

Agenda Order

Tab 2	CS/SB 48 by JU, Garcia; Compare to H 01375 Alternative Judicial Procedures
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882670	D	S		ACJ, Garcia	Delete everything after	03/17 09:57 AM
323662	A	S	TP	ACJ, Garcia	Delete L.65 - 585:	03/19 10:59 AM

Tab 3	SB 472 by Truenow; Similar to CS/H 00195 Education in Correctional Facilities for Licensed Professions
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Tab 4	SB 538 by Bradley; Similar to H 00813 State Courts System
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408054	A	S	RCS	ACJ, Bradley	Delete L.38 - 82:	03/19 10:58 AM
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Tab 5	SB 878 by Martin; Identical to H 00091 Probation for Misdemeanor Offenses
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA
APPROPRIATIONS COMMITTEE ON CRIMINAL AND CIVIL
JUSTICE
Senator Garcia, Chair
Senator Martin, Vice Chair

MEETING DATE: Tuesday, March 18, 2025

TIME: 1:00—3:00 p.m.

PLACE: Mallory Horne Committee Room, 37 Senate Building

MEMBERS: Senator Garcia, Chair; Senator Martin, Vice Chair; Senators Ingoglia, Osgood, Polsky, Rouson, Simon, Wright, and Yarborough

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	Status on the Implementation of CS/SB 606 - Boating Safety Act of 2022		Presented
2	CS/SB 48 Judiciary / Garcia (Compare H 1375)	Alternative Judicial Procedures; Requiring, rather than authorizing, that specified sales procedures be followed for certain sales of real or personal property unless a court orders the use of other sales procedures; creating the "Transparency in Alternative Judicial Sales Procedures Act"; requiring parties that want to use an alternative sales procedure to file a motion with the court where the action is pending; authorizing persons to serve as auctioneers or in other roles, under specified conditions, etc. JU 02/11/2025 Fav/CS ACJ 03/05/2025 Temporarily Postponed ACJ 03/18/2025 Not Considered RC	Not Considered
3	SB 472 Truenow (Similar CS/H 195)	Education in Correctional Facilities for Licensed Professions; Requiring the Correctional Education Program to develop a plan in conjunction with the boards of professions regulated by the Department of Business and Professional Regulation for inmates to take classes for credit toward licensure requirements, etc. CJ 03/04/2025 Favorable ACJ 03/18/2025 Favorable FP	Favorable Yeas 5 Nays 0
4	SB 538 Bradley (Similar H 813)	State Courts System; Revising the availability of judges to require at least one circuit judge in each circuit to be available for hearings with limited notice; deleting the per diem cap for arbitrators who participate in court-ordered, nonbinding arbitration; authorizing judges to authenticate a jurat, or certificate of proof or acknowledgment, by affixing their signature and printing their name, title, and court, etc. JU 03/04/2025 Favorable ACJ 03/18/2025 Fav/CS RC	Fav/CS Yeas 5 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Committee on Criminal and Civil Justice
Tuesday, March 18, 2025, 1:00—3:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
5	SB 878 Martin (Identical H 91)	Probation for Misdemeanor Offenses; Increasing probationary periods for certain misdemeanor offenses involving controlled or chemical substances, etc. CJ 03/11/2025 Favorable ACJ 03/18/2025 Favorable RC	Favorable Yeas 6 Nays 0

Other Related Meeting Documents



Vessel Livery Regulations and Enforcement

Appropriations Committee on Criminal and Civil Justice
Lieutenant Colonel Robert Rowe
March 18th, 2025



Florida Statute and Florida Administrative Code

- **Section 327.54, Florida Statutes - *Liveries; safety regulations; penalty***
- **68D-34, Florida Administrative Code – *Livery Regulations***
 - 68D-34.002 – *Livery Pre-Rental and Pre-Ride Instruction Requirements*
 - 68D-34.004 – *Boating Safety Information to be Displayed at Livery Facilities*
 - 68D-34.006 – *Livery Permits*



Livery Operator Permit

- Liveries must obtain a Livery Operator Permit if they are renting motorboats, personal watercraft (PWC), paddle craft, sailboats, or houseboats which are being operated on the waters of the state.
 - Permit is no-cost.
 - Expires annually on the applicant's birthday.
 - Any changes to required information (ex: vessels, insurance, etc.) before renewal, the livery must provide FWC with an **update within 10 days after the change**.
 - Section 327.54(2), Florida Statute – violation is a 1st degree misdemeanor subject to a \$1,000 fine



Livery Operator Permit
Florida Fish and Wildlife Conservation Commission

THIS PERMIT DOES NOT ASSURE QUALITY OF THE VESSELS OR EQUIPMENT PROVIDED. IT IS THE OWNER'S RESPONSIBILITY TO ENSURE COMPLIANCE WITH ALL APPLICABLE STATUTES, RULES AND REGULATIONS.

Business Name: Silver Prop DBA SWFLBOATRENTAL.COM

Business Address: 3623 Montclair Cir; North Port, FL 34287

Valid Until 08/22/2024
2023C17 - 0000000158

Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement
Boating and Waterways Section
620 South Meridian Street
Tallahassee, FL 32399-1600

Colin Jones
Digitally signed by Colin Jones
Date: 2023.03.17 12:31:36
04'00"
Authorized Issuing Agent Signature

FWCDLE_310 (9/22) – Rule 68D-34.006, F.A.C.

Statewide Statistics

- Permits issued since inception (including renewals): 1,428
- Total permitted liveries: 1,093



Tri-County Statistics

Miami-Dade, Broward, Monroe

- Miami-Dade Liveries: 205
- Miami-Dade Renewals: 49
- Broward Liveries: 71
- Broward Renewals: 15
- Monroe Liveries: 91
- Monroe Renewals: 34

Total: 465 permits issued in tri-county area since the inception of the permit requirement



Requirements

- Section 327.54 (3), Florida Statutes - A livery may not knowingly lease or rent a vessel to any person:
 - When the number of persons exceeds number considered maximum safety load for the vessel
 - When the horsepower of motor exceeds the capacity of the vessel
 - When the vessel does not contain the required safety equipment under 327.50, F.S.
 - When the vessel is not seaworthy, is a derelict vessel, or is at risk of becoming derelict
 - Unless the livery has written agreement with the renter or lessee
 - Maintained for **no less than 1 year**, and upon request make available for inspection by law enforcement
 - Agreement must include **name, address, and date of birth for the renter and number of people aboard the vessel**, and **time vessel is required to be returned** to the livery or another specific location. Also, **emergency contact name, address, and telephone number**.



Requirements

- Section 327.54 (3), Florida Statute - A livery may not knowingly lease or rent a vessel to any person:
 - Unless the livery provides pre-rental or pre-ride instruction
 - Any person receiving instruction must provide the livery with a written statement attesting to each component of the instruction.
 - Livery shall maintain the statement form for **no less than 90 days** and, upon request, make the form available for inspection by law enforcement.



Displayed Livery Safety Information

- Section 327.54(3)(f), Florida Statutes
- Livery must display boating safety information in a place visible to the renting public. Rule 68D-34.004(1), F.A.C., states each applicable boating safety information form must be displayed in a size **no smaller than 187 square inches** (FWC sends livery the yellow signage at no cost upon request).

Motorboat rental safety

Alcohol and many other drugs are dangerous when combined with boating. Do not operate any boat while impaired by alcohol or drugs.

It is easy to slip and fall into the water if sitting on the front (bow), side (gunwales), rear (stern) or a swim platform and be severely injured by the boat propeller. Operate at a safe speed and be cautious about proper loading of passengers and gear.

You and your passengers must know the location and proper use of life jackets and other safety equipment for the boat you are renting. It is always best to wear a life jacket when on the water, and children under the age specified by law are required to wear one.

When boating after sunset and before sunrise, or when visibility is poor, your boat must display navigation lights. An anchor light must be displayed if you anchor for the night. Should a problem arise, you must know how to properly use the boat's distress signals.

If the boat is equipped with an ignition kill switch, you should always use it when the boat is underway.

Most boating accidents involve collisions due to operator inattention or carelessness. Be aware of dangers approaching from any direction.

The rules for meeting, passing and crossing paths of other boats are important. When you meet another boat head-on, you should steer to the right (starboard).

To overtake (pass) another boat, you should pass on the left (port) side, leave plenty of room and yield (give way) to that boat. If conditions require it, you may pass on the right (starboard) side.

Crossing the path of another boat requires that you yield (give way) to the boat on your right (starboard). Any time there is a threat of collision, you must slow down, stop or steer away.

Coming into contact with the boat's propeller is likely to cause serious injury or death. Be careful of people in the water and minimize risk of falls overboard.

Do not let anyone jump, dive or swim from or near the boat, or the k stopped water de

The boat such as i caution if gas that everyone all times

If someone ends up in the water, be prepared to assist them. If you are not a swimmer, do not attempt to rescue anyone.

The boat damage, water if it is to be repaired. Make sure you understand the boat's operation and maintenance.

The rental company has rules aimed at protecting you and your passengers. Understand and follow the rental company's rules and the boating laws that apply to the type of boat you are renting.

When boating after sunset and before sunrise, or when visibility is poor, your boat must display navigation lights. An anchor light must be displayed if you anchor for the night. Should a problem arise, you must know how to properly use the boat's distress signals.

Most boating accidents involve collisions due to operator inattention or carelessness. Be aware of dangers approaching from any direction.

The rules for meeting, passing and crossing paths of other boats are important. When you meet another boat head-on, you should steer to the right (starboard).

To overtake (pass) another boat, you should pass on the left (port) side, leave plenty of room and yield (give way) to that boat. If conditions require it, you may pass on the right (starboard) side.

Crossing the path of another boat requires that you yield (give way) to the boat on your right (starboard). Any time there is a threat of collision, you must slow down, stop or steer away.

Sailboat rental safety

Alcohol and many other drugs are dangerous when combined with any form of boating. Do not operate any boat while impaired by alcohol or drugs.

Sailing often requires passengers to climb up and down the boat, enhancing the possibility of slipping and falling into the water if outside the cockpit or cabin. Be cautious about proper loading of passengers and gear while keeping passengers in safe seating and riding locations.

You and your passengers must know the location and proper use of life jackets and other safety equipment for the boat you are renting. It is always best to wear a life jacket when on the water, and children under the age specified by law are required to wear one.

When boating after sunset and before sunrise, or when visibility is poor, your boat must display navigation lights. An anchor light must be displayed if you anchor for the night. Should a problem arise, you must know how to properly use the boat's distress signals.

Most boating accidents involve collisions due to operator inattention or carelessness. Be aware of dangers approaching from any direction.

The rules for meeting, passing and crossing paths of other boats are important. When you meet another boat head-on, you should steer to the right (starboard).

To overtake (pass) another boat, you should pass on the left (port) side, leave plenty of room and yield (give way) to that boat. If conditions require it, you may pass on the right (starboard) side.

Crossing the path of another boat requires that you yield (give way) to the boat on your right (starboard). Any time there is a threat of collision, you must slow down, stop or steer away.

Paddlecraft rental safety

Alcohol and many other drugs are especially dangerous when combined with any form of boating. Do not operate any boat while impaired by alcohol or drugs.

any manually propelled boat more, kayaks, rafts and can be physically challenging. Be to overestimate your physical or those of the boat you will be

Do not let anyone jump, dive or swim from or near the boat unless the motor is turned off, the propeller has stopped turning (if applicable) and you have checked the water depth.

The boat's motor(s) and other equipment such as generators and appliances (if equipped) produce carbon monoxide, a colorless, odorless gas that can cause death quickly. Keep everyone away from any exhaust at all times and keep the boat well ventilated.

