the occupant was a “squatter.” As this investigation continued it was determined that the owner was providing false statements regarding the relationship between the parties. The landlord has already completed the sworn affidavit requesting removal of the occupant. The occupant provided an unexpired lease with the prior building owner as well as **receipts** of rent paid to the current owner and even communications with the owner concerning the WiFi password for the location. As a result, the Landlord was placed under arrest for **False Statements to Law Enforcement under F.S. 837.05(1)(A)** and the prosecution **remains pending**.



# Effectiveness of HB 621 (2024)

## Case Example 2: Allegedly Duped Renter

This situation was more closely aligned with the situation the legislation was intended to address. The property owner contacted SCSO on **January 7, 2025**, and reported that a family was unlawfully occupying a residential property he owned. The property was an investment property for the owner which was rarely visited. The occupants, according to their statements to responding deputies, had entered into a lease with a third-party (not the owner). They were informed of the unlawful occupancy and provided Notice of same. The owner graciously provided them 3 days to vacate the property. Their removal occurred 3 days after the report was received. At the time of the removal, the occupant alleged that she was being wrongfully evicted, going so far as to have an alleged attorney speak with the deputy on scene, **threatening to file a complaint for wrongful eviction**. Despite allegations from the supposed victim that she was duped into entering the lease, several attempts to obtain information for use in prosecution of the third-party lessor after the removal were not responded to, with the **phone number of the occupant being deactivated**.



# Effectiveness of HB 621 (2024)

## Case Example 3: Textbook Case

As recently as last Thursday, **February 6, 2025**.

SCSO was contacted by a property management company for an apartment community after they discovered individuals occupying an apartment while attempting to show the property to prospective renters. The management company, on behalf of the owner, completed an Affidavit to Remove Persons Unlawfully Occupying Residential Real Property. The individuals were instructed to depart and deputies remained on scene while they vacated the residence. The unauthorized occupants claimed that they were scammed or defrauded by a possible third party. As a result, deputies **attempted to treat them as victims**, however, **they all declined to participate**, refusing to provide more detailed information. The matter was concluded without further action.



# Suggested Revision to Prerequisites to Relief

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- #12 of the affidavit form specified in current law provides "I am requesting the sheriff to immediately remove the unauthorized person from the residential property."
- While consent to enter is implicit in the request for assistance, it may be beneficial to include language to provide explicit consent and note that entering the property may require force resulting in property damage.
  - "I am requesting the sheriff to immediately remove the unauthorized person from the residential property." As part of this request, I am authorizing the Sheriff to enter the property using that force which is reasonably necessary to do so and to search the property to locate and remove the unauthorized occupant(s).



# Legal Challenges to a Removal

- The only threatened legal challenge we have encountered has yet to materialize. This is likely the result of the protection explicitly afforded by the law.



# Technical Change Needed in 2025

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- Law enforcement can currently only charge a landlord who lies on the affidavit with a misdemeanor of lying to an officer.
- The bill specifies that statements made in the affidavit are made under penalty of perjury punishable as provided in Section 837.02.
  - S. 837.02 provides that whoever makes a false statement under oath **in an official proceeding** commits a third-degree felony.
  - However, while the definition of "official proceeding" under s. 837.011 appears to be open to interpretation in terms of whether it applies to the affidavit, the legal consensus is that it cannot not apply. See Sevin v. State, 478 So.2d 521 (Fla. 2D DCA 1985)(Defendant who made contradictory statements under oath to police officer during criminal investigation was not subject to perjury charges although officer was a notary public); Schramm v. State, 374 So.2d 1043 (Fla. 3D DCA 1979).



# Questions?



## Senate Judiciary Committee

Overview of  
The Florida Bar



# The Florida Bar

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- The Florida Bar is an arm of the Florida Supreme Court
- Mandatory Bar – Lawyers must be members to practice Florida law
- The Florida Bar is charged with protecting the public by investigating and prosecuting lawyer misconduct and the unlicensed practice of law
- Funded entirely through membership fees and revenue from programs offered to members

# Discipline System

- Complaint Driven
- Anyone can file a complaint – there is no “standing” requirement
- The Bar investigates misconduct apparent from court documents, newspaper articles and other sources

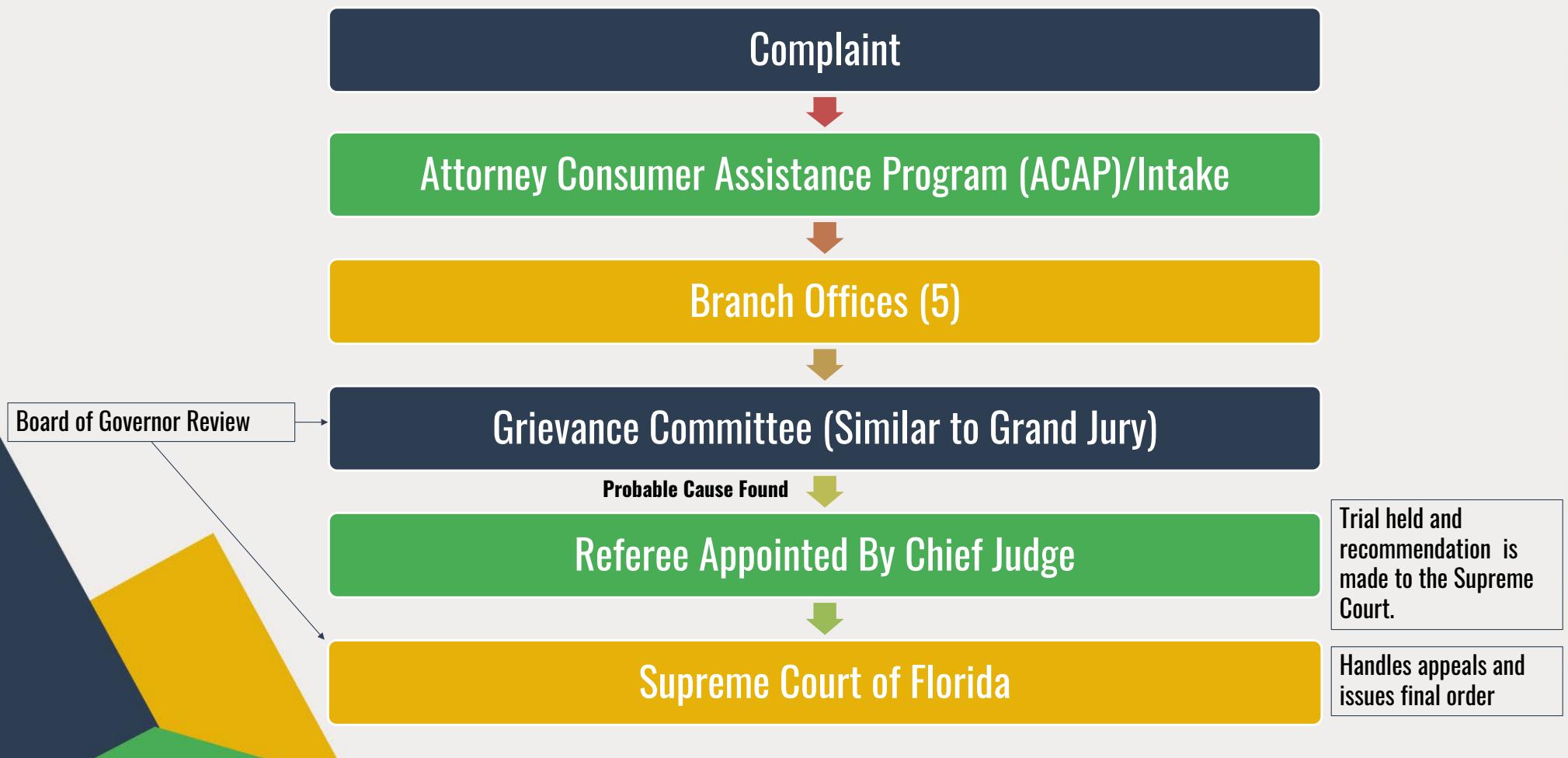


# Attorney Consumer Assistance Program (ACAP)

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- Staffed by lawyers and support staff
- Receives 14,000 inquiries annually
- Assists consumers in understanding the disciplinary process
- Informally resolves minor complaints
  - Communication issues
  - Failure to return documents
- Conducts initial review of written complaints

# Overview of Disciplinary Process



# Staff Level Investigations

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## Inquiry

- Jurisdiction?
- If true, is it a violation?