If someone falls overboard or unexpectedly ends up in the water, you must have a plan. Practice your man-overboard drills regularly. Only help the person into the boat if the motor is turned off.

The rental company has rules aimed at protecting you and your passengers. Understand and follow the rental company's rules and the boating laws that apply to the type of boat you are renting.

When boating after sunset and before sunrise, or when visibility is poor, your boat must display navigation lights. An anchor light must be displayed if you anchor for the night. Should a problem arise, you must know how to properly use the boat's distress signals.

Most boating accidents involve collisions due to operator inattention or carelessness. Be aware of dangers approaching from any direction.

The rules for meeting, passing and crossing paths of other boats are important. When you meet another boat head-on, you should steer to the right (starboard).

To overtake (pass) another boat, you should pass on the left (port) side, leave plenty of room and yield (give way) to that boat. If conditions require it, you may pass on the right (starboard) side.

Crossing the path of another boat requires that you yield (give way) to the boat on your right (starboard). Any time there is a threat of collision, you must slow down, stop or steer away.

When boating after sunset and before sunrise, or when visibility is poor, you must be prepared to shine a white light (such as a flashlight) in time to see another boat. Should you see another boat, you must know how to signal.

Stay aware of hazard currents and tidal flow. It is very difficult to move a destination. Pay extra attention to waves. Avoid boating conditions.

Always wear your life jacket. If you are not a swimmer, do not attempt to rescue anyone. If you are not a swimmer, do not attempt to rescue anyone.

The rental company is at protecting you and your passengers. Understand and follow the rental company's rules and the boating laws that apply to the type of boat you are renting.

When boating after sunset and before sunrise, or when visibility is poor, your boat must display navigation lights. An anchor light must be displayed if you anchor for the night. Should a problem arise, you must know how to properly use the boat's distress signals.

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Crossing the path of another boat requires that you yield (give way) to the boat on your right (starboard). Any time there is a threat of collision, you must slow down, stop or steer away.

Houseboat rental safety

Alcohol and many other drugs are dangerous when combined with any form of boating. Do not operate any boat while impaired by alcohol or drugs.

It is easy to slip and fall into the water if sitting on the front (bow), side (gunwales), rear (stern) or a swim platform and be severely injured by the boat propeller. Operate at a safe speed and be cautious about proper loading of passengers and gear.

Houseboats can be especially challenging to maneuver. Keep plenty of distance between your boat and other objects and be sure to operate at very slow speed when making tight maneuvers.

You and your passengers must know the location and proper use of life jackets and other safety equipment for the boat you are renting. It is always best to wear a life jacket when on the water, and children under the age specified by law are required to wear one.

When boating after sunset and before sunrise, or when visibility is poor, your boat must display navigation lights. An anchor light must be displayed if you anchor for the night. Should a problem arise, you must know how to properly use the boat's distress signals.

Most boating accidents involve collisions due to operator inattention or carelessness. Be aware of dangers approaching from any direction.

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Crossing the path of another boat requires that you yield (give way) to the boat on your right (starboard). Any time there is a threat of collision, you must slow down, stop or steer away.

Personal watercraft/jet boat rental safety

Alcohol and many other drugs are dangerous when combined with any form of boating. Do not operate any boat while impaired by alcohol or drugs.

It is very important to get in the habit of the jet boat while boating. Not only is it mandatory for personal watercraft, but it is also highly recommended that appropriate protective gear be worn.

Most boating accidents involve collisions due to operator inattention or carelessness. Be aware of dangers approaching from any direction.

Do not let anyone jump, dive or swim from or near the boat unless the motor is turned off, the propeller has stopped turning and you have checked the water depth.

The boat's motor(s) and other equipment such as generators and appliances produce carbon monoxide, a colorless, odorless gas that can cause death quickly. Keep everyone away from the boat's exhaust at all times and keep the boat well ventilated.

If someone falls overboard or unexpectedly ends up in the water, you must have a plan. Practice your man-overboard drills regularly. Only help the person into the boat if the motor is turned off.

The rental company has rules aimed at protecting you and your passengers. Understand and follow the rental company's rules and the boating laws that apply to the type of boat you are renting.

When boating after sunset and before sunrise, or when visibility is poor, your boat must display navigation lights. An anchor light must be displayed if you anchor for the night. Should a problem arise, you must know how to properly use the boat's distress signals.

Most boating accidents involve collisions due to operator inattention or carelessness. Be aware of dangers approaching from any direction.

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To overtake (pass) another boat, you should pass on the left (port) side, leave plenty of room and yield (give way) to that boat. If conditions require it, you may pass on the right (starboard) side.

Crossing the path of another boat requires that you yield (give way) to the boat on your right (starboard). Any time there is a threat of collision, you must slow down, stop or steer away.

Operate at a safe speed while keeping more than enough distance between you and other boats. Remember, the faster you are going the more distance you will travel when trying to react to danger, thus increasing the likelihood of collision and serious bodily injury or death.

It is unsafe and against the law to follow closely behind another boat, to spray another boat or a person, to jump boat wakes close to a boat and to make sharp turns or maneuvers which make it difficult for others to avoid colliding with you.

Personal watercraft and jet boats are not toys. It is important that you avoid aggressive maneuvers, sharp turns or jump waves or wakes. These activities increase the risk of back, spinal injuries (paralysis), facial injuries and broken bones.

For personal watercraft operators, it is important that you follow the proper instructions for righting the boat in the event you capsize in open water. Discuss this with your rental company before going out.

The rental company has rules aimed at protecting you and your passengers. Understand and follow the rental company's rules and the boating laws that apply to the type of boat you are renting.

When boating after sunset and before sunrise, or when visibility is poor, your boat must display navigation lights. An anchor light must be displayed if you anchor for the night. Should a problem arise, you must know how to properly use the boat's distress signals.

Most boating accidents involve collisions due to operator inattention or carelessness. Be aware of dangers approaching from any direction.

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Crossing the path of another boat requires that you yield (give way) to the boat on your right (starboard). Any time there is a threat of collision, you must slow down, stop or steer away.



Boating Safety Education Requirement for Livery Instructors

- Any livery staff delivering instruction regarding the safe operation of vessels or pre-rental or pre-ride instruction **must** have successfully completed a boating safety education course approved by the National Association of State Boating Law Administrators (NASBLA) and this state.
 - The exemptions provided in s. 327.395, Florida Statutes, **do not apply**.



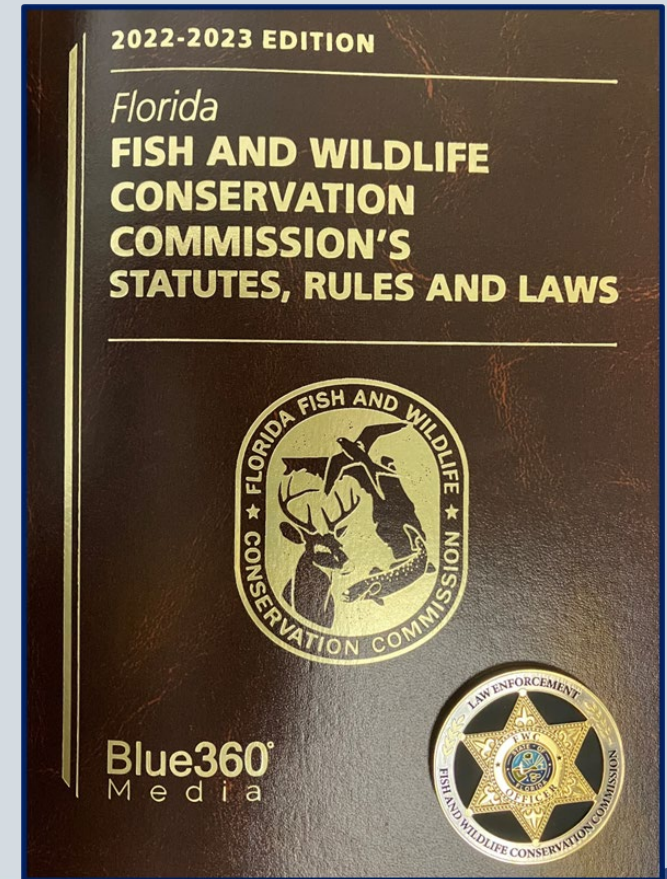
Requirements

- Section 327.54, Florida Statutes
 - (4) – Livery may not knowingly lease or rent a vessel to a person who is required to comply with 327.395, F.S. (boater safety education) unless person presents documentation of compliance or meeting exemptions
 - (5) – If the vessel is unnecessarily overdue more than 4 hours, the livery must notify LE
 - (6) – Livery may not knowingly lease or rent a livery vessel, other than human powered vessel, to any person under 18 years of age
 - (9) – If the livery vessel is involved in an accident, the livery must report the accident to the FWC
 - (10) – Livery must make their facilities and records available for inspection upon request by law enforcement no later than 24 hours after receiving notice from law enforcement



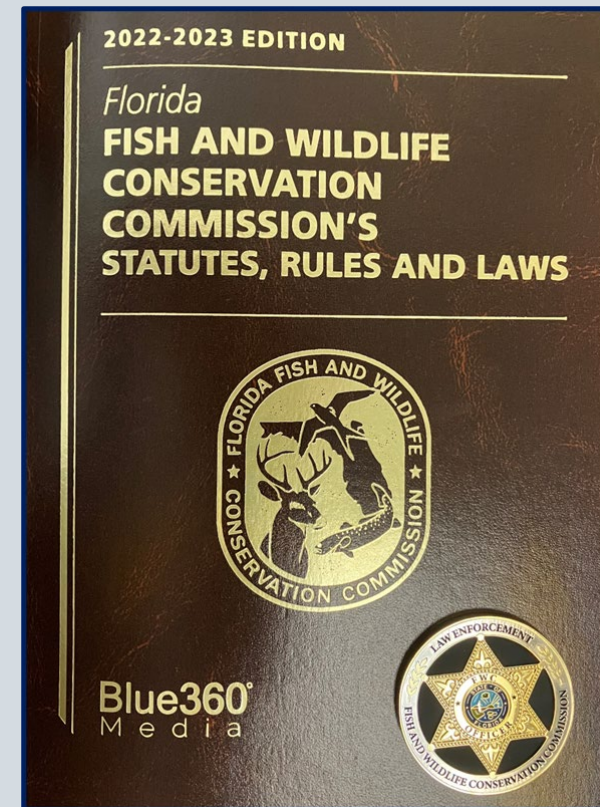
Penalties

- Failure to have a valid Livery Operator Permit – 1st degree misdemeanor subject to \$1,000 fine. (s. 775.083, F.S.)
- Violation of all other livery laws constitute a 2nd degree misdemeanor.



Penalties

- Person who violates this section (other than the no-cost permit section) **within 3 years after a previous conviction** of a violation of this section commits a 1st degree misdemeanor. Minimum mandatory fine of \$500.
- Violation (other than the no-cost permit section) **within 5 years after two previous convictions** commits a 1st degree misdemeanor. Minimum mandatory fine of \$1,000.
- More than one violation of this section (other than the no-cost permit section) **within a 3-year period** may not act as a livery during a **90-day period** immediately after being charged.
- FWC may **revoke or refuse to issue a permit** under the no-cost permit section based on **repeated violations**.



2023-2025 Statewide Enforcement Efforts

Warnings

2023: 302

2024: 273

2025: 14

Citations

2023: 320

2024: 352

2025: 87



Enforcement Efforts (Miami-Dade County)

Warnings

2023: 8

2024: 23

2025: 3

Citations

2023: FWC – 184

Other Enforcement Agencies - 187

2024: FWC – 182

Other Enforcement Agencies – 111

2025: FWC – 35

Other Enforcement Agencies - 2



MyFWC.com – Livery Resources

- Livery Regulations and Safety Information
- FWC Boating & Waterways
 - (850) 488-5600



The screenshot shows the Florida Fish and Wildlife Conservation Commission website. At the top left is the FWC logo. To its right is the text "Florida Fish and Wildlife Conservation Commission". On the far right is a "Site Search" box with a magnifying glass icon. Below the header is a breadcrumb trail: "Home > Boating > Boating Regulations > Livery Regulations and Safety Information". The main heading is "Livery Regulations and Safety Information". Below this is a table with a teal background and white text. The table has two columns: "Expand All" and "Collapse All". The table contains six rows of questions, each with a plus sign icon in the right column.

Expand All	Collapse All
What is a livery?	+
What is NOT a livery?	+
Do liveries need a permit to operate in Florida?	+
Where can I obtain a permit for my livery business?	+
What do I need to do to obtain a Livery Operator Permit from FWC?	+
Where do I submit the forms and documentation needed to obtain a Livery Operator Permit?	+

Questions?

Contact Information

Lieutenant Colonel Robert Rowe

Florida Fish and Wildlife Conservation Commission

Division of Law Enforcement

Robert.Rowe@MyFWC.com



The Florida Senate
APPEARANCE RECORD

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

3/18/2025

Meeting Date

Liveries

Bill Number or Topic

Approps on Civil + Crim Justice

Committee

Amendment Barcode (if applicable)

Name Robert Rowe

Phone 850-363-9072

Address 620 S. Meridian Street

Street

Email jessica.melkun@myfwc.com

Tallahassee

City

FL

State

32399

Zip

Speaking: ☐ 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:

FWC

☐ 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. [2020-2022 Joint Rules.pdf flsenate.gov](#)

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

S-001 (08/10/2021)

By the Committee on Judiciary; and Senator Garcia

590-01946-25

202548c1

1 A bill to be entitled
 2 An act relating to alternative judicial procedures;
 3 amending s. 45.031, F.S.; requiring, rather than
 4 authorizing, that specified sales procedures be
 5 followed for certain sales of real or personal
 6 property unless a court orders the use of other sales
 7 procedures; revising the timeframe during which the
 8 court directs the clerk to sell property at a public
 9 sale; specifying that if objections are not filed
 10 within a specified timeframe after a certain report is
 11 filed, disbursements stand as reported; requiring that
 12 a hearing be held if specified objections are timely
 13 filed; creating s. 45.0311, F.S.; providing a short
 14 title; providing legislative purpose; requiring
 15 parties that want to use an alternative sales
 16 procedure to file a motion with the court where the
 17 action is pending; providing requirements for such
 18 motion; requiring that alternative sales procedures
 19 meet specified minimum requirements; requiring that
 20 certain funds be placed in an escrow or trust account
 21 if not held by the clerk of the court; specifying that
 22 such funds, if held by the clerk, are subject to a
 23 certain service charge and may not be waived by a
 24 court; requiring that the person who conducts the sale
 25 promptly file a certain certificate of sale and serve
 26 a copy of such certificate on all parties involved;
 27 requiring that objections to the sale be filed within
 28 a specified timeframe; requiring a court to hold a
 29 hearing on such objections; requiring the filing of a

Page 1 of 21

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

590-01946-25

202548c1

30 additional certificates within certain timeframes in
 31 specified circumstances; providing the procedures for
 32 selecting a backup bidder if the original winning
 33 bidder fails to make the final payment before the sale
 34 closing date; requiring the person conducting the sale
 35 to file a certain notice; requiring the clerk to file
 36 such certificate of title and serve copies to all
 37 parties involved; providing that when certificates of
 38 title are filed, the sale stands confirmed and title
 39 passes to the purchaser without additional proceedings
 40 or instruments; requiring the clerk to record the
 41 certificate of title; providing that certain persons
 42 are authorized to disburse sale proceeds as authorized
 43 by a court order, but surplus funds must be deposited
 44 with the clerk together with court fees; providing
 45 applicability; creating s. 45.0312, F.S.; authorizing
 46 persons to serve as auctioneers or in other roles,
 47 under specified conditions; providing qualifications
 48 for such persons; authorizing persons to serve as
 49 escrow agents under specified conditions; providing
 50 qualifications for such person; defining the term
 51 "relative"; specifying what constitutes independence;
 52 authorizing civil actions under specified conditions;
 53 providing criminal penalties for persons who
 54 intentionally violate specified provisions or certain
 55 court orders; providing an effective date.

57 Be It Enacted by the Legislature of the State of Florida:
 58

Page 2 of 21

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

590-01946-25

202548c1

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

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

(1) FINAL JUDGMENT.—

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

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

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

590-01946-25

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

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

IF YOU DECIDE TO SELL YOUR HOME OR HIRE SOMEONE TO HELP YOU CLAIM THE ADDITIONAL MONEY, YOU SHOULD READ VERY CAREFULLY ALL PAPERS YOU ARE REQUIRED TO SIGN, ASK SOMEONE ELSE, PREFERABLY AN ATTORNEY WHO IS NOT RELATED TO THE PERSON OFFERING TO HELP YOU, TO MAKE SURE THAT YOU UNDERSTAND WHAT YOU ARE SIGNING AND THAT YOU ARE NOT TRANSFERRING YOUR PROPERTY OR THE EQUITY IN YOUR PROPERTY WITHOUT THE PROPER INFORMATION. IF YOU CANNOT AFFORD TO PAY AN ATTORNEY, YOU MAY CONTACT ...(INSERT LOCAL OR NEAREST LEGAL AID OFFICE AND TELEPHONE NUMBER)... TO SEE IF YOU QUALIFY FINANCIALLY FOR THEIR SERVICES. IF THEY CANNOT ASSIST YOU, THEY

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117 MAY BE ABLE TO REFER YOU TO A LOCAL BAR REFERRAL
 118 AGENCY OR SUGGEST OTHER OPTIONS. IF YOU CHOOSE TO
 119 CONTACT ...(NAME OF LOCAL OR NEAREST LEGAL AID
 120 OFFICE)... FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS
 121 POSSIBLE AFTER RECEIPT OF THIS NOTICE.
 122

123 (c) A copy of the final judgment must ~~shall~~ be furnished by
 124 the clerk by first-class mail to the last known address of every
 125 party to the action or to the attorney of record for such party.
 126 Any irregularity in such mailing, including the failure to
 127 include this statement in any final judgment or order, does
 128 ~~shall~~ not affect the validity or finality of the final judgment
 129 or order or any sale held pursuant to the final judgment or
 130 order. Any sale held more than 60 ~~35~~ days after the final
 131 judgment or order does ~~shall~~ not affect the validity or finality
 132 of the final judgment or order or any sale held pursuant to such
 133 judgment or order.

134 (2) PUBLICATION OF SALE.—Notice of sale must ~~shall~~ be
 135 published on a publicly accessible website as provided in s.
 136 50.0311 for at least 2 consecutive weeks before the sale or once
 137 a week for 2 consecutive weeks in a newspaper of general
 138 circulation, as provided in chapter 50, published in the county
 139 where the sale is to be held. The second publication by
 140 newspaper must ~~shall~~ be at least 5 days before the sale. The
 141 notice must ~~shall~~ contain:

- 142 (a) A description of the property to be sold.
- 143 (b) The time and place of sale.
- 144 (c) A statement that the sale will be made pursuant to the
- 145 order or final judgment.

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- 146 (d) The caption of the action.
- 147 (e) The name of the clerk making the sale.
- 148 (f) A statement that any person claiming an interest in the
- 149 surplus from the sale, if any, other than the property owner as
- 150 of the date of the lis pendens must file a claim before the
- 151 clerk reports the surplus as unclaimed.
- 152

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

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

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

172
 173 (Caption of Action)

174

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CERTIFICATE OF SALE

The undersigned clerk of the court certifies that notice of public sale of the property described in the order or final judgment was published in, a newspaper circulated in County, Florida, in the manner shown by the proof of publication attached, and on, ...(year)..., the property was offered for public sale to the highest and best bidder for cash. The highest and best bid received for the property in the amount of \$.... was submitted by, to whom the property was sold. The proceeds of the sale are retained for distribution in accordance with the order or final judgment or law. WITNESS my hand and the seal of this court on, ...(year)....

...(Clerk)...

By ...(Deputy Clerk)...

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

(Caption of Action)

CERTIFICATE OF TITLE

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

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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for filing objections.

The following property in County, Florida:

(description)

was sold to

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

...(Clerk)...

By ...(Deputy Clerk)...

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

(7) DISBURSEMENTS OF PROCEEDS.—

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

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

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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(Caption of Action)

CERTIFICATE OF DISBURSEMENTS

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

Name	Amount
------	--------

Total disbursements: \$....

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

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

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

...(Clerk)...

By ...(Deputy Clerk)...

(c) If no objections to the report are filed ~~served~~ within 10 days after the report ~~it~~ is filed, the disbursements by the clerk ~~shall~~ stand approved as reported. If timely objections to

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the report are filed, the party who filed such objections must
~~served, they shall~~ be heard by the court. Filing or service of
objections to the report does not affect or cloud the title of
the purchaser of the property in any manner.

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

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

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

(10) ELECTRONIC SALES.—The clerk may conduct the sale of real or personal property under an order or judgment pursuant to this section by electronic means. Such electronic sales must ~~shall~~ comply with the procedures provided in this chapter, except that electronic proxy bidding must ~~shall~~ be allowed and

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the clerk may require bidders to advance sufficient funds to pay the deposit required by subsection (3). The clerk shall provide access to the electronic sale by computer terminals open to the public at a designated location and shall accept an advance credit proxy bid from the plaintiff of any amount up to the maximum allowable credit bid of the plaintiff. A clerk who conducts such electronic sales may receive electronic deposits and payments related to the sale.

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

45.0311 Alternative judicial sales procedures.—

(1) SHORT TITLE.—The section may be cited as the “Transparency in Alternative Judicial Sales Procedures Act.”

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

(a) Recognize that alternatives to the judicial sales procedures under s. 45.031 are beneficial in certain proceedings, due to the nature of the real or personal 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.

(b) 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.

(c) 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 provisions of this section and the jurisdiction of the court.

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

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

(b) A short narrative addressing why the court should authorize alternative sales procedures for the sale of real or personal property and how such alternative sales procedures would maximize the sales price, including the net proceeds of the sale.

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

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

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

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

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

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

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the sale.

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

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

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

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

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

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

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

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

(h) The winning bidder must post a deposit of 5 percent of

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the winning bid before 5 p.m. of the day after the auction sale, and such deposit is forfeited if the bidder fails to make the final payment by the required closing date.

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

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

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

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

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

The requirements of this subsection may not be waived.

(5) POSSESSION OF DEPOSITS AND PAYMENTS.—

(a) If the bidder's deposit, the bid amount, or any other funds paid by a bidder or a party are not held by the clerk of the court, the funds or cashier's check must be held in an

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escrow or trust account by a person appointed by the court pursuant to s. 45.0312.

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

(6) CERTIFICATION OF SALE.—After a sale of a property pursuant to this section, the person who conducted the sale, or its attorney, must promptly file a certificate of sale and serve a copy on each party in substantially the following form:

(Caption of Action)

CERTIFICATE OF JUDICIAL SALE

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

...(....)

By(....)

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

(8) CERTIFICATE OF RECEIPT OF SALE PROCEEDS.—If the sale is conducted by a person other than the clerk, such person must file a certificate of receipt of sales proceeds at the same time the certificate of judicial sale is filed and must file additional certificates of receipt of sales proceeds within 1 business day after the receipt of additional sums from the high bidder or backup bidder.