## Complaint

- Response requested
- Rebuttal allowed
- Analysis of facts

## Options

- Mediation/Fee Arbitration
- Referral to Grievance Committee
- Closure

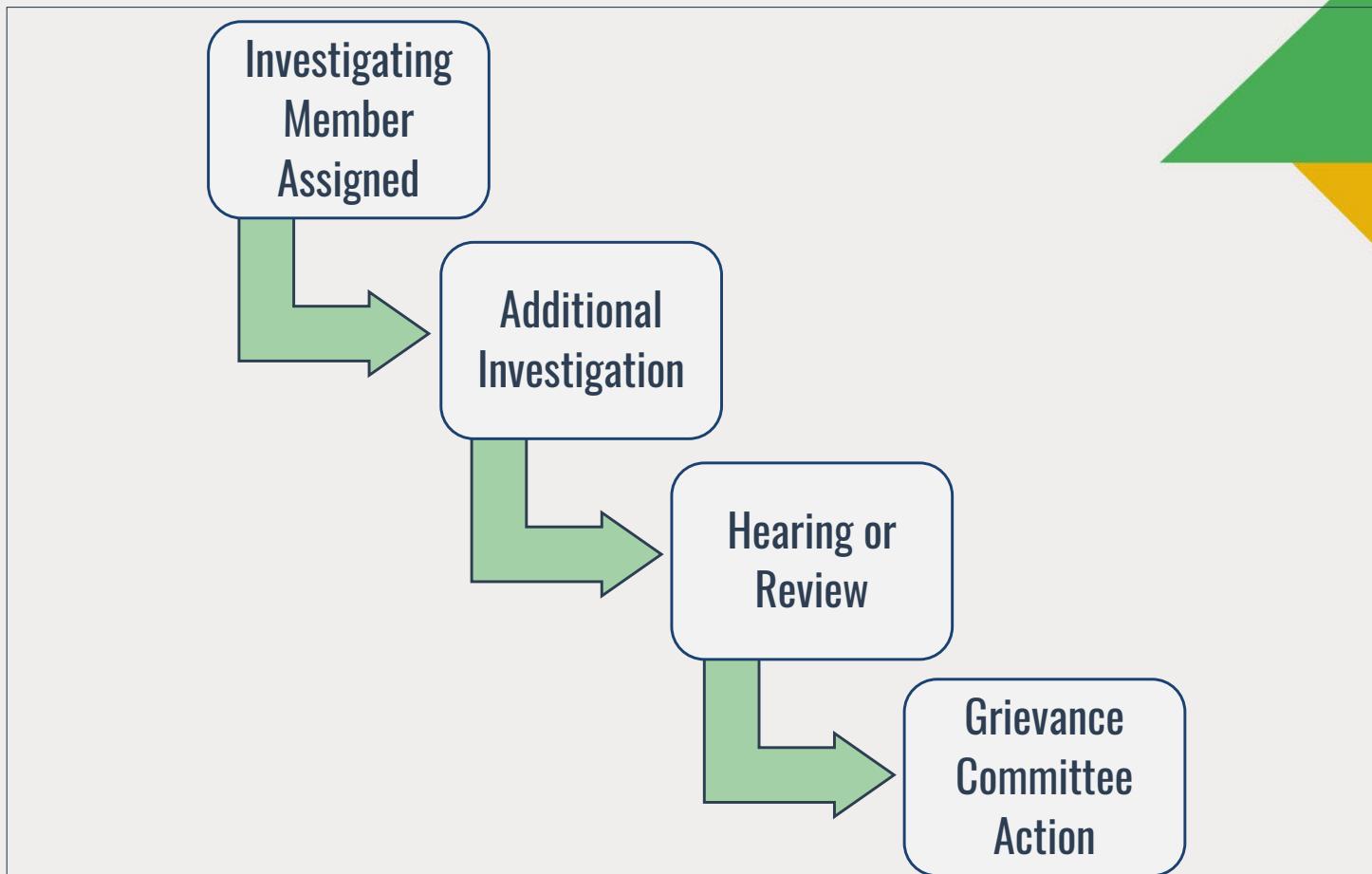
# Grievance Committees

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- Investigate allegations of lawyer misconduct
- Act like grand juries to determine whether there is probable cause for further disciplinary proceedings
- Each committee has 1/3 members who are not lawyers to obtain the public's perspective

# Grievance Committee Process

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# Grievance Committee Options

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- No Probable Cause
- No Probable Cause with Letter of Advice
- Diversion
  - Ethics School
  - Trust Accounting Workshop
  - Florida Lawyers Assistance, Inc.
  - Advertising Workshop
  - Professionalism Workshop
  - Stress Management Workshop
  - Diversion/Discipline Consultation Service (DDCS)
  - Additional CLE Hours
- Minor Misconduct
- Probable Cause

# Public Records

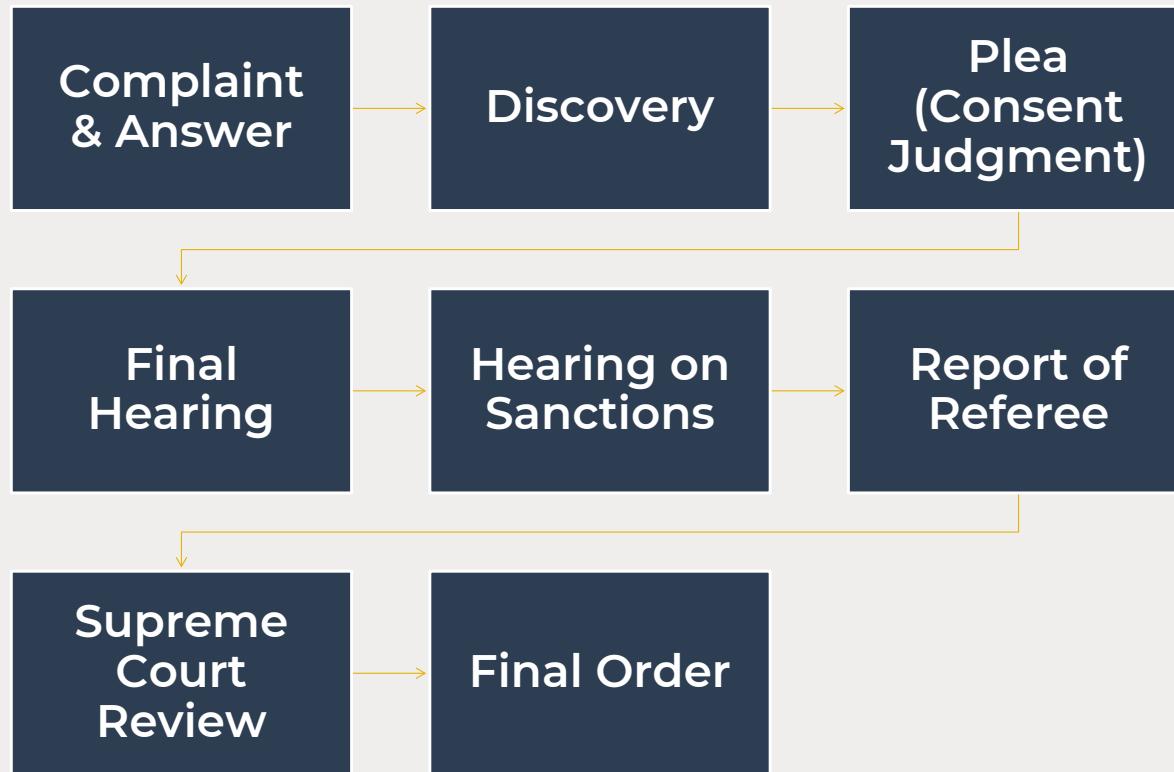
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## Discipline Records

- Subject to Florida Rules of Court on public records except where Rules Regulating The Florida Bar specify otherwise
- Subject to Florida Statutes Section 119 as court rules provide
- Become public after probable cause is found or a case is closed without a probable cause finding - Rule Regulating The Florida Bar 3-7.1

# Trial Process

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	2019-20	2020-21	2021-22	2022-23	2023-24
<b>Bar Population</b>	<b>108,615</b>	<b>109,830</b>	<b>110,806</b>	<b>111,424</b>	<b>112,473</b>
Files Opened	3,557	3,364	3,380	3,312	3,659
Total Cases	414	318	388	271	235
Total Orders	262	224	236	180	176
<b>Total Disbarments</b>	<b>42</b>	<b>38</b>	<b>36</b>	<b>25</b>	<b>18</b>
Disbarment	32	28	28	21	16
Permanent Disbarment	7	5	5	3	2
License Revoked	0	3	1	0	0
Disbarment on Consent	3	2	2	1	0
<b>Total Disciplinary Revocations</b>	<b>40</b>	<b>20</b>	<b>27</b>	<b>26</b>	<b>27</b>
Revocation	32	16	19	16	24
Permanent Revocation	8	4	8	10	3

2023-24

# TOP 10 COMPLAINTS

- Interference with Administration of Justice (Rules 4-3.3, 4-8.4(d), 4-8.2)
- Neglect (Rule 4-1.3 Diligence)
- Trust Accounting (Rules 5-1.1, 5-1.2)
- Inadequate Communication (Rule 4-1.4)
- Misrepresentation (Rules 4-3.3, 4-8.4(c))
- Excessive Fees (Rule 4-1.5)
- Incompetence (Rule 4-1.1)
- Criminal Charge (Rules 3-7.2, 4-8.4(b))
- Conflicts (Rules 4-1.7 through 4-1.12)
- Personal Behavior (Rule 4-8.4(d))

# Clients' Security Fund

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- Provides funds to consumers whose funds were stolen by a lawyer
- Funded solely from membership fees
- In fiscal year 2023-24, the fund reimbursed 81 claims totaling \$1,797,220
- Over the last 5 years, the fund reimbursed clients over \$9 million dollars (\$9,299,613)

# Constitutional Law

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## Commercial Speech Doctrine

- Commercial speech is protected by the First Amendment - *Virginia State Board of Pharmacy v. Virginia Citizens Consumer Council*, 425 U.S. 748 (1976)
- Intermediate Scrutiny - Commercial speech is above unprotected speech (false, misleading statements, ads for unlawful activities), but below completed protected speech (political speech)
- Applied to lawyer ads in *Bates v. State Bar of Ariz.*, 433 U.S. 350 (1977)

# Constitutional Law

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- States may regulate speech that is false or misleading and may impose restrictions if the particular content or method of advertising is inherently misleading or if experience demonstrates that the advertising is subject to abuse. *In re R.M.J.*, 102 S.Ct. 929, 937 (1982).
- States may restrict non-misleading commercial speech if 1) there is a substantial government interest at stake, 2) the regulation advances that interest, and 3) the regulation is no more extensive than necessary to serve that interest. *Central Hudson Gas and Electric Corp. v. Public Serv. Comm'n of New York*, 447 U.S. 557, 100 S.Ct. 2343 (1980).

# Advertising Rules Overview

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Application (4-7.11)

Misleading (4-7.13)

Unduly Manipulative (4-7.15)

Paying for Ads (4-7.17)

Filing Requirement (4-7.19)

Firm Names and Letterhead (4-7.21)

Required Content (4-7.12)

Potentially Misleading (4-7.14)

Presumptively Valid Content (4-7.16)

Direct Contact/Solicitation (4-7.18)

Exemptions from Filing Requirement (4-7.20)

Qualifying Providers/Referral Services (4-7.22)

# Florida Bar Advertising Regulation

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- Florida's advertising rules are widely regarded as the strictest in the nation
- The rules focus on prohibiting advertisements that mislead consumers, in compliance with First Amendment law
- Many other states pattern their rules and regulation programs after The Florida Bar
- Florida's regulation of lawyer advertising is designed to obtain voluntary compliance

# Advertising Evaluation Program

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- Most ads are required to be filed for review before their first use
- Florida Bar staff performs first level of review
- Opinion must be issued within 15 days of receipt of complete filing
- ~3,000-4,000 new ads and 1,500-2,000 revised ads filed annually
- Lawyers in the department answer ~5,000 calls with advertising questions annually
- Complaints are handled through the Bar's disciplinary process with a statewide Advertising Grievance Committee

# Advertising Case Statistics

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## 23-24 Total Complaints - 33

- Diversion to Advertising Workshop - 2
- Closed by Staff - 30
- Closed by Board of Governors with a Letter of Advice - 1

## 22-23 Total Complaints - 25

- Diversion to Advertising Workshop - 3
- Closed by Grievance Committee Chair with a Letter of Advice - 1
- Closed by Staff - 19

- Closed by Grievance Committee with No Probable Cause 1
- Closed by Board of Governors with a Letter of Advice - 1

## 21-22 Total Complaints - 32

- Diversion to Advertising Workshop - 2
- Closed by Staff - 22
- Closed by Grievance Committee with No Probable Cause - 4
- Closed by Board of Governors with a Letter of Advice - 4

# Advertising Discipline Cases

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- *The Florida Bar v. Allen-Dawson*, Case Nos. SC 21-472 & SC21-504 (Fla. Aug. 19, 2021). Lawyer suspended for 91 days in part for practicing law under the name of Allen & Dawson, PLLC, to appear to have multiple lawyers, despite being a sole practitioner with the name "Allen-Dawson."
- *The Florida Bar v. David Jay Bernstein*, 160 So. 3d 899, (Fla. 2015). Lawyer publicly reprimanded for using the trades names, "Federal Legal Center" and "Federal Criminal Defense Center," which implied a connection with a government agency.
- *The Florida Bar v. Nordt*, Case No. SC10-2137 (Fla. Nov. 10, 2010). Lawyer publicly reprimanded for sending a direct mail advertisement in foreclosure matters that appeared to be an official notification from a government entity that guaranteed results.
- *The Florida Bar v. Pape & Chandler*, 918 So.2d 240 (Fla. 2005). Two lawyers publicly reprimanded and ordered to attend advertising workshop after using 1-800-PITBULL and a picture of a pit bull in their television ads.
- *The Florida Bar v. Willmott*, SC05-2075 (2006). Lawyer publicly reprimanded for advertising "FREE INITIAL CONSULTATION" without disclosing that he charged a \$100 consultation fee if he was not retained.

# Solicitation Discipline Cases

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*The Florida Bar v. Lim*, SC21-1666 (Fla. 2022). Lawyer suspended for 1 year for affiliation with nonlawyer companies who engaged in solicitation in foreclosure and timeshare matters.

*The Florida Bar v. Jaminder*, SC21-507 (Fla. 2022). Lawyer suspended for 90 days for, among other violations, allowing respondent's wife and a private investigator to solicit clients.

*The Florida Bar v. Roebuck*, SC21-1558 (Fla. 2022). Lawyer suspended for 2 years for affiliating with nonlawyer timeshare exit company that directly solicited clients nationwide.

*The Florida Bar v. Webster-Cooley*, SC20561 & SC20-666 (Fla. 2020). Lawyer suspended for affiliating with nonlawyer company who solicited clients and provided little or no legal services.

*The Florida Bar v. Braithwaite*, SC20-55 (Fla. 2020). Lawyer suspended for improperly soliciting client.

*The Florida Bar v. Lanier*, Case No. SC18-186 (Fla. 2019). Lawyer disbarred for, among other violations, soliciting clients through a false network of lawyers nationwide.

# Solicitation Discipline Cases

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*The Florida Bar v. Slootsky*, Case No. SC17-1960 (Fla. 2018). Lawyer's license disciplinarily revoked after pleading guilty to 15 felony counts of scheme to defraud, solicitation, patient brokering, and unlawful use of a 2-way communication device.

*The Florida Bar v. Dopazo*, 232 So.3d 258 (Fla. Oct. 5, 2017). Lawyer suspended for 1 year for soliciting mother of child with brain injury in a coma in the hospital.

*The Florida Bar v. Barrett*, 897 So. 2d 1269 (Fla. 2005). Lawyer disbarred by using his "paralegal," an ordained minister, to solicit injured persons in the hospital.

*The Florida Bar v. Wolfe*, 759 So. 2d 639 (Fla. 2000). Lawyer suspended for one year for direct solicitation of clients in wake of tornados and for paying nonlawyer for referrals.

*The Florida Bar v. Stafford*, 542 So. 2d 1321 (Fla. 1989). Lawyer suspended for 6 months for paying a police officer to solicit personal injury cases including ones in which the police officer investigated accident cases as a police officer.

# Unlicensed Practice of Law (UPL)

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## The Florida Bar:

- Protects the public by investigating and prosecuting allegations of the unlicensed practice of law
- Provides guidance by telephone and in writing to people with questions about UPL
- Issues formal advisory opinions on UPL
- Investigates cases against Florida Registered Paralegals
- Administers the Authorized House Counsel Program
- Assists with admission to The Florida Bar of lawyers who are spouses of military stationed in Florida

# Authority to Prosecute UPL

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- Florida Constitution, Article V, Section 15
- Chapter 10, Rules Regulating The Florida Bar
- Florida Statutes, Section [454.23](#): Any person not licensed or otherwise authorized to practice law in this state who practices law in this state or holds himself or herself out to the public as qualified to practice law in this state, or who willfully pretends to be, or willfully takes or uses any name, title, addition, or description implying that he or she is qualified, or recognized by law as qualified, to practice law in this state, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

# Unlicensed Practice of Law

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- Information and complaint form are available on the Bar's website:  
<https://www.floridabar.org/rules/upl/upl001/>
- Information and the complaint form are posted in Spanish and are being translated to Creole
- UPL and Communications are working on public service announcements in Spanish and Creole for radio, Facebook, and Instagram

# UPL Process

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# UPL Remedies

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- Letter of Advice or Advisement
- Cease and Desist Affidavit, without or without restitution or a monetary penalty
- Litigation
  - Civil Injunctive Relief with restitution, costs, civil penalty
  - Indirect criminal contempt with restitution, costs, fine, up to 5 months imprisonment
- Criminal Proceedings by local State Attorney's Office
  - Felony under Florida Statutes 454.23

# UPL Case Statistics

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	2022-23	2023-24	2024-25 YTD
Cases Investigated	335	362	234
Cease and Desist Affidavits	32	22	16
Cases in Litigation	15	13	11
Civil Injunctions	9	2	4
Indirect Criminal Contempt	2	0	0
Letters of Advisement	82	52	37

# QUESTIONS?



# Contact Us



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**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Judiciary

BILL: CS/SB 48

INTRODUCER: Judiciary Committee and Senator Garcia

SUBJECT: Judicial Sales Procedures

DATE: Februry 13, 2025 REVISED: \_\_\_\_\_

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Bond	Cibula	JU	Fav/CS
2.		CA	
3.		RC	

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

## **I. Summary:**

SB 48 mandates use of the statutory real property foreclosure sales procedures, extends the time for conducting a foreclosure sale, and allows specified alternate judicial sales procedures to be used when appropriate.