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

(10) CERTIFICATE OF TITLE.—If no objections to the sale are timely filed or the court has not entered an order overruling any objection to the sale, and if the purchase price and clerk fees have been paid, the person conducting the sale must file a notice that confirms that the sale is consummated, names the bidder purchasing the property, and states that a certificate of

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title is ready to be issued by the clerk of the circuit court.
 After filing such notice, or, for sales conducted by the clerk
 of the court, after receipt of the purchase price and clerk
 fees, the clerk shall file a certificate of title and serve a
 copy of such title on each party in substantially the following
 form:

(Caption of Action)

CERTIFICATE OF TITLE

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

The following property in County, Florida:
 (description)

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

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

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

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title.

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

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

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

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

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

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

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

(a) Is an auctioneer licensed under part VI of chapter 468,
 a real estate broker licensed under chapter 475 and in good
 standing for the preceding 5 years, an attorney who is a member

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in good standing with The Florida Bar and has been practicing for at least 5 years, or a title insurer authorized to transact business in this state pursuant to s. 624.401 and in good standing for the preceding 5 years;

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

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

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

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

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

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

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

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

(3) INDEPENDENCE.—

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

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

1. Be 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.

2. Be 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

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581 or an associate thereof.

582 3. Have any financial relationship to the action, to the
583 real or personal property being sold, or to a party or attorney
584 described in paragraph (a) or a relative as described in
585 paragraph (b), other than the payment of the fees authorized by
586 court order.

587 (4) ACTIONS FOR FAILURE TO FOLLOW COURT ORDER AND
588 ALTERNATIVE SALES PROCEDURES.—

589 (a) An action for actual damages for a material violation
590 of this section may be brought by the property owner or any
591 party to the action for the failure of a person approved by the
592 court under this section to follow the alternative judicial
593 sales procedures in s. 45.0311 or this section, or court orders
594 entered pursuant to s. 45.0311 or this section.

595 (b) Notwithstanding any other law, a person approved by the
596 court under this section who intentionally violates s. 45.0311,
597 this section, or any court order entered under s. 45.0311 or
598 this section commits a felony of the third degree, punishable as
599 provided in s. 775.082, s. 775.083, or s. 775.084.

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

COMMITTEE: Appropriations Committee on Criminal and Civil Justice
ITEM: CS/SB 48
FINAL ACTION:
MEETING DATE: Tuesday, March 18, 2025
TIME: 1:00—3:00 p.m.
PLACE: 37 Senate Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting



882670

LEGISLATIVE ACTION

Senate

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House

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

45.0311 Mandatory requirements for judicial sales.—

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



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(2) The Legislature finds that a deviation from the judicial sales procedures under s. 45.031 may be beneficial in certain proceedings due to the nature of the real or personal 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. 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. A person who facilitates alternative sales or handles deposits or sales proceeds, including surplus proceeds, must be qualified, independent, and not related to any party or an attorney for a party and must be subject to the provisions of this section and the jurisdiction of the court.

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

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

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

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

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



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40 paid in cash.

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

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

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

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

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

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

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

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

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



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

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

72
73 ===== T I T L E A M E N D M E N T =====

74 And the title is amended as follows:

75 Delete everything before the enacting clause
76 and insert:

77 A bill to be entitled

78 An act relating to foreclosure procedures; creating s.
79 45.0311, F.S.; specifying mandatory requirements for
80 foreclosure sales; providing legislative intent;
81 requiring that a request to deviate from certain
82 procedures be in a separate pleading; listing
83 procedures that may be waived; providing requirements
84 for an alternative auctioneer; creating a cause of
85 action; providing an effective date.



323662

LEGISLATIVE ACTION

Senate	.	House
Comm: TP	.	
03/19/2025	.	
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	.	

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

Senate Amendment (with title amendment)

Delete lines 65 - 585
and insert:
procedures under s. 45.0311 or s. 45.0312 ~~as an alternative to
any other sale procedure if so ordered by the court.~~

(1) FINAL JUDGMENT.—

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



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

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

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

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

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



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

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

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



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

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

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

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

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



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

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

(Caption of Action)

CERTIFICATE OF SALE

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



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

...(Clerk)...

By ...(Deputy Clerk)...

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

(Caption of Action)

CERTIFICATE OF TITLE

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

The following property in County, Florida:

(description)

was sold to

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

...(Clerk)...

By ...(Deputy Clerk)...

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



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

(7) DISBURSEMENTS OF PROCEEDS.—

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

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

(Caption of Action)

CERTIFICATE OF DISBURSEMENTS

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

Name	Amount
------	--------



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Total disbursements: \$....

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

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

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

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

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

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



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

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

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

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



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45.0311 Alternative judicial sales procedures.—

(1) SHORT TITLE.—The section may be cited as the
“Transparency in Alternative Judicial Sales Procedures Act.”

(2) PURPOSE.—The purpose of this section is to recognize
that:

(a) Alternatives to the judicial sales procedures under s.
45.031 are beneficial in certain proceedings, due to the nature
of the real or personal 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.

(b) 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.

(c) 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 provisions of
this section and the jurisdiction of the court.

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

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

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



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including the net proceeds of the sale.

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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



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under this section.

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

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

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

The requirements of this subsection may not be waived.

(5) POSSESSION OF DEPOSITS AND PAYMENTS.—

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

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

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



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form:

(Caption of Action)

CERTIFICATE OF JUDICIAL SALE

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

...(...)

By ...(...)

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

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



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

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

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

(Caption of Action)



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CERTIFICATE OF TITLE

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

The following property in County, Florida:

(description)

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

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

...(Clerk)...

By ...(Deputy Clerk)...

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

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



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

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

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

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

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

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

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

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



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court may require;

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

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

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

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

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

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



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court may require; and

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

(3) INDEPENDENCE.—

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

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

1. Be 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.

2. Be 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.

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

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



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And the title is amended as follows:

Delete lines 9 - 13

and insert:

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

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 Appropriations Committee on Criminal and Civil Justice

BILL: CS/SB 48

INTRODUCER: Judiciary Committee and Senator Garcia

SUBJECT: Alternative Judicial Procedures

DATE: March 17, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bond</u>	<u>Cibula</u>	<u>JU</u>	Fav/CS
2.	<u>Kolich</u>	<u>Harkness</u>	<u>ACJ</u>	Pre-meeting
3.	<u> </u>	<u> </u>	<u>RC</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/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 five 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 may generate additional workload for the Clerks of Court and the state court system. See Section V. Fiscal Impact Statement.

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 to 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 statute¹ and embodied in court-created final judgment forms.² The statutory and rule procedures are followed by most courts in most foreclosure cases.³ 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.⁴
- Certain notices regarding the possibility of a foreclosure surplus that may be claimed by the foreclosed owner must be included in the final judgment.⁵
- The clerk must furnish every defendant with a copy of the final judgment setting the sale date.⁶
- Notice of the sale must be published for two consecutive weeks on a publicly available website or once a week for two consecutive weeks in a newspaper of general circulation. The requirements for information that must be in the notice are listed in statute.⁷
- The clerk must be paid a service charge of \$70.⁸

¹ Section 45.031, F.S.

² Form 1.996(a), F.R.C.P.

³ 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. 4th 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).

⁴ Section 45.031(1)(a), F.S.

⁵ Section 45.031(1)(b), F.S.

⁶ 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.

⁷ Section 45.031(2), F.S.

⁸ Sections 45.031(3) and 45.035, F.S.

- The sale must be by public auction.⁹ 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.¹⁰ Currently, most foreclosure sales are conducted through an internet-based auction system selected by the clerk.¹¹
- At a traditional auction sale, custom and practice is that the foreclosing plaintiff makes the first bid at \$100.¹² 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."¹³ 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 five 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.¹⁴ 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 eight counties showed that half required full payment on the day of the sale and the latest deadline required full payment by 4:00 p.m. on the day after the auction.¹⁵
- 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 bidder¹⁶ and the person named in the certificate is deemed the owner free and clear of any real property interest foreclosed.¹⁷ 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.¹⁸

⁹ Section 45.031(3), F.S.

¹⁰ 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.

¹¹ Section 45.031(10), F.S.

¹² 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.

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

¹⁴ Section 45.031(3), F.S.

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

¹⁶ Section 45.035(5), F.S.

¹⁷ Section 45.035(6), F.S.

¹⁸ 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.¹⁹ It appears that most of the clerks use this option.²⁰

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.²¹ 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.²²
- 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:

This bill 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 in 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.

¹⁹ Section 45.031(10), F.S.

²⁰ 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>.

²¹ 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>.

²² 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 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 interest, 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 five 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 if 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.²³ A private auctioneer must have errors and omissions coverage of at least \$250,000 with no more than a \$10,000 deductible or must 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 felony²⁴ 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.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

²³ Sections 468.385, 475.01(1)(a), and 454.021, F.S.

²⁴ 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.

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 increase the Clerks of Court workload and staffing needs. Additionally, the bill will provide fee predictability to the Clerk by prohibiting the court from waving the statutory fee in s. 45.035(1), F.S.²⁵

The Office of the State Courts Administrator estimated that the bill's provisions would result in a minimal increase in workload to the state court system considering the additional processes required for a judicial sale to proceed, reauctioning conditions, and court audits and orders prolonging the handling of the matter in court.²⁶

VI. Technical Deficiencies:

None.

²⁵ Florida Court Clerks and Comptrollers, and the Florida Clerk of Court Operations Corporation, 2025 Agency Analysis of SB 48 (February 11, 2025).

²⁶ Office of the State Courts Administrator, 2025 Judicial Impact Statement, SB 48 (February 6, 2025).

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 45.031 of the Florida Statutes.

This bill creates the following sections of the Florida Statutes: 45.0311 and 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.

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

By Senator Truenow

13-00645-25

2025472__

A bill to be entitled

An act relating to education in correctional facilities for licensed professions; amending s. 944.801, F.S.; requiring the Correctional Education Program to develop a plan in conjunction with the boards of professions regulated by the Department of Business and Professional Regulation for inmates to take classes for credit toward licensure requirements; providing an effective date.

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

Section 1. Paragraph (m) is added to subsection (3) of section 944.801, Florida Statutes, to read:

944.801 Education for state prisoners.—

(3) The responsibilities of the Correctional Education Program shall be to:

(m) Design and implement a plan, in coordination with the relevant professional boards regulated by the Department of Business and Professional Regulation, to ensure that inmates in a correctional institution who take classes that meet the necessary curriculum requirements as determined by the applicable laws and rules for those professions shall receive credit toward licensure requirements for the successful completion of those classes.

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

COMMITTEE: Appropriations Committee on Criminal and Civil Justice
ITEM: SB 472
FINAL ACTION: Favorable
MEETING DATE: Tuesday, March 18, 2025
TIME: 1:00—3:00 p.m.
PLACE: 37 Senate Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Agriculture, *Chair*
Appropriations Committee on Agriculture, Environment,
and General Government
Appropriations Committee on Transportation,
Tourism, and Economic Development
Banking and Insurance
Fiscal Policy
Military and Veterans Affairs, Space, and
Domestic Security
Transportation

SENATOR KEITH TRUENOW

13th District

March 4, 2025

Senator Ileana Garcia
314 Senate Office Building
Tallahassee, FL 32399

Dear Chair Garcia,

I am requesting that SB 472 Education in Correctional Facilities for Licensed Professionals be placed on the next available Criminal Justice Appropriations Sub-Committee meeting agenda.

This bill requires the Correctional Education Program to develop a plan in conjunction with the Department of Business and Professional Regulation, to ensure that inmates in a correctional institution who take classes that meet the necessary curriculum requirements as determined by the applicable laws and rules for those professions shall receive credit toward licensure requirements for the successful completion of those classes.

I appreciate your favorable consideration.

Sincerely,

A handwritten signature in blue ink that reads "Keith Truenow".

Senator Keith Truenow
Senate District 13

KT/dd

cc: Marti Harkness, Staff Director
Sheila Knowles, Administrative Assistant

REPLY TO:

- ☐ Lake County Agricultural Center, 1951 Woodlea Road, Tavares, Florida 32778 (352) 750-3133
- ☐ 16207 State Road 50, Suite 401, Clermont, Florida 34711
- ☐ 304 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5013

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

SB 472

Bill Number or Topic

Meeting Date

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

Committee

Amendment Barcode (if applicable)

Name

Phone

Address

Email

Street

City

State

Zip

Speaking:

☐

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:

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. [2020-2022 Joint Rules.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

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Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Phone

Address

Email

Street

City

State

Zip

Speaking: ☐ 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:

ALLIANCE for Safety
& Justice

☐

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. [2020-2022 Joint Rules.pdf](#) [flsenate.gov](#)

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

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

3.18.25

Meeting Date

Criminal & Civil Justice App

Committee

Name

Albert Balido

Phone

888 251 3440

Bill Number or Topic

472

Amendment Barcode (if applicable)

Address

215 S Monroe St

Email

Street

Tall.

FL

32301

City

State

Zip

Speaking: ☐ 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:

Florida Policy Institute

☐ 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 flsenate.gov](#)

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

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

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3/18/25

Meeting Date

SB 472

Bill Number or Topic

CJ

Committee

Amendment Barcode (if applicable)

Name

Denise Mock, Florida Cares

Phone

561-855-0833

Address

RD 211174

Email

denise@floridacarescharity.org

Street

WPC

City

FL

State

33421

Zip

Speaking:

☐

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:

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, [2020-2022 Joint Rules.pdf](#) ([flsenate.gov](#))

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S-001 (08/10/2021)

March 18, 2025

Meeting Date

Crim & Civil Justice Approps

Committee

The Florida Senate

APPEARANCE RECORD

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SB 472

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Gus Corbella**

Phone **8504438925**

Address **101 East College Avenue**

Email **corbella@gtlaw.com**

Street

Tallahassee

City

FL

State

32301

Zip

Speaking: ☐ 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:

Florida Rights Restoration Coaliton

☐ 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 \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

3/18/2025

APPEARANCE RECORD

SB 472

Meeting Date

Criminal & Civil Justice Approps

Deliver both copies of this form to
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Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name **Jessica Kraynak** Phone **850-222-4082**

Address **227 South Adams Street** Email **jessica@frf.org**
Street

Tallahassee **Florida** **32301**
City State Zip

Speaking: ☐ 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:

Florida Retail Federation

☐ 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 \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

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 Appropriations Committee on Criminal and Civil Justice

BILL: SB 472

INTRODUCER: Senator Truenow

SUBJECT: Education in Correctional Facilities for Licensed Professions

DATE: March 17, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wyant	Stokes	CJ	Favorable
2.	Atchley	Harkness	ACJ	Favorable
3.			FP	

I. Summary:

SB 472 amends s. 944.801, F.S., to require the Department of Corrections (DOC) to coordinate with the relevant professional boards under the Department of Business and Professional Regulation (DBPR) to ensure that inmates who successfully complete classes that are required for licensure in such professions will receive credit towards licensure.

The bill may have an indeterminate workload impact. See Section V. Fiscal Impact Statement.

The bill takes effect on July 1, 2025.

II. Present Situation:

The Correctional Education Program

The Correctional Education Program (CEP) within the DOC provides educational programming to inmates in state correctional facilities.¹ The duties of the CEP, in part, include:

- Developing guidelines for collecting education-related information during the inmate reception process and disseminating such information to DOC classification staff.
- Monitoring and assessing all inmate education program services.
- Approving educational programs of the appropriate levels and types in correctional institutions and developing admission procedures for such programs.
- Developing a written procedure for selecting programs to add to or delete from the vocational curriculum and periodically reevaluating such programs.²

¹ Section 944.801, F.S.

² Section 944.801(3), F.S.

The CEP provides 92 career and technical education courses in 37 vocational trades that are aligned to Florida's in-demand occupations.³ Career and technical education courses vary by facility and may include education relating to barbering, cosmetology, electrical contracting, landscaping, plumbing, and HVAC contracting.⁴

The Department of Business and Professional Regulation

The DBPR regulates and licenses specified businesses and professionals in Florida.⁵ The DBPR provides administrative support to professional boards that are responsible for the licensure of applicants, promulgation of rules governing the applicable profession, and the discipline of a licensee.^{6,7} Examples of relevant professional boards under the DBPR include the Barbers' Board, the Construction Industry Licensing Board, the Board of Cosmetology, and the Electrical Contractors' Licensing Board.⁸

III. Effect of Proposed Changes:

The bill amends s. 944.801, F.S., to require the CEP within the DOC to design and implement a plan, in conjunction with the relevant professional boards regulated by the DBPR, to ensure that inmates who successfully complete classes that meet the curriculum requirements for professional licensure receive credits towards applicable DBPR licensure requirements.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

³ Florida Department of Corrections, *Bureau of Education*, available at <https://www.fdc.myflorida.com/programs/bureau-of-education> (last visited February 24, 2025).

⁴ Florida Department of Corrections, *Annual Report*, available at https://fdc-media.ccplatform.net/content/download/3089/file/Annual_Report_22-23_V10.pdf (last visited February 24, 2025).

⁵ Section 20.165, F.S.

⁶ Section 455.203, F.S.

⁷ Department of Business and Professional Regulation, *Division of Professions*, available at <https://www2.myfloralicense.com/division-of-professions/#1500572400331-dbbb2508-c03f> (last visited February 24, 2025).

⁸ Section 20.165(4)(a), F.S.

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:

By improving coordination of vocational education programs and professional licensure requirements, the bill may have an indeterminate economic impact on the private sector by allowing more inmates to meet educational requirements for licensure while incarcerated. As such, the bill may provide inmates with the opportunity to be licensed by the DBPR regulated professional boards more quickly upon their release.

C. Government Sector Impact:

The bill may have an indeterminate workload impact on state government by requiring the DOC to coordinate with the relevant professional boards regulated by the DBPR to ensure that inmates receive credit towards professional licensure for successfully completing vocational courses. However, the bill's workload can be absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 944.801 of the Florida Statutes.

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.

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

By Senator Bradley

6-00636-25

2025538

A bill to be entitled

An act relating to the state courts system; amending s. 26.20, F.S.; revising the availability of judges to require at least one circuit judge in each circuit to be available for hearings with limited notice; amending s. 44.103, F.S.; deleting the per diem cap for arbitrators who participate in court-ordered, nonbinding arbitration; amending s. 92.50, F.S.; authorizing judges to authenticate a jurat, or certificate of proof or acknowledgment, by affixing their signature and printing their name, title, and court; reenacting ss. 28.2221(6)(b), 92.525(1), 110.12301(2)(a) and (d), and 112.181(2), F.S., relating to electronic access to official records restricted from public display, inspection, or copying; verification of documents; spouse and dependent eligibility verification by affidavit; and affidavits from firefighters, paramedics, emergency medical technicians, law enforcement officers, and correctional officers to be entitled to a certain presumption, respectively, to incorporate the amendment made to s. 92.50, F.S., in references thereto; providing an effective date.

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

Section 1. Section 26.20, Florida Statutes, is amended to read:

26.20 Availability of judge for hearings ~~in chambers.~~ In

Page 1 of 10

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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~~circuits having more than one circuit judge.~~ At least one circuit judge in each circuit must ~~of said judges shall be~~ available ~~as nearly as possible~~ at all times to hold and conduct hearings ~~with limited notice in chambers.~~ In each circuit, there must be at least one judge available on Saturdays, Sundays, holidays, and after hours on weekdays to hear motions for a temporary injunction ex parte in domestic violence cases. The chief judge may assign a judge for this purpose.

Section 2. Subsection (3) of section 44.103, Florida Statutes, is amended to read:

44.103 Court-ordered, nonbinding arbitration.—

(3) Arbitrators shall be selected and compensated in accordance with rules adopted by the Supreme Court. Arbitrators shall be compensated by the parties, or, upon a finding by the court that a party is indigent, an arbitrator may be partially or fully compensated from state funds according to the party's present ability to pay. ~~At no time may an arbitrator charge more than \$1,500 per diem, unless the parties agree otherwise.~~ Prior to approving the use of state funds to reimburse an arbitrator, the court must ensure that the party reimburses the portion of the total cost that the party is immediately able to pay and that the party has agreed to a payment plan established by the clerk of the court that will fully reimburse the state for the balance of all state costs for both the arbitrator and any costs of administering the payment plan and any collection efforts that may be necessary in the future. Whenever possible, qualified individuals who have volunteered their time to serve as arbitrators shall be appointed. If an arbitration program is funded pursuant to s. 44.108, volunteer arbitrators shall be

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entitled to be reimbursed pursuant to s. 112.061 for all actual expenses necessitated by service as an arbitrator.

Section 3. Subsection (1) of section 92.50, Florida Statutes, is amended to read:

92.50 Oaths, affidavits, and acknowledgments; who may take or administer; requirements.—

(1) IN THIS STATE.—Oaths, affidavits, and acknowledgments required or authorized under the laws of this state (except oaths to jurors and witnesses in court and such other oaths, affidavits and acknowledgments as are required by law to be taken or administered by or before particular officers) may be taken or administered by or before any judge, clerk, or deputy clerk of any court of record within this state, including federal courts, or by or before any United States commissioner or any notary public within this state. The jurat, or certificate of proof or acknowledgment, shall be authenticated by the signature and official seal of such officer or person taking or administering the same; however, when taken or administered by or before any judge, clerk, or deputy clerk of a court of record, the seal of such court may be affixed as the seal of such officer or person. The jurat, or certificate of proof or acknowledgment, may also be authenticated by a judge by affixing his or her signature and printing his or her name, title, and court.

Section 4. For the purpose of incorporating the amendment made by this act to section 92.50, Florida Statutes, in a reference thereto, paragraph (b) of subsection (6) of section 28.2221, Florida Statutes, is reenacted to read:

28.2221 Electronic access to official records.—

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(6)

(b)1. For the purpose of conducting a title search, as defined in s. 627.7711(4), of the Official Records, as described in s. 28.222(2), and upon presentation of photo identification and affirmation by sworn affidavit consistent with s. 92.50 to the county recorder, information restricted from public display, inspection, or copying under paragraph (5) (a) pursuant to a request for removal made under s. 119.071(4) (d) may be disclosed to:

a. A title insurer authorized pursuant to s. 624.401 and its affiliates as defined in s. 624.10;

b. A title insurance agent or title insurance agency as defined in s. 626.841(1) and (2), respectively; or

c. An attorney duly admitted to practice law in this state and in good standing with The Florida Bar.

2. The photo identification and affirmation by sworn affidavit may be delivered in person, by mail, or by electronic transmission to the county recorder.

3. The affiant requestor must attest to his or her authority and the authorized purpose to access exempt information pursuant to this section for the property specified within the sworn affidavit.

4. The affiant requestor must identify the Official Records book and page number, instrument number, or the clerk's file number for each document requested within the sworn affidavit and must include a description of the lawful purpose and identify the individual or property that is the subject of the search within the sworn affidavit.

5. Affidavits submitted by a title insurer, title insurance

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agent, or title insurance agency must include the Florida Company Code or the license number, as applicable, and an attestation to the affiant requestor's authorization to transact business in this state. Affidavits submitted by an attorney authorized under this section must include the affiant requestor's Florida Bar number and a statement that the affiant requestor has an agency agreement with a title insurer directly or through his or her law firm.