The bill extends the time for conducting a foreclosure sale from the current time of between 20 and 35 days after the final judgment to between 45 and 60 days after the final judgment.

The bill requires that the plaintiff request the use of an alternative foreclosure sale procedure by separate motion. A deviation from the standard procedures that favors one bidder over another, gives the plaintiff a credit bid in excess of the amount owed, allows a bidder to post less than a 5 percent deposit, provides for a final payment more than 30 days from the date of the sale, or allows a sale outside of the county without consent of all parties, is prohibited.

If a deviation from standard foreclosure sale procedures proposes the use of an escrow agent or auctioneer other than the clerk of court, the escrow agent must be approved by the trial court and the auctioneer must be a state licensed auctioneer, real estate broker, attorney, or title agent. The bill creates a civil cause of action that may be filed against a private escrow agent or auctioneer who violates the foreclosure law or the requirements of the final judgment of foreclosure. The bill also creates a third degree felony for intentional violations of the foreclosure law or the requirements of the final judgment by a private escrow agent or auctioneer.

The bill does not appear to have a significant fiscal impact on state or local governments.

The bill is effective July 1, 2025.

## II. Present Situation:

### Foreclosure

Foreclosure is the legal process for forced sale at auction of real property to satisfy, in part or in whole, an unpaid lawful debt owed by the owner of the property. If the winning bidder is a third-party bidder, the proceeds of the sale first pay the costs of the foreclosure, then the rest of the proceeds are applied to the debt owed the judgment creditor. Some foreclosure auctions yield a surplus because the final bid exceeds the debt. A foreclosure surplus is paid to or for the benefit of the foreclosed former owner.

In most foreclosures, however, there is no surplus after the foreclosure sale. Commonly, the plaintiff is the winning bidder and takes title to the property. Foreclosure is most often used in the context of a mortgage where the property owner has agreed to the debt. Foreclosures also result from construction liens, certain tax liens, association liens, and judgment liens.

Current law does not require a certain sale procedure, a trial judge entering a final judgment in a foreclosure case may use any procedure that conforms to constitutional due process. However, a foreclosure procedure is created by statute<sup>1</sup> and embodied in court-created final judgment forms.<sup>2</sup> The statutory and rule procedures are followed by most courts in most foreclosure cases.<sup>3</sup> Under the default procedures:

- The trial court directs the clerk of court to auction the property on a specific date that is not less than 20 days or more than 35 days after the date of judgment.<sup>4</sup>
- Certain notices regarding the possibility of a foreclosure surplus that may be claimed by foreclosed owner must be included in the final judgment.<sup>5</sup>
- The clerk must furnish every defendant with a copy of the final judgment setting the sale date.<sup>6</sup>
- Notice of the sale must be published for 2 consecutive weeks on a publicly available website or once a week for 2 consecutive weeks in a newspaper of general circulation. The requirements for information that must be in the notice are listed in statute.<sup>7</sup>
- The clerk must be paid a service charge of \$70.<sup>8</sup>

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<sup>1</sup> Section 45.031, F.S.

<sup>2</sup> Form 1.996(a), F.R.C.P.

<sup>3</sup> A 2012 appellate decision implies that the statutory procedure should be followed unless there is reason not to. *Royal Palm Corp. Ctr. Ass'n, Ltd. v. PNC Bank, NA*, 89 So. 3d 923, 927 (Fla. 4<sup>th</sup> DCA 2012). The statute is not a “procedural straightjacket” and a trial court has reasonable discretion to change the procedure in a case. *Id.* at 28, *LR5A-JV v. Little House, LLC*, 50 So. 3d 691 (Fla. 5th DCA 2010).

<sup>4</sup> Section 45.031(1)(a), F.S.

<sup>5</sup> Section 45.031(1)(b), F.S.

<sup>6</sup> Section 45.031(1)(c), F.S. In practice, the foreclosing plaintiff must furnish the copies, addressed envelopes, and postage. The clerk merely certifies that the mailing was completed and that the clerk gave the mailing to the Postal Service.

<sup>7</sup> Section 45.031(2), F.S.

<sup>8</sup> Sections 45.031(3) and 45.035, F.S.

- The sale must be by public auction.<sup>9</sup> The statute does not specify a time or place; it merely requires that the time and place be in final judgment and in the public notice. Historically, sales were conducted on a porch, patio, or exterior staircase of the courthouse, at a time and place set locally by longstanding tradition.<sup>10</sup> Currently, most foreclosure sales are conducted through an internet-based auction system selected by the clerk.<sup>11</sup>
- At a traditional auction sale, custom and practice is that the foreclosing plaintiff makes the first bid at \$100.<sup>12</sup> Often, there is no other bidder. If other bidders participate, the clerk must allow the foreclosing plaintiff a credit bid of any amount up to the amount of the judgment. The plaintiff's credit bid is not specified in statute but was created by custom and use because "no useful purpose [is] served in requiring a bondholder or a mortgagor to pay cash to a court officer conducting a judicial sale when he would be entitled to immediately have it paid back to him under the decree authorizing the sale."<sup>13</sup> Note that the plaintiff's credit bid is limited to the amount of the judgment. A plaintiff bidding more than the amount of the judgment must pay the overage to the clerk.
- A successful third-party bidder (one other than the foreclosing plaintiff) must immediately post a deposit of 5 percent of the winning bid. If the winning bidder does not pay the remaining amount of his or her bid plus service charges and taxes by the stated deadline, the deposit is forfeited and is applied against the outstanding judgment.<sup>14</sup> If the winning bidder fails to pay the full bid timely, the case file goes back to the trial court to set a new sale date. The statutory process does not specify the deadline for full payment. It appears that the deadlines are set by local custom. A review of 8 counties showed that half required full payment on the day of the sale and the latest deadline required full payment by 4:00 pm on the day after the auction.<sup>15</sup>
- Whether the winning bidder is the plaintiff or a third-party bidder, the parties to the foreclosure have 10 days to object to the sale. If no timely objection is filed, the clerk issues a Certificate of Title to the winning bidder,<sup>16</sup> and the person named in the certificate is deemed the owner free and clear of any real property interest foreclosed.<sup>17</sup> If a third party is the winning bidder and has paid the clerk the winning bid amount, the clerk, after deducting any outstanding costs, service charges, and taxes pays the remaining sum to the plaintiff, up to the amount of the outstanding judgment. If there are funds then remaining, known as a surplus, the clerk disburses the funds accordingly.<sup>18</sup>

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<sup>9</sup> Section 45.031(3), F.S.

<sup>10</sup> For instance, Leon County historically conducted sales weekdays starting at 11:00 am on the west exterior patio of the courthouse. The west side of the building was still in the shade at that time, summer rainstorms usually did not start until after 2:00 pm., and the midday sale time gave the deputy clerk time before and after the sale to complete paperwork.

<sup>11</sup> Section 45.031(10), F.S.

<sup>12</sup> The customary first bid of \$100 likely comes from the calculation of the documentary stamp tax of \$0.70 for every \$100 or portion thereof, making \$0.70 the minimum tax imposed. The documentary stamp tax is due on all documents transferring title to real property, including the clerk's Certificate of Title.

<sup>13</sup> *Branch Banking & Tr. Co. v. Tomblin*, 163 So. 3d 1229, 1230 (Fla. 5<sup>th</sup> DCA 2015), *Grable v. Nunez*, 66 So. 2d 675, 677 (Fla. 1953).

<sup>14</sup> Section 45.031(3), F.S.

<sup>15</sup> Surveyed counties were Broward, Duval, Escambia, Hillsborough, Leon, Miami-Dade, Orange, Palm Beach, Pinellas, and Sarasota.

<sup>16</sup> Section 45.035(5), F.S.

<sup>17</sup> Section 45.035(6), F.S.

<sup>18</sup> The distribution of the surplus from a foreclosure sale is not affected by this bill.

- The clerk of court may retain a vendor to conduct foreclosure auctions through the internet.<sup>19</sup> It appears that most of the clerks use this option.<sup>20</sup>

### Current Concerns related to Foreclosure Sales

In practice, trial court judges do not prepare ordinary final judgments. Instead, they require the attorney for the prevailing party to prepare the judgment form, subject to the court's supervision. Recently some attorneys have requested that courts allow procedures that differ from the suggested statutory procedure, and trial court judges have allowed those differences.<sup>21</sup> Examples of questionable differences include:

- An auctioneer other than a clerk or the clerk's selected internet sales vendor is used. In some cases, the auctioneer has been the foreclosing plaintiff's attorney.
- Auctions have been conducted on or near the foreclosed property, sometimes in places with little public access, little to no reasonable parking, or access that might not reasonably accommodate the disabled.
- In some auctions, the final judgment provided that the foreclosing plaintiff would take title should the winning bidder fail to timely pay the bid. A sham bidder would appear and would drive up the bids to where all others would drop out. Later, the sham bidder would not pay, leaving the plaintiff to be deemed the winning bidder.<sup>22</sup>
- A bidder for the plaintiff was given an unlimited credit bid (i.e., was allowed to bid in excess of the judgment), but was not required to pay the excess of the bid that should have been paid as surplus to the former owner.

### III. Effect of Proposed Changes:

SB 48 makes the existing statutory procedures for foreclosure sales mandatory and allows a trial court to use alternatives to those procedures, with certain limits.

The existing statutory procedures are not modified but for a change to the time between entry of a final judgment and the date of sale. The bill provides that a sale must be scheduled no sooner than 45 days after the final judgment and no later than 60 days after the final judgment.

The bill creates the Transparency in Alternative Judicial Sales Procedures Act at s. 45.0311, F.S. The stated purposes of this act are to:

- Recognize that alternatives to the statutory foreclosure sales procedures are beneficial in certain proceedings due to the nature of the real property to be sold under an order or a judgment, to maximize the potential sales proceeds, including the net proceeds thereof, for the benefit of all parties including the property owner.

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<sup>19</sup> Section 45.031(10), F.S.

<sup>20</sup> Forty-four of the state's 67 counties (including the 8 sample counties) use the same vendor. See RealAuction: Our Client site, <https://www.realauction.com/clients/index>.

<sup>21</sup> Ben Weider and Brittany Wallman, *RIGGED. Florida lawyer writes rules to win condo auctions for \$100. Judges let him do it.* MIAMI HERALD, April 2, 2024, updated January 23, 2025, <https://www.miamiherald.com/news/business/real-estate-news/article285934076.html>.

<sup>22</sup> Motion to Vacate Amended Final Judgment (November 3, 2021), *Emerald Tower Assoc. v. Celano*, Broward County Circuit Court case CACE202112603.

- Recognize that transparency is necessary for all alternative procedures to prevent overreach by any party, avoid fraud, and maximize the sales price while minimizing expenses and delays.
- Recognize that persons facilitating alternative sales and handling deposits and sales proceeds, including surplus proceeds, must be qualified, independent, and not related to any party or the attorneys for a party and must be subject to the jurisdiction of the court.

A request to use an alternative sales procedure must be made by separate motion, and thus cannot be slipped into a proposed final judgment of foreclosure. The motion must be made by, or agreed to, by the property owner, and must be filed at least 20 days prior to hearing the motion. The motion must include:

- A description of the property.
- An explanation of why the court should use the proposed alternative, including how the alternative may lead to a higher net proceeds.
- A description of the proposed alternative.
- A statement as to whether the clerk of court or another person will handle the proceeds.
- A declaration under penalty of perjury that the person to conduct the foreclosure sale satisfies the statutory qualifications and is free of conflicts of interests, if the person is not the clerk of court.
- The form of the notice for publication of the sale and bidding procedures.

The following minimum requirements of the sale cannot be modified by the court:

- Bidding procedures must be uniform among all bidders.
- The published notice of sale must include at a minimum the information required in the standard procedures.
- The credit bid of a plaintiff may not exceed the amount set by the final judgment.
- The winning bidder must post at least 5 percent of the bid at or before the time of the sale.
- The time to pay the winning bid may not exceed 30 days.
- The sale may not be sooner than 45 days after the entry of the final judgment.
- The sale must be in the county that the property lies in, except that a sale may be conducted outside of the county if the plaintiff and property owner agree and the location of the sale is open to the public and has internet access.
- The winning bidder must pay all clerk's fees.

If someone other than the clerk of court is holding funds, the funds must be held in an authorized trust account.

The bill creates relevant forms.

The bill provides that the existing 10-day limit for filing an objection to sale applies to any sale under an alternative procedure.

The alternative procedure may provide for recognition of a backup bidder in lieu of conducting a new sale. If there is a surplus, it must be distributed pursuant to current law.

The bill also creates s. 45.0312, F.S. to govern the appointment of private sector professionals to perform some of the functions related to a foreclosure sale. A private auctioneer for a foreclosure sale must be licensed by the state as an auctioneer, real estate broker, attorney, or title insurer.<sup>23</sup> A private auctioneer must have errors and omissions coverage of at least \$250,000 with no more than a \$10,000 deductible, or post a fidelity bond in an amount set by the court but no less than \$50,000. A private auctioneer must file a declaration under oath that the auctioneer meets the requirements in statute.

Appointment of a private escrow agent for the foreclosure deposits and sales proceeds must be approved by the trial court. The motion must be filed at least 20 days prior to the hearing. The following individuals and entities may be appointed:

- A qualified public depository.
- A title insurance agency or title insurer whose accounts are in a qualified public depository.
- An attorney licensed in Florida whose trust account is in a qualified public depository and who has errors and omissions coverage of at least \$250,000 with no more than a \$10,000 deductible, or who posts a fidelity bond in an amount set by the court but no less than \$50,000.

A private auctioneer or private escrow agent must be independent. The bill provides that the following persons and entities are not independent and thus may not be appointed:

- A party to the action, an attorney representing a party in the action, or an employee of a party or the attorney of a party in the action.
- A relative of a party to the action, or an employee, an officer, a director, an affiliate, or a subsidiary thereof; or an attorney representing a party in the action, or a relative, an employee, an officer, a director, or an affiliate or an associate thereof.
- Any person or entity that has any financial relationship to the action, to the real or personal property being sold, or to a party or attorney or a relative as described above. Payment to the private auctioneer or escrow agent of fees authorized by the court is not a disqualifying financial relationship.

The bill creates a private cause of action available to any party to the foreclosure proceeding for damages resulting from failure to follow the requirements of a final judgment of foreclosure using alternative procedures. The bill also creates a third degree felony<sup>24</sup> for intentional violation of the alternative procedures statute or the requirements of the final judgment of foreclosure. The offense only applies to a private auctioneer or private escrow agent appointed by the trial court.

The bill takes effect July 1, 2025.

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<sup>23</sup> Sections 468.385, 475.01(1)(a), and 454.021, F.S.

<sup>24</sup> A third degree felony is punishable by imprisonment of up to 5 years and a fine of no more than \$5,000. Sections 775.082 and 775.083, F.S.

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

## D. State Tax or Fee Increases:

None.

## E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

The change in the allowable time period for conducting a foreclosure sale will delay the plaintiff's recovery, which may lessen a plaintiff's net recovery in foreclosures where the debt already exceeds the value of the real property. The potential losses include property depreciation, the common risks related to real property (vandalism and natural disaster), and the time value of money.

## C. Government Sector Impact:

The bill may require courts to hold additional hearings relating to alternative foreclosure sales procedures.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends s. 45.031 of the Florida Statutes.

This bill creates the following sections of the Florida Statutes: 45.0311, 45.0312

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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LEGISLATIVE ACTION

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

The Committee on Judiciary (Garcia) recommended the following:

1                   **Senate Amendment (with title amendment)**

2  
3                   Delete everything after the enacting clause  
4 and insert:

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

7                   45.031 Judicial sales procedure.—In any sale of real or  
8 personal property under an order or a judgment, the procedures  
9 provided in this section and ss. 45.0315-45.035 must may be  
10 followed unless the court orders the use of alternate sales  
11 procedures under s. 45.0311 or s. 45.03112 as an alternative to



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:

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.

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.

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:

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



41 FUND'S 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



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.



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:

142 (Caption of Action)

143

CERTIFICATE OF TITLE

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) ...



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 served 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 served, 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



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:



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 ===== 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



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.

By Senator Garcia

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30 specified notice provisions; requiring that the person  
31 conducting a sale hold a specified license unless he  
32 or she is a clerk of the court; prohibiting parties to  
33 the sale action and their attorneys from conducting  
34 such sale; prohibiting the person conducting the sale  
35 from directly or indirectly bidding on the property or  
36 profiting from the sale, except for receiving a  
37 certain fee; prohibiting an alternate judicial sales  
38 procedure from authorizing specified preferences or  
39 advantages; requiring that funds be held in an escrow  
40 or trust account unless the clerk of the court holds  
41 those funds; authorizing the court to audit such  
42 accounts and issue certain orders; providing that the  
43 clerk of the court is entitled to a specified service  
44 charge; prohibiting the court from waiving such  
45 charge; requiring the person who conducted the sale to  
46 file a specified certificate of sale and provide  
47 service of such certificate to specified parties;  
48 requiring the clerk of the court to file a specified  
49 certificate of title and provide service of such  
50 certificate to specified parties; prohibiting courts  
51 from waiving requirements related to a foreclosure  
52 surplus; requiring certain persons to file a specified  
53 certificate of disbursement; providing an effective  
54 date.

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

58 Section 1. Section 45.031, Florida Statutes, is amended to

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59 read:

60       45.031 Judicial sales procedure.—In any sale of real or  
 61 personal property under an order or judgment, the procedures  
 62 provided in this section and ss. 45.0315-45.035 must ~~may~~ be  
 63 followed unless the court orders use of the alternate judicial  
 64 sales procedure in s. 45.036 or other procedures expressly  
 65 provided by law as an alternative to any other sale procedure if  
 66 so ordered by the court.