6. The county recorder must record such affidavit in the Official Records, as described in s. 28.222(2), but may not place the image or copy of the affidavit on a publicly available Internet website for general public display.

7. Upon providing a document disclosing redacted information to an affiant requestor under this section, the county recorder must provide a copy of the affidavit requesting disclosure of the redacted information to each affected party at the address listed on the document or on the request for removal made by the affected party under s. 119.071. The county recorder must prepare a certificate of mailing to be affixed to the affidavit and must receive the statutory service charges as prescribed by s. 28.24 from the affiant requestor.

8. Any party making a false attestation under this section is subject to the penalty of perjury under s. 837.012.

Section 5. For the purpose of incorporating the amendment made by this act to section 92.50, Florida Statutes, in a reference thereto, subsection (1) of section 92.525, Florida Statutes, is reenacted to read:

92.525 Verification of documents; perjury by false written declaration, penalty.—

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(1) If authorized or required by law, by rule of an administrative agency, or by rule or order of court that a document be verified by a person, the verification may be accomplished in the following manner:

(a) Under oath or affirmation taken or administered before an officer authorized under s. 92.50 to administer oaths;

(b) Under oath or affirmation taken or administered by an officer authorized under s. 117.10 to administer oaths; or

(c) By the signing of the written declaration prescribed in subsection (2).

Section 6. For the purpose of incorporating the amendment made by this act to section 92.50, Florida Statutes, in references thereto, paragraphs (a) and (d) of subsection (2) of section 110.12301, Florida Statutes, are reenacted to read:

110.12301 Competitive procurement of postpayment claims review services and dependent eligibility verification services; public records exemption.—

(2) The department is directed to contract for dependent eligibility verification services for the state group insurance program.

(a) The department or the contractor providing dependent eligibility verification services may require the following information from subscribers:

1. To prove a spouse's eligibility:

a. If married less than 12 months and the subscriber and his or her spouse have not filed a joint federal income tax return, a government-issued marriage certificate;

b. If married for 12 or more months, a transcript of the most recently filed federal income tax return; or

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- 175 c. If the documentation specified in sub-subparagraph a. or
 176 sub-subparagraph b. cannot be produced, an attestation of the
 177 marriage by sworn affidavit consistent with s. 92.50.
- 178 2. To prove a biological child's or a newborn grandchild's
 179 eligibility:
- 180 a. A government-issued birth certificate; or
 181 b. If a birth certificate cannot be produced, an
 182 attestation of the subscriber-dependent relationship by sworn
 183 affidavit consistent with s. 92.50.
- 184 3. To prove an adopted child's eligibility:
- 185 a. An adoption certificate;
 186 b. An adoption placement agreement and a petition for
 187 adoption; or
- 188 c. If the documentation specified in sub-subparagraph a. or
 189 sub-subparagraph b. cannot be produced, an attestation of the
 190 subscriber-dependent relationship by sworn affidavit consistent
 191 with s. 92.50.
- 192 4. To prove a stepchild's eligibility:
- 193 a. A government-issued birth certificate for the stepchild;
 194 and
- 195 b. The transcript of the subscriber's most recently filed
 196 federal income tax return.
- 197 5. To prove a child's eligibility under a guardianship, a
 198 copy of the court order naming the subscriber or the
 199 subscriber's spouse as the child's legal guardian or custodian.
- 200 6. To prove a foster child's eligibility, a copy of the
 201 records showing the subscriber or the subscriber's spouse as the
 202 dependent's foster parent.
- 203 7. To prove eligibility of an unmarried child age 26 to 30:

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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- 204 a. A copy of the child's government-issued birth
 205 certificate or adoption certificate naming the subscriber or the
 206 subscriber's spouse as the child's parent, or a copy of the
 207 court order naming the subscriber or the subscriber's spouse as
 208 the child's legal guardian or custodian;
- 209 b. A copy of the Certification of Over-Age Dependent
 210 Eligibility Form; and
- 211 c. A document confirming the child's current enrollment as
 212 a student, including the name of the child, the name of the
 213 school, and the school term; or a bill or statement in the
 214 child's name which is dated within the past 60 days and is
 215 mailed to the child at a Florida address.
- 216 8. To prove eligibility for a disabled child age 26 or
 217 older:
- 218 a. A copy of the child's government-issued birth
 219 certificate or adoption certificate naming the subscriber or the
 220 subscriber's spouse as the child's parent, or a copy of the
 221 court order naming the subscriber or the subscriber's spouse as
 222 the child's legal guardian or custodian; and
- 223 b. A copy of the transcript of the subscriber's most
 224 recently filed federal income tax return listing the child's
 225 name and the last four digits of the child's social security
 226 number and identifying the child as the subscriber's dependent
 227 for tax purposes.
- 228 (d) Foreign-born subscribers unable to obtain the necessary
 229 documentation within the specified time period of producing
 230 verification documentation may provide a sworn affidavit
 231 consistent with s. 92.50 attesting to eligibility requirements.
- 232 Section 7. For the purpose of incorporating the amendment

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made by this act to section 92.50, Florida Statutes, in a reference thereto, subsection (2) of section 112.181, Florida Statutes, is reenacted to read:

112.181 Firefighters, paramedics, emergency medical technicians, law enforcement officers, correctional officers; special provisions relative to certain communicable diseases.—

(2) PRESUMPTION; ELIGIBILITY CONDITIONS.—Any emergency rescue or public safety worker who suffers a condition or impairment of health that is caused by hepatitis, meningococcal meningitis, or tuberculosis, that requires medical treatment, and that results in total or partial disability or death shall be presumed to have a disability suffered in the line of duty, unless the contrary is shown by competent evidence; however, in order to be entitled to the presumption, the emergency rescue or public safety worker must, by written affidavit as provided in s. 92.50, verify by written declaration that, to the best of his or her knowledge and belief:

(a) In the case of a medical condition caused by or derived from hepatitis, he or she has not:

1. Been exposed, through transfer of bodily fluids, to any person known to have sickness or medical conditions derived from hepatitis, outside the scope of his or her employment;

2. Had a transfusion of blood or blood components, other than a transfusion arising out of an accident or injury happening in connection with his or her present employment, or received any blood products for the treatment of a coagulation disorder since last undergoing medical tests for hepatitis, which tests failed to indicate the presence of hepatitis;

3. Engaged in unsafe sexual practices or other high-risk

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behavior, as identified by the Centers for Disease Control and Prevention or the Surgeon General of the United States, or had sexual relations with a person known to him or her to have engaged in such unsafe sexual practices or other high-risk behavior; or

4. Used intravenous drugs not prescribed by a physician.

(b) In the case of meningococcal meningitis, in the 10 days immediately preceding diagnosis he or she was not exposed, outside the scope of his or her employment, to any person known to have meningococcal meningitis or known to be an asymptomatic carrier of the disease.

(c) In the case of tuberculosis, in the period of time since the worker's last negative tuberculosis skin test, he or she has not been exposed, outside the scope of his or her employment, to any person known by him or her to have tuberculosis.

Section 8. This act shall take effect July 1, 2025.

COMMITTEE: Appropriations Committee on Criminal and Civil Justice
ITEM: SB 538
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Tuesday, March 18, 2025
TIME: 1:00—3:00 p.m.
PLACE: 37 Senate Building

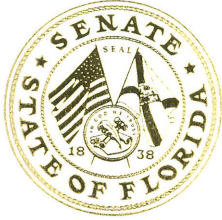
[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR JENNIFER BRADLEY
6th District

COMMITTEES:
Regulated Industries, *Chair*
Appropriations Committee on Higher
Education, *Vice Chair*
Appropriations Committee on Pre-K - 12 Education
Criminal Justice
Ethics and Elections
Fiscal Policy
Rules

JOINT COMMITTEES:
Joint Committee on Public Counsel Oversight,
Alternating Chair

March 5, 2025

Senator Ileana Garcia, Chair
Senate Appropriations Committee on Criminal and Civil Justice
314 Senate Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Garcia:

I respectfully request that SB 538 be placed on the committee's agenda at your earliest convenience. This bill relates to state court systems.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Jennifer Bradley".

Jennifer Bradley

cc: Marti Harkness, Staff Director
Sheila Knowles, Committee Administrative Assistant

REPLY TO:

- ☐ 1845 East West Parkway, Suite 5, Fleming Island, Florida 32003 (904) 278-2085
- ☐ 406 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5006

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate

3/18/25

APPEARANCE RECORD

SB 538

Meeting Date

Approps. Comm. on Criminal and Civil Justice

Committee

Deliver both copies of this form to

Senate professional staff conducting the meeting

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Judge Clay Roberts, FL Conference of DCA Judges**

Phone **850-487-1000**

Address **2000 Drayton Drive**

Street

Tallahassee

City

FL

State

32399

Zip

Email

Speaking: ☐ 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:

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. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

3/18/25

APPEARANCE RECORD

SB 538

Meeting Date

Approps. Comm. on Criminal and Civil Justice

Committee

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

Bill Number or Topic

Amendment Barcode (if applicable)

Name Tad David, Lead Staff for the FL Supreme Ct. Committee on ADR Rules & Policy

Phone 850-921-2910

Address 500 South Duval Street

Email davidt@flcourts.org

Street

Tallahassee

FL

32399

City

State

Zip

Speaking: ☐ 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:

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, [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

March 18, 2025

Meeting Date

Appropriations Committee on Criminal and Civil Justice

Committee

The Florida Senate

APPEARANCE RECORD

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

SB 538

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Sean Burnfin**

Phone **(850) 922-0358**

Address **500 South Duval Street**
Street

Email **burnfins@flcourts.gov**

Tallahassee
City

Florida
State

32399
Zip

Speaking: ☐ 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:

State Courts System

☐ 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. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

3/18/2025

APPEARANCE RECORD

538

Meeting Date

Appropriations on Criminal and Civil Justice

Committee

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

Bill Number or Topic

408054

Amendment Barcode (if applicable)

Name **Jason Welty**

Phone **850.386.2223**

Address **2560 Barrington Circle**

Email **jwelty@flccoc.org**

Street

Tallahassee

FL

32308

City

State

Zip

Speaking: ☐ 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:

**Florida Clerks of Court Operation
Corporation**

☐ 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. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/19/2025	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete lines 38 - 82

and insert:

Section 2. Paragraph (i) of subsection (2) of section
28.35, Florida Statutes, is amended to read:

28.35 Florida Clerks of Court Operations Corporation.—

(2) The duties of the corporation shall include the
following:

(i) Annually preparing a budget request which,



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notwithstanding the provisions of chapter 216 and in accordance with s. 216.351, provides the anticipated amount necessary for reimbursement pursuant to ss. 40.29(6), 741.30(2)(a), 784.046(3)(b), 784.0485(2)(a), and 825.1035(4)(i) ~~s. 40.29(6)~~.

The request for the anticipated reimbursement amount must ~~shall~~ be submitted in the form and manner prescribed by the Justice Administrative Commission. Such request is not subject to change by the Justice Administrative Commission, except for technical changes necessary to conform to the legislative budget instructions, and must ~~shall~~ be submitted to the Governor for transmittal to the Legislature.

Section 3. Subsection (3) of section 44.103, Florida Statutes, is amended to read:

44.103 Court-ordered, nonbinding arbitration.—

(3) Arbitrators shall be selected and compensated in accordance with rules adopted by the Supreme Court. Arbitrators shall be compensated by the parties, or, upon a finding by the court that a party is indigent, an arbitrator may be partially or fully compensated from state funds according to the party's present ability to pay. ~~At no time may an arbitrator charge more than \$1,500 per diem, unless the parties agree otherwise.~~ Prior to approving the use of state funds to reimburse an arbitrator, the court must ensure that the party reimburses the portion of the total cost that the party is immediately able to pay and that the party has agreed to a payment plan established by the clerk of the court that will fully reimburse the state for the balance of all state costs for both the arbitrator and any costs of administering the payment plan and any collection efforts that may be necessary in the future. Whenever possible,



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qualified individuals who have volunteered their time to serve as arbitrators shall be appointed. If an arbitration program is funded pursuant to s. 44.108, volunteer arbitrators are ~~shall be~~ entitled to be reimbursed pursuant to s. 112.061 for all actual expenses necessitated by service as an arbitrator.