67       (1) FINAL JUDGMENT.—

68       (a) In the order or final judgment, the court shall direct  
 69 the clerk to sell the property at public sale on a specified day  
 70 that shall be not less than 20 days or more than 35 days after  
 71 the date thereof, on terms and conditions specified in the order  
 72 or judgment. A sale may be held more than 35 days after the date  
 73 of final judgment or order if the plaintiff or plaintiff's  
 74 attorney consents to such time. The final judgment shall contain  
 75 the following statement in conspicuous type:

76  
 77 IF THIS PROPERTY IS SOLD AT PUBLIC AUCTION, THERE MAY BE  
 78 ADDITIONAL MONEY FROM THE SALE AFTER PAYMENT OF PERSONS WHO ARE  
 79 ENTITLED TO BE PAID FROM THE SALE PROCEEDS PURSUANT TO THIS  
 80 FINAL JUDGMENT.

81  
 82 IF YOU ARE A SUBORDINATE LIENHOLDER CLAIMING A RIGHT TO FUNDS  
 83 REMAINING AFTER THE SALE, IF ANY, YOU MUST FILE A CLAIM WITH THE  
 84 CLERK NO LATER THAN THE DATE THAT THE CLERK REPORTS THE FUNDS AS  
 85 UNCLAIMED. IF YOU FAIL TO FILE A TIMELY CLAIM, YOU WILL NOT BE  
 86 ENTITLED TO ANY REMAINING FUNDS.

87       (b) If the property being foreclosed on has qualified for

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88 the homestead tax exemption in the most recent approved tax  
 89 roll, the final judgment shall additionally contain the  
 90 following statement in conspicuous type:

91  
 92 IF YOU ARE THE PROPERTY OWNER, YOU MAY CLAIM THESE FUNDS  
 93 YOURSELF. YOU ARE NOT REQUIRED TO HAVE A LAWYER OR ANY OTHER  
 94 REPRESENTATION AND YOU DO NOT HAVE TO ASSIGN YOUR RIGHTS TO  
 95 ANYONE ELSE IN ORDER FOR YOU TO CLAIM ANY MONEY TO WHICH YOU ARE  
 96 ENTITLED. PLEASE CHECK WITH THE CLERK OF THE COURT, ... (INSERT  
 97 INFORMATION FOR APPLICABLE COURT) ... WITHIN TEN (10) DAYS AFTER  
 98 THE SALE TO SEE IF THERE IS ADDITIONAL MONEY FROM THE  
 99 FORECLOSURE SALE THAT THE CLERK HAS IN THE REGISTRY OF THE  
 100 COURT.

101  
 102 IF YOU DECIDE TO SELL YOUR HOME OR HIRE SOMEONE TO HELP YOU  
 103 CLAIM THE ADDITIONAL MONEY, YOU SHOULD READ VERY CAREFULLY ALL  
 104 PAPERS YOU ARE REQUIRED TO SIGN, ASK SOMEONE ELSE, PREFERABLY AN  
 105 ATTORNEY WHO IS NOT RELATED TO THE PERSON OFFERING TO HELP YOU,  
 106 TO MAKE SURE THAT YOU UNDERSTAND WHAT YOU ARE SIGNING AND THAT  
 107 YOU ARE NOT TRANSFERRING YOUR PROPERTY OR THE EQUITY IN YOUR  
 108 PROPERTY WITHOUT THE PROPER INFORMATION. IF YOU CANNOT AFFORD TO  
 109 PAY AN ATTORNEY, YOU MAY CONTACT ... (INSERT LOCAL OR NEAREST  
 110 LEGAL AID OFFICE AND TELEPHONE NUMBER) ... TO SEE IF YOU QUALIFY  
 111 FINANCIALLY FOR THEIR SERVICES. IF THEY CANNOT ASSIST YOU, THEY  
 112 MAY BE ABLE TO REFER YOU TO A LOCAL BAR REFERRAL AGENCY OR  
 113 SUGGEST OTHER OPTIONS. IF YOU CHOOSE TO CONTACT ... (NAME OF  
 114 LOCAL OR NEAREST LEGAL AID OFFICE) ... FOR ASSISTANCE, YOU SHOULD  
 115 DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

116       (c) A copy of the final judgment shall be furnished by the

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117 clerk by first-class mail to the last known address of every  
 118 party to the action or to the attorney of record for such party.  
 119 Any irregularity in such mailing, including the failure to  
 120 include this statement in any final judgment or order, shall not  
 121 affect the validity or finality of the final judgment or order  
 122 or any sale held pursuant to the final judgment or order. Any  
 123 sale held more than 35 days after the final judgment or order  
 124 shall not affect the validity or finality of the final judgment  
 125 or order or any sale held pursuant to such judgment or order.

126 (2) PUBLICATION OF SALE.—Notice of sale shall be published  
 127 on a publicly accessible website as provided in s. 50.0311 for  
 128 at least 2 consecutive weeks before the sale or once a week for  
 129 2 consecutive weeks in a newspaper of general circulation, as  
 130 provided in chapter 50, published in the county where the sale  
 131 is to be held. The second publication by newspaper shall be at  
 132 least 5 days before the sale. The notice shall contain:

133 (a) A description of the property to be sold.  
 134 (b) The time and place of sale.  
 135 (c) A statement that the sale will be made pursuant to the  
 136 order or final judgment.  
 137 (d) The caption of the action.  
 138 (e) The name of the clerk making the sale.  
 139 (f) A statement that any person claiming an interest in the  
 140 surplus from the sale, if any, other than the property owner as  
 141 of the date of the lis pendens must file a claim before the  
 142 clerk reports the surplus as unclaimed.

143  
 144 The court, in its discretion, may enlarge the time of the sale.  
 145 Notice of the changed time of sale shall be published as

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146 provided herein.

147 (3) CONDUCT OF SALE; DEPOSIT REQUIRED.—The sale shall be  
 148 conducted at public auction at the time and place set forth in  
 149 the final judgment. The clerk shall receive the service charge  
 150 imposed in s. 45.035 for services in making, recording, and  
 151 certifying the sale and title that shall be assessed as costs.  
 152 At the time of the sale, the successful high bidder shall post  
 153 with the clerk a deposit equal to 5 percent of the final bid.  
 154 The deposit shall be applied to the sale price at the time of  
 155 payment. If final payment is not made within the prescribed  
 156 period, the clerk shall readvertise the sale as provided in this  
 157 section and pay all costs of the sale from the deposit. Any  
 158 remaining funds shall be applied toward the judgment.

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

162  
 163 (Caption of Action)

164  
 165 CERTIFICATE OF SALE

166  
 167 The undersigned clerk of the court certifies that notice of  
 168 public sale of the property described in the order or final  
 169 judgment was published in ...., a newspaper circulated in ....  
 170 County, Florida, in the manner shown by the proof of publication  
 171 attached, and on ...., ... (year) ..., the property was offered  
 172 for public sale to the highest and best bidder for cash. The  
 173 highest and best bid received for the property in the amount of  
 174 \$.... was submitted by ...., to whom the property was sold. The

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175 proceeds of the sale are retained for distribution in accordance  
 176 with the order or final judgment or law. WITNESS my hand and the  
 177 seal of this court on ...., ... (year) ....

178 .... (Clerk) ...

179 By ... (Deputy Clerk) ...

180  
 181 (5) CERTIFICATE OF TITLE.—If no objections to the sale are  
 182 filed within 10 days after filing the certificate of sale, the  
 183 clerk shall file a certificate of title and serve a copy of it  
 184 on each party in substantially the following form:

185  
 186 (Caption of Action)

187  
 188 CERTIFICATE OF TITLE

189  
 190 The undersigned clerk of the court certifies that he or she  
 191 executed and filed a certificate of sale in this action on ....,  
 192 ... (year) ..., for the property described herein and that no  
 193 objections to the sale have been filed within the time allowed  
 194 for filing objections.

195 The following property in .... County, Florida:

196 (description)

197 was sold to .....  
 198

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

200 .... (Clerk) ...

201 By ... (Deputy Clerk) ...

202  
 203 (6) CONFIRMATION; RECORDING.—When the certificate of title

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204 is filed the sale shall stand confirmed, and title to the  
 205 property shall pass to the purchaser named in the certificate  
 206 without the necessity of any further proceedings or instruments.  
 207 The certificate of title shall be recorded by the clerk.

208 (7) DISBURSEMENTS OF PROCEEDS.—

209 (a) On filing a certificate of title, the clerk shall  
 210 disburse the proceeds of the sale in accordance with the order  
 211 or final judgment and shall file a report of such disbursements  
 212 and serve a copy of it on each party, and on the Department of  
 213 Revenue if the department was named as a defendant in the action  
 214 or if the Department of Commerce or the former Agency for  
 215 Workforce Innovation was named as a defendant while the  
 216 Department of Revenue was providing reemployment assistance tax  
 217 collection services under contract with the Department of  
 218 Commerce or the former Agency for Workforce Innovation through  
 219 an interagency agreement pursuant to s. 443.1316.