Section 4. Subsection (1) of section 92.50, Florida Statutes, is amended to read:

92.50 Oaths, affidavits, and acknowledgments; who may take or administer; requirements.—

(1) IN THIS STATE.—Oaths, affidavits, and acknowledgments required or authorized under the laws of this state (except oaths to jurors and witnesses in court and such other oaths, affidavits and acknowledgments as are required by law to be taken or administered by or before particular officers) may be taken or administered by or before any judge, clerk, or deputy clerk of any court of record within this state, including federal courts, or by or before any United States commissioner or any notary public within this state. The jurat, or certificate of proof or acknowledgment, shall be authenticated by the signature and official seal of such officer or person taking or administering the same; however, when taken or administered by or before any judge, clerk, or deputy clerk of a court of record, the seal of such court may be affixed as the seal of such officer or person. The jurat, or certificate of proof or acknowledgment, may also be authenticated by a judge by affixing his or her signature and printing his or her name, title, and court.

Section 5. Paragraph (a) of subsection (2) of section 741.30, Florida Statutes, is amended to read:



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741.30 Domestic violence; injunction; powers and duties of court and clerk; petition; notice and hearing; temporary injunction; issuance of injunction; statewide verification system; enforcement; public records exemption.—

(2)(a) Notwithstanding any other law, the assessment of a filing fee for a petition for protection against domestic violence is prohibited. However, subject to legislative appropriation, the clerk of the circuit court may, on a quarterly basis, submit to the Justice Administrative Commission ~~Office of the State Courts Administrator~~ a certified request for reimbursement for petitions for protection against domestic violence issued by the court, at the rate of \$40 per petition. The request for reimbursement must be submitted in the form and manner prescribed by the Justice Administrative Commission ~~Office of the State Courts Administrator~~. From this reimbursement, the clerk shall pay any law enforcement agency serving the injunction the fee requested by the law enforcement agency; however, this fee may not exceed \$20.

Section 6. Paragraph (b) of subsection (3) of section 784.046, Florida Statutes, is amended to read:

784.046 Action by victim of repeat violence, sexual violence, or dating violence for protective injunction; dating violence investigations, notice to victims, and reporting; pretrial release violations; public records exemption.—

(3)

(b) Notwithstanding any other law, the clerk of the court may not assess a fee for filing a petition for protection against repeat violence, sexual violence, or dating violence. However, subject to legislative appropriation, the clerk of the



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98 court may, each quarter, submit to the Justice Administrative
99 Commission ~~Office of the State Courts Administrator~~ a certified
100 request for reimbursement for petitions for protection issued by
101 the court under this section at the rate of \$40 per petition.
102 The request for reimbursement must ~~shall~~ be submitted in the
103 form and manner prescribed by the Justice Administrative
104 Commission ~~Office of the State Courts Administrator~~. From this
105 reimbursement, the clerk shall pay the law enforcement agency
106 serving the injunction the fee requested by the law enforcement
107 agency; however, this fee may not exceed \$20.

108 Section 7. Paragraph (a) of subsection (2) of section
109 784.0485, Florida Statutes, is amended to read:

110 784.0485 Stalking; injunction; powers and duties of court
111 and clerk; petition; notice and hearing; temporary injunction;
112 issuance of injunction; statewide verification system;
113 enforcement.—

114 (2)(a) Notwithstanding any other law, the clerk of court
115 may not assess a filing fee to file a petition for protection
116 against stalking. However, subject to legislative appropriation,
117 the clerk of the circuit court may, on a quarterly basis, submit
118 to the Justice Administrative Commission ~~Office of the State~~
119 ~~Courts Administrator~~ a certified request for reimbursement for
120 petitions for protection against stalking issued by the court,
121 at the rate of \$40 per petition. The request for reimbursement
122 must ~~shall~~ be submitted in the form and manner prescribed by the
123 Justice Administrative Commission ~~Office of the State Courts~~
124 ~~Administrator~~. From this reimbursement, the clerk shall pay any
125 law enforcement agency serving the injunction the fee requested
126 by the law enforcement agency; however, this fee may not exceed



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\$20.

Section 8. Paragraph (i) of subsection (4) of section 825.1035, Florida Statutes, is amended to read:

825.1035 Injunction for protection against exploitation of a vulnerable adult.—

(4) CLERK'S DUTIES, RESPONSIBILITIES, AND CHARGES.—

(i) Notwithstanding any other provision of law, the clerk of the circuit court may not assess an initial filing fee or service charge for petitions filed under this section. However, subject to legislative appropriation, the clerk of the circuit court may, on a quarterly basis, submit a certified request for reimbursement to the Justice Administrative Commission ~~Office of the State Courts Administrator~~ for the processing of such petitions, at the rate of \$40 per petition. The request for reimbursement must be submitted in the form and manner prescribed by the Justice Administrative Commission ~~office~~. From each reimbursement received, the clerk of the circuit court shall pay any law enforcement agency serving the injunction for protection against exploitation of a vulnerable adult the fee requested by the law enforcement agency, to not exceed \$20.

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

And the title is amended as follows:

Delete lines 6 - 12

and insert:

amending s. 28.35, F.S.; revising the duty of the Florida Clerks of Court Operations Corporation to provide an annual budget request to be pursuant to specified provisions; amending s. 44.103, F.S.;



408054

deleting the per diem cap for arbitrators who
participate in court-ordered, nonbinding arbitration;
amending s. 92.50, F.S.; authorizing judges to
authenticate a jurat, or certificate of proof or
acknowledgment, by affixing their signature and
printing their name, title, and court; amending ss.
741.30, 784.046, 784.0485, and 825.1035, F.S.;
authorizing clerks of the court to submit to the
Justice Administrative Commission, rather than the
Office of the State Courts Administrator, certified
requests for reimbursements for the filing of certain
petitions; requiring that requests be submitted in the
form and manner prescribed by the Justice
Administrative Commission; reenacting ss.
28.2221(6)(b), 92.525(1),

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 Appropriations Committee on Criminal and Civil Justice

BILL: CS/SB 538

INTRODUCER: Appropriations Committee on Criminal and Civil Justice and Senator Bradley

SUBJECT: State Courts System

DATE: March 20, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bond	Cibula	JU	Favorable
2.	Kolich	Harkness	ACJ	Fav/CS
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 538 allows a circuit court duty judge, which is a judge who is responsible for handling urgent matters outside of regular court hours, to hold and conduct hearings in places other than his or her chambers, repeals the \$1,500 per day limit on fees paid to a court-appointed arbitrator, and allows a judge to authenticate documents containing written statements under oath made by others without using a personal or court seal. The bill also allows the clerks to request specified reimbursements through the Justice Administrative Commission (JAC) rather than through the Office of the State Courts Administrator (OSCA).

The bill is not expected to have a fiscal impact on state or local governments. See Section V. Fiscal Impact Statement.

The bill is effective July 1, 2025.

II. Present Situation:

Circuit Judges

In 1935, the Legislature enacted a requirement that judicial circuits having more than one circuit judge, if possible, have at least one circuit judge available at all times to hold and conduct hearings in chambers.¹ This judge is commonly referred to as a “duty judge.” The statutory

¹ Ch. 17085, §4, at 699, Laws of Fla. (1935), codified in s. 26.20, F.S.

requirement to designate a duty judge in judicial circuits supports the prompt and efficient administration of justice by having a judge available during work hours, after hours, weekends, and holidays to handle emergency judicial matters. These emergency matters may include applications for search or arrest warrants, pen registers, petitions for *ex parte* injunctive relief to prevent domestic and repeat violence, communications intercepts, and medical consents. Over time, the number of circuit judges has grown, and presently all judicial circuits have more than one circuit judge.² Accordingly, each circuit maintains a duty judge schedule.

Along with growth in the number of circuit judges since 1935, technological innovations have transformed the way judges carry out judicial activities and conduct court proceedings. Judges routinely access case files, issue orders, and conduct hearings from locations other than a physical courthouse or their chambers using case management and communication technologies. The adoption of these technologies has led to greater efficiency for judges and court users and better access to the courts. The language of s. 26.20, F.S., implies that a duty judge must work at the courthouse or in a judge's chambers is outdated.

Arbitration Fees

Section 44.103(2), F.S., authorizes a trial court to refer a contested civil action to nonbinding arbitration. Arbitrators in these proceedings are compensated by the parties or, if a party is indigent, by the court. The fee for arbitration services is set by the chief judge in each circuit but is subject to a statutory cap of \$1,500 per diem unless the parties agree otherwise.³ The statutory cap has not been adjusted since 2005.⁴

Oaths, Affidavits and Acknowledgements before a Judge

Except as otherwise provided under law, oaths, affidavits, and acknowledgments may be taken or administered by or before any judge, clerk, or deputy clerk of any court in this state, including the federal courts, or by or before any United States commissioner or any notary public.⁵ The jurat, or certificate of proof or acknowledgement, for the oath, affidavit, or acknowledgement must be authenticated by the signature and official seal of the person authenticating the document. A judge, clerk, or deputy clerk may also satisfy the seal requirement by using the seal of his or her court of record.

It is not uncommon for a judge to administer oaths at locations other than a courthouse where a personal or court seal is unavailable. Typically, in such circumstances, the judge provides his or her signature and prints his or her name, title, and court on the jurat or certificate of proof or acknowledgment. However, an oath recently authenticated by a District Court of Appeal judge in such a manner was rejected by the Department of State because it did not include the seal of the District Court of Appeal as required by s. 92.50, F.S.

² The current number of circuit judges in each judicial circuit ranges from 4 in the 16th Judicial Circuit (Monroe County) to 80 in the 11th Judicial Circuit (Miami-Dade County). Section 26.031, F.S.

³ Florida Rule of Civil Procedure 1.810(b) provides: "The chief judge of each judicial circuit shall establish the compensation of arbitrators subject to the limitations in section 44.103(3), Florida Statutes."

⁴ Section 32, ch. 2005-236, Laws of Fla.

⁵ Section 92.50(1), F.S.

III. Effect of Proposed Changes:

The bill amends s. 26.20, F.S., to repeal outdated language and to allow a duty judge to hold and conduct hearings in places other than his or her chambers.

The bill amends s. 28.35, F.S., to require the Florida Clerks of Court Operations Corporation to prepare an annual budget request which provides the anticipated amount necessary for reimbursements relating to petitions issued by the court for protection against domestic violence, repeat violence, sexual violence, dating violence, stalking and against exploitation of a vulnerable adult.

The bill amends ss. 741.30, 784.046, 784.0485, and 825.1035, F.S., to allow the clerk of the circuit court to submit their requests for reimbursement through the Justice Administrative Commission (JAC) rather than the Office of the State Courts Administrator. The submissions must be submitted in the form and manner prescribed by the JAC.

The bill amends s. 44.103, F.S., to repeal the statutory cap on the fees that a court-ordered arbitrator may charge. The current cap limits the fees that court-appointed arbitrators may charge to \$1,500 per day unless agreed otherwise by the parties. The repeal of the fee cap, however, does not affect the ability of the chief judge of a judicial circuit to limit such fees.