220 (b) The certificate of disbursements shall be in  
 221 substantially the following form:

222  
 223 (Caption of Action)

224  
 225 CERTIFICATE OF DISBURSEMENTS

226  
 227 The undersigned clerk of the court certifies that he or she  
 228 disbursed the proceeds received from the sale of the property as  
 229 provided in the order or final judgment to the persons and in  
 230 the amounts as follows:

231 Name Amount

232  
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233

Total disbursements: \$....

234

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

235

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

243

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

246

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

247

248 (c) If no objections to the report are served within 10  
 249 days after it is filed, the disbursements by the clerk shall  
 250 stand approved as reported. If timely objections to the report  
 251 are served, they shall be heard by the court. Service of  
 252 objections to the report does not affect or cloud the title of  
 253 the purchaser of the property in any manner.

254 (d) If there are funds remaining after payment of all  
 255 disbursements required by the final judgment of foreclosure and  
 256 shown on the certificate of disbursements, the surplus shall be  
 257 distributed as provided in this section and ss. 45.0315-45.035.

258 (8) VALUE OF PROPERTY.—The amount of the bid for the  
 259 property at the sale shall be conclusively presumed to be  
 260 sufficient consideration for the sale. Any party may serve an  
 261 objection to the amount of the bid within 10 days after the

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262 clerk files the certificate of sale. If timely objections to the  
 263 bid are served, the objections shall be heard by the court.  
 264 Service of objections to the amount of the bid does not affect  
 265 or cloud the title of the purchaser in any manner. If the case  
 266 is one in which a deficiency judgment may be sought and  
 267 application is made for a deficiency, the amount bid at the sale  
 268 may be considered by the court as one of the factors in  
 269 determining a deficiency under the usual equitable principles.

270 (9) EXECUTION SALES.—This section shall not apply to  
 271 property sold under executions.

272 (10) ELECTRONIC SALES.—The clerk may conduct the sale of  
 273 real or personal property under an order or judgment pursuant to  
 274 this section by electronic means. Such electronic sales shall  
 275 comply with the procedures provided in this chapter, except that  
 276 electronic proxy bidding shall be allowed and the clerk may  
 277 require bidders to advance sufficient funds to pay the deposit  
 278 required by subsection (3). The clerk shall provide access to  
 279 the electronic sale by computer terminals open to the public at  
 280 a designated location and shall accept an advance credit proxy  
 281 bid from the plaintiff of any amount up to the maximum allowable  
 282 credit bid of the plaintiff. A clerk who conducts such  
 283 electronic sales may receive electronic deposits and payments  
 284 related to the sale.

285 Section 2. Section 45.0311, Florida Statutes, is created to  
 286 read:

287 45.0311 Transparency in judicial sales and foreclosure  
 288 sales.—

289 (1) This section may be cited as the "Transparency in  
 290 Judicial Sales and Foreclosure Sales Act."

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291 (2) Notwithstanding s. 45.031 or any other law to the  
292 contrary:

293       (a) A court of competent jurisdiction presiding over a  
294 judicial sale or other foreclosure sale conducted in this state  
295 or pursuant to the laws of this state may not allow the use of  
296 bidding credits or other offsets in excess of 10 percent of the  
297 most recent assessed value of the property, as determined by the  
298 property appraiser in the county where the property is located.

299                   (b) If the winning bidder of a judicial sale or other  
300 foreclosure sale conducted in this state or pursuant to the laws  
301 of this state does not remit the full purchase price within 30  
302 days after the sale, or cause the full purchase price to be  
303 remitted to the seller within 30 days after the sale, the sale  
304 is voided and the property must be reauctioned.

305       (c) If a judicial sale or other foreclosure sale conducted  
306 in this state or pursuant to the laws of this state is  
307 orchestrated or facilitated by an attorney, a parent, a child, a  
308 brother, a sister, a grandparent, or a grandchild of that  
309 attorney may not bid on the property. A current or former client  
310 of such attorney may not bid on the property. For the purposes  
311 of this paragraph, a legal entity wholly or predominantly owned  
312 by a parent, a child, a brother, a sister, a grandparent, or a  
313 grandchild of such attorney or a current or former client of  
314 such attorney, may not bid on the property.

315       (d) If a property sold pursuant to a judicial sale or other  
316 foreclosure sale conducted in this state or pursuant to the laws  
317 of this state is not sold for at least 75 percent of the most  
318 recent assessed value of the property, as determined by the  
319 property appraiser in the county where the property is located,

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such property must be reauctioned.

(e) Any judicial sale or other foreclosure sale conducted in this state or pursuant to the laws of this state must be held at a location that is open and available to the public, and the public must be provided reasonable notice of such sale. For the purposes of this paragraph, an area of a building or property which is normally accessible only by a security card, key card, key fob, or other similar means is not open and available to the public.

(f) A court of competent jurisdiction in this state may not allow any judicial sale or other foreclosure sale to proceed if such sale is conducted pursuant to rules that contradict this section. A court may not issue an order allowing a property to be sold by way of judicial sale or foreclosure sale which does not comply with the requirements of this section.

(g) Any judicial sale or other foreclosure sale conducted in this state or pursuant to the laws of this state in violation of this section is void, upon a successful legal challenge, and the property must be reauctioned pursuant to a valid judicial sale.

Section 3. Section 45.036, Florida Statutes, is created to read:

45.036 Alternate judicial sales procedure.—A court may order the use of alternate judicial sales procedures in ss. 45.031–45.035 if the exceptions are consistent with the requirements of this section and the goals of minimizing expenses and delays, avoiding fraud, and maximizing the sale price.

(1) ALTERNATE PUBLICATION OF SALE PROCEDURE.—Any

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349 publication of sale procedure which is not fully consistent with  
 350 the publication of sale procedures specified in s. 45.031(2)  
 351 must require notice of all the information specified in that  
 352 subsection.

353 (2) SALES NOT CONDUCTED BY THE CLERK OF THE COURT.—If the  
 354 clerk of the court is not conducting the sale, the person  
 355 conducting the sale:

356 (a) Must be an auctioneer licensed under part VI of chapter  
 357 468, a real estate broker licensed under chapter 475, or an  
 358 attorney licensed by The Florida Bar;

359 (b) May not be a party to the action or an attorney  
 360 representing a party in the action; and

361 (c) May not directly or indirectly bid on the property or  
 362 profit from the sale of the property by any means other than the  
 363 fee authorized by the court.

364 (3) PREFERENCES PROHIBITED.—An alternate judicial sales  
 365 procedure may not authorize any bidding preferences, credit  
 366 preferences, or other preference or advantage to any party or  
 367 bidder or other person seeking ownership of the property.

368 (4) POSSESSION OF DEPOSITS AND PAYMENTS.—If the bidder's  
 369 deposit, the bid amount, or any other funds paid by a bidder or  
 370 a party are not held by the clerk of the court, the funds must  
 371 be held in an escrow or trust account pursuant to the laws and  
 372 rules regulating the license of the person conducting the sale  
 373 or held in an escrow account of the title insurance agent  
 374 regulated under part V of chapter 626. The court may audit any  
 375 such escrow or trust account and may enter an ex parte order at  
 376 any time requiring the immediate transfer of all related funds  
 377 to the clerk of the court.

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378 (5) CERTIFICATION OF SALE.—After the sale of a property to  
 379 which this section applies:

380 (a) The clerk is entitled to the service charge in s.  
 381 45.035(1), which may not be waived by the court; and

382 (b) The clerk of the court or other person who conducted  
 383 the sale must promptly file a certificate of sale and serve a  
 384 copy on each party in substantially the following form:

385  
 386 (Caption of Action)

387  
 388 CERTIFICATE OF JUDICIAL SALE

389  
 390 The undersigned .... certifies that notice of public sale  
 391 of the property described in the order or final judgment was  
 392 furnished by ...., in the manner shown by the attached, and on  
 393 ...., ... (year) ..., the property was offered for public sale to  
 394 the highest and best bidder for cash. The highest and best bid  
 395 received for the property in the amount of \$.... was submitted  
 396 by ...., to whom the property was sold. The proceeds of the sale  
 397 are retained for distribution in accordance with the order or  
 398 final judgment or law. WITNESS my hand and the seal of this  
 399 court on ...., ... (year) ....

400  
 401 .... (....) ....  
 402  
 403 By .... (....) ....

403 (6) CERTIFICATE OF TITLE.—If property is sold under the  
 404 method authorized by this section and an objection to the sale  
 405 is not filed within 10 days after filing the certificate of  
 406 sale, or such other time as authorized by the court, the clerk

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407 must file a certificate of title and serve a copy of such title  
408 on each party in substantially the following form:

410 (Caption of Action)

CERTIFICATE OF TITLE

414       The undersigned clerk of the court certifies that a  
415       certificate of sale was filed in this action on ....,  
416       ...(year)...., for the property described herein and that no  
417       objections to the sale have been filed within the time allowed  
418       for filing objections.

421 was sold to .....

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

(7) SURPLUS FUNDS.—The requirements related to a foreclosure surplus as provided in ss. 45.031(1), 45.032, 45.033, and 45.035(2) may not be waived by the court.

430 (8) DISBURSEMENTS OF PROCEEDS.—If the clerk of the court is  
431 not disbursing the proceeds of the sale, the person who  
432 conducted the sale, or a title company licensed under part V of  
433 chapter 626, must file a certificate of disbursements in  
434 substantially the same form as required by s. 45.031(7).

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



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Appropriations Committee on Pre-K - 12 Education,  
*Vice Chair*  
Education Postsecondary  
Education Pre-K - 12  
Fiscal Policy  
Judiciary  
Military and Veterans Affairs, Space, and  
Domestic Security  
Rules

**SENATOR GERALDINE F. "GERI"  
THOMPSON**  
15th District

January 15, 2025

The Honorable Chair Yarborough  
Chairman  
404 South Monroe Street  
Tallahassee, FL 32399

Dear Chair Yarborough,

I am writing to formally request a leave of absence due to a medical condition from the Committee on Judiciary during the interim committee meetings scheduled from January 13 through February 21, 2025. While I regret being unable to actively participate in Senate proceedings during this period, this temporary leave is essential to enable me to return to my duties fully restored.

I greatly appreciate your understanding and support during this time. If additional documentation or details are needed, please let me know.

Thank you for your attention to this matter.

Sincerely,

*Geraldine F. Thompson*

Senator Geraldine F. Thompson  
FL Senate District 15

Cc: Tim Cibula, Staff Director  
Lisa Larson, Committee Administrative Assistant  
Maggie Gerson, Staff Director

#### REPLY TO:

- 511 W. South Street, Suite 205, Orlando, Florida 32805 (407) 245-0194
- 205 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5015

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**BEN ALBRITTON**  
President of the Senate

**JASON BRODEUR**  
President Pro Tempore

2/11/25

Meeting Date

The Florida Senate

## APPEARANCE RECORD

Bill Number or Topic

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Committee

Name

Roland Sanchez-Medina

Phone

850/561-5600

Address

651 E. Jefferson Street

Email

Street

Tallahassee FL 32399

City

State

Zip

Speaking:  For  Against  Information

**OR**

Waive Speaking:  In Support  Against

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

### PLEASE CHECK ONE OF THE FOLLOWING:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](https://flsenate.gov/2020-2022JointRules.pdf) (flsenate.gov)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

2/11/25

Meeting Date

The Florida Senate

## APPEARANCE RECORD

Bill Number or Topic

Deliver both copies of this form to

Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Committee

Name

Elizabeth Tarbert

Phone

850/561-5839

Address

651 E. Jefferson Street

Email

Street

Tallahassee FL 32399

City

State

Zip

Speaking:  For  Against  Information

**OR**

Waive Speaking:  In Support  Against

I am appearing without compensation or sponsorship.

### PLEASE CHECK ONE OF THE FOLLOWING:

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](https://flsenate.gov/2020-2022JointRules.pdf) (flsenate.gov)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

## The Florida Senate

**APPEARANCE RECORD**

Meeting Date

Judiciary

Committee

Name

Bob Cortes

Address

100 Estuary Way

Street

Sanford

City

FL

State

32705

Zip

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Bill Number or Topic

Amendment Barcode (if applicable)

407-840-3435

Phone

Email

bcortes@seminaleshuttle.orgSpeaking:  For  Against  Information**OR**Waive Speaking:  In Support  Against**PLEASE CHECK ONE OF THE FOLLOWING:** I am appearing without compensation or sponsorship. I am a registered lobbyist, representing: I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:F.S.A.

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](https://flsenate.gov/2020-2022JointRules.pdf)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

2/11/25

Meeting Date

S. Jud

Committee

Name Manuel Guarch

Address 108 Eslinger Way  
Street

Sanford FL 32773  
City State Zip

The Florida Senate

## APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Sgtatute Legislation  
Bill Number or Topic

Amendment Barcode (if applicable)

Phone 407 951 9927

Email MGuarch@semimole  
Sheriff.org

Speaking:  For  Against  Information

**OR** Waive Speaking:  In Support  Against

### PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without  
compensation or sponsorship.

Florida Sheriffs  
Association

I am a registered lobbyist,  
representing:

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](https://flsenate.gov/2020-2022JointRules.pdf) (flsenate.gov)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



The Florida Senate

## Committee Agenda Request

**To:** Senator Clay Yarborough, Chair  
Committee on Judiciary

**Subject:** Committee Agenda Request

**Date:** January 22, 2025

---

I respectfully request that **Senate Bill # 48**, relating to **Judicial Sales Procedures**; Specifying that courts must follow certain provisions when ordering the sale of real or personal property unless the use of other specified procedures is ordered; designating the “Transparency in Judicial Sales and Foreclosure Sales Act”; prohibiting a court from allowing the use of bidding credits or certain other offsets in specified judicial sales or foreclosure sales; authorizing courts to order an alternate judicial sales procedure under specified conditions, etc. be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.



\_\_\_\_\_  
Senator Ileana Garcia  
Florida Senate, District 36

# CourtSmart Tag Report

**Room:** SB 110

**Case No.:**

**Type:**

**Caption:** Senate Commmitte on Judiciary

**Judge:**

**Started:** 2/11/2025 4:01:39 PM

**Ends:** 2/11/2025 5:12:55 PM **Length:** 01:11:17

**4:01:45 PM** Chair Yarborough calls meeting to order

**4:01:48 PM** Roll call

**4:02:01 PM** Chair Yarborough opening remarks

**4:02:17 PM** Tab 3: SB 48 by Senator Garcia

**4:02:19 PM** Chair Yarborough recognizes Senator Garcia

**4:02:33 PM** Amendment 698220

**4:02:45 PM** Senator Garcia explains the amendment

**4:05:55 PM** Questions:

**4:06:07 PM** Senator Garcia waives close

**4:06:15 PM** Amendment is reported out

**4:06:29 PM** Debate

**4:06:30 PM** Senator Passidomo

**4:07:15 PM** Senator Garcia closes on the bill

**4:08:01 PM** Roll call

**4:08:35 PM** Tab 1: Presentation by Florida Sheriffs' Association

**4:09:07 PM** Chair Yarborough recognizes Bob Cortes

**4:09:15 PM** Bob Cortes, Senior Administrator for Government & Community Affairs, Florida Sheriffs' Association

**4:11:34 PM** Manuel Guarch, General Counsel for the Seminole County Sheriffs' Office, Florida Sheriffs' Association

**4:17:54 PM** Questions:

**4:17:57 PM** Senator DiCeglie

**4:19:35 PM** Chair Yarborough

**4:19:56 PM** Manuel Guarch

**4:20:28 PM** Bob Cortes

**4:20:51 PM** Chair Yarborough

**4:21:09 PM** Bob Cortes

**4:21:27 PM** Manuel Guarch

**4:21:58 PM** Tab 2: Presentation by The Florida Bar

**4:22:12 PM** Chair Yarborough recognizes Roland Sanchez-Medina President, The Florida Bar

**4:22:27 PM** Roland Sanchez-Medina

**4:31:35 PM** Chair Yarborough recognizes Elizabeth Tarbert, Division Director, Lawyer Regulation

**4:31:40 PM** Elizabeth Tarbert

**5:01:10 PM** Questions:

**5:01:14 PM** Senator Leek

**5:01:27 PM** Elizabeth Tarbert

**5:01:40 PM** Senator Leek

**5:01:59 PM** Elizabeth Tarbert

**5:02:20 PM** Senator Leek

**5:02:25 PM** Elizabeth Tarbert

**5:02:33 PM** Senator Leek

**5:03:00 PM** Elizabeth Tarbert

**5:03:14 PM** Senator Leek  
**5:03:18 PM** Elizabeth Tarbert  
**5:03:31 PM** Senator Leek  
**5:03:37 PM** Chair Yarborough  
**5:03:57 PM** Roland Sanchez-Medina  
**5:04:26 PM** Chair Yarborough  
**5:04:45 PM** Elizabeth Tarbert  
**5:05:17 PM** Chair Yarborough  
**5:05:31 PM** Elizabeth Tarbert  
**5:06:21 PM** Chair Yarborough  
**5:06:36 PM** Elizabeth Tarbert  
**5:07:25 PM** Roland Sanchez-Medina  
**5:07:59 PM** Elizabeth Tarbert  
**5:08:04 PM** Chair Yarborough  
**5:08:08 PM** Roland Sanchez-Medina  
**5:08:14 PM** Senator Gaetz  
**5:08:30 PM** Elizabeth Tarbert  
**5:09:10 PM** Senator Gaetz  
**5:09:15 PM** Elizabeth Tarbert  
**5:09:42 PM** Senator Gaetz  
**5:10:04 PM** Elizabeth Tarbert  
**5:10:37 PM** Senator Gaetz  
**5:11:15 PM** Elizabeth Tarbert  
**5:12:08 PM** Roland Sanchez-Medina  
**5:12:26 PM** Chair Yarborough makes comments  
**5:12:34 PM** Senator Polsky moves to adjourn  
**5:12:46 PM** Meeting adjourned