The bill amends s. 92.50, F.S., to authorize a state or federal judge in this state to authenticate oaths, affidavits, and acknowledgements by simply providing a signature and printing the judge's name, title, and court on the jurat or certificate of proof or acknowledgment. The use of a personal or court seal is no longer required when a judge authenticates those documents.

The bill takes effect July 1, 2025.

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:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 26.20, 28.35, 44.103, 92.50, 741.30, 784.046, 784.0485, and 825.1035.

This bill reenacts the following sections of the Florida Statutes: 28.2221, 92.525, 110.12301, and 112.181.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS by Appropriations Committee on Criminal and Civil Justice on March 18, 2025:

The committee substitute:

- Requires the Florida Clerks of Court Operations Corporation to annually prepare a budget request which provides the anticipated amount necessary for reimbursement relating to petitions issued by the court for protection against domestic violence, repeat violence, sexual violence, dating violence, stalking, and exploitation of a vulnerable adult.
- Allows the clerk of the circuit court to submit their requests through the Justice Administrative Commission rather than the Office of the State Courts Administrator.

- Provides that the requests must be submitted in the form and manner prescribed by the JAC.
- B. Amendments:
- None.

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

By Senator Martin

33-01888-25

2025878__

A bill to be entitled

An act relating to probation for misdemeanor offenses;
amending s. 948.15, F.S.; increasing probationary
periods for certain misdemeanor offenses involving
controlled or chemical substances; providing an
effective date.

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

Section 1. Subsection (1) of section 948.15, Florida
Statutes, is amended to read:

948.15 Misdemeanor probation services.—

(1) A defendant found guilty of a misdemeanor who is placed
on probation shall be under supervision not to exceed 6 months
unless otherwise specified by the court. Probation supervision
services for a defendant found guilty of a misdemeanor for
possession of a controlled substance or drug paraphernalia under
chapter 893 may be provided by a licensed substance abuse
education and intervention program, which may provide substance
abuse education and intervention as well as any other terms and
conditions of probation. In relation to any offense other than a
felony in which the use of alcohol; a controlled substance, as
defined in s. 893.02; a controlled substance analog, as defined
in s. 893.0356; or a chemical substance described in s.
877.111(1) is a significant factor, the period of probation may
be up to 1 year.

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

COMMITTEE: Appropriations Committee on Criminal and Civil Justice
ITEM: SB 878
FINAL ACTION: Favorable
MEETING DATE: Tuesday, March 18, 2025
TIME: 1:00—3:00 p.m.
PLACE: 37 Senate Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Criminal Justice, *Chair*
Appropriations Committee on Criminal and Civil
Justice, *Vice Chair*
Appropriations
Appropriations Committee on Transportation,
Tourism, and Economic Development
Banking and Insurance
Rules
Transportation

SENATOR JONATHAN MARTIN

33rd District

March 12, 2025

RE: SB 878: Probation for Misdemeanor Offenses

Dear Chair Garcia:

Please allow this letter to serve as my respectful request to place SB 878, relating to Probation for Misdemeanor Offenses, on the next committee agenda.

Your kind consideration of this request is greatly appreciated. Please feel free to contact my office for any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Martin", with a stylized flourish at the end.

Jonathan Martin
Senate District 33

REPLY TO:

- ☐ 2000 Main Street, Suite 401, Fort Myers, Florida 33901 (239) 338-2570
- ☐ 315 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5033

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

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 Appropriations Committee on Criminal and Civil Justice

BILL: SB 878

INTRODUCER: Senator Martin

SUBJECT: Probation for Misdemeanor Offenses

DATE: March 17, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Vaughan	Stokes	CJ	Favorable
2.	Atchley	Harkness	ACJ	Favorable
3.			RC	

I. Summary:

SB 878 amends s. 948.15, F.S., to authorize the court to sentence a defendant who is found guilty of any misdemeanor to a term of probation of up to one year if a controlled substance, a controlled substance analog, or a chemical substance was a significant factor in the commission of the crime.

The bill is not expected to have a fiscal impact on state or local governments. See Section V. Fiscal Impact Statement.

The bill takes effect on July 1, 2025.

II. Present Situation:

Court Jurisdiction

Florida has a two-tiered trial court system that consists of circuit courts and county courts. The state Constitution requires a circuit court to be established in each judicial circuit established by the Legislature, of which there are twenty.¹

Circuit courts have exclusive original jurisdiction over all felonies and all misdemeanors arising out of the same circumstances as a felony which is also charged. The state Constitution also establishes a county court in each county.² County courts have original jurisdiction over misdemeanor cases not cognizable by the circuit courts.

¹ Art. V, ss. 1 and 5, FLA. CONST. A list of judicial circuits can be found at <https://www.flcourts.org/Florida-Courts/Trial-Courts-Circuit> (last visited March 3, 2025).

² Art. V, s. 6, FLA. CONST.

Generally, felony offenses are adjudicated by the circuit court and misdemeanor offenses are adjudicated by the county court. However, circuit courts routinely adjudicate misdemeanor charges when:

- A misdemeanor charge arises out of the same circumstances as a felony; or
- A felony charge is reduced or dismissed in circuit court and the court retains jurisdiction over the remaining misdemeanor charge.

Probation and Other Supervision

Probation is a form of community supervision requiring specified contacts with probation officers and compliance with certain terms and conditions.^{3,4} The court determines the terms and conditions of probation.⁵ Section 948.03, F.S., provides standard conditions of probation;⁶ however, a court may sentence an offender to special terms and conditions at the time of sentencing, such as substance abuse treatment.

Maximum Term of Probation

The Florida Supreme Court addressed the issue of whether a trial court must credit previous time served on probation toward any newly imposed term of probation upon revocation, to ensure that the total probationary term does not exceed the statutory maximum for a single offense.⁷ The maximum term of probation to which a judge may sentence a defendant depends on the offense that the defendant committed. Penalties for misdemeanors are:

- A first degree misdemeanor is punishable by up to one year in jail and a \$1,000 fine.⁸
- A second degree misdemeanor is punishable by up to 60 days in jail and a \$500 fine.⁹
- A term of probation for a misdemeanor may not exceed six months unless otherwise specified in s. 948.15, F.S.¹⁰

County Court

A defendant who is placed on probation after being found guilty of a misdemeanor may not be sentenced to a term of supervision exceeding six months, unless otherwise ordered by the court.¹¹ Any person sentenced to misdemeanor probation by the county court must pay at least \$40 per month, as determined by the court, to the court approved public or private entity providing misdemeanor supervision.¹²

³ Section 948.001(8), F.S.

⁴ Florida Department of Corrections, *Probation Services*, available at <https://www.fdc.myflorida.com/probation-services> (last visited March 3, 2025).

⁵ Section 948.03, F.S.

⁶ Section 948.03(1)(a-l), F.S. Standard conditions include, in part, reporting to the probation officer as directed, permitting visits by the probation officer, work at suitable employment, and live without violating any law.

⁷ *State v. Summers*, 642 So. 2d 742 (Fla. 1994). *State v. Holmes*, 360 So. 2d 380 (Fla. 1978).

⁸ Sections 775.082 and 775.083, F.S.

⁹ Sections 775.082 and 775.083, F.S.

¹⁰ Section 948.15(1), F.S. In relation to any offense other than a felony in which the use of alcohol is a significant factor, the period of probation may be up to 1 year.

¹¹ Section 948.15(1), F.S.

¹² Section 948.09(1)(b), F.S.

A private entity or public entity, including licensed substance abuse education and intervention programs, may provide probation services to offenders sentenced by a county court, when such services are provided under the supervision of the board of county commissioners or the court.¹³

Circuit Court

If the circuit court places a defendant on probation for a felony, the Florida Department of Corrections (DOC) must supervise the defendant.¹⁴ A defendant who is placed on probation for a misdemeanor may not be placed under the DOC's supervision unless the circuit court was the court of original jurisdiction.¹⁵ The DOC currently supervises 145,000 offenders on probation or in community control throughout Florida.¹⁶

Any person placed on probation under ch. 948, F.S., must pay the DOC supervision fees equal to the total month or portion of a month of supervision times the court-ordered amount, but such amount cannot exceed the actual per diem cost of supervision.¹⁷ The DOC must consider an offender's ability to pay in establishing a written pay plan. Any funds collected from felony probationers may be used by the DOC to offset the costs associated with community supervision programs.¹⁸

Subsections 948.01(1) and (5), F.S., prohibit a private entity from providing probationary or supervision services to felony or misdemeanor offenders sentenced to probation or other supervision by the circuit court. As such, a private entity is authorized to provide supervision services to a misdemeanor offender sentenced by the county court but cannot provide such services to a misdemeanor offender sentenced by the circuit court.

Florida Controlled Substance Schedules

Section 893.03, F.S., classifies controlled substances into five categories or classifications, known as schedules. The schedules regulate the manufacture, distribution, preparation, and dispensing of substances listed in the schedules. The most important factors in determining which schedule may apply to a substance are the "potential for abuse"¹⁹ of the substance and whether there is a currently accepted medical use for the substance. The controlled substance schedules are described as follows:

- Schedule I substances (s. 893.03(1), F.S.) have a high potential for abuse and no currently accepted medical use in treatment in the United States. Use of these substances under medical supervision does not meet accepted safety standards.

¹³ Section 948.15(2), F.S.

¹⁴ Section 948.01(1)(a), F.S.

¹⁵ Section 948.01(2), F.S.

¹⁶ Florida Department of Corrections, *Probation Services*, available at <https://www.fdc.myflorida.com/probation-services> (Last visited March 4, 2025).

¹⁷ Section 948.09(1)(a)1., F.S.

¹⁸ *Id.* Additionally, a felony probationer must pay a \$2-per-month surcharge to be used by the DOC to pay for correctional probation officers' training and equipment, including radios, and firearms training, firearms, and similar equipment. Section 948.09(1)(a)2., F.S.

¹⁹ Section 893.035(3)(a), F.S., defines "potential for abuse" as a substance that has properties as a central nervous system stimulant or depressant or a hallucinogen that create a substantial likelihood of the substance being: used in amounts that create a hazard to the user's health or the safety of the community; diverted from legal channels and distributed through illegal channels; or taken on the user's own initiative rather than on the basis of professional medical advice.

- Schedule II substances (s. 893.03(2), F.S.) have a high potential for abuse and a currently accepted but severely restricted medical use in treatment in the United States. Abuse of these substances may lead to severe psychological or physical dependence.
- Schedule III substances (s. 893.03(3), F.S.) have a potential for abuse less than the Schedule I and Schedule II substances and a currently accepted medical use in treatment in the United States. Abuse of these substances may lead to moderate or low physical dependence or high psychological dependence. Abuse of anabolic steroids may lead to physical damage.
- Schedule IV substances (s. 893.03(4), F.S.) have a low potential for abuse relative to Schedule III substances and a currently accepted medical use in treatment in the United States. Abuse of these substances may lead to limited physical or psychological dependence relative to Schedule III substances.
- Schedule V substances (s. 893.03(5), F.S.) have a low potential for abuse relative to Schedule IV substances and a currently accepted medical use in treatment in the United States. Abuse of these substances may lead to limited physical or psychological dependence relative to Schedule IV substances.

Controlled Substance Analog

A “controlled substance analog” is defined in s. 893.0356(2)(a), F.S., as a substance which, due to its chemical structure and potential for abuse, meets the following criteria:

- The substance is substantially similar to that of a controlled substance listed in Schedule I; or
- Schedule II of s. 893.03, F.S.; and
- The substance has a stimulant, depressant, or hallucinogenic effect on the central nervous system or is represented or intended to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to or greater than that of a controlled substance listed in Schedule I or Schedule II of s. 893.03, F.S.

Chemical Substance

A chemical substance is any substance identified in s. 877.111, F.S., which is the criminal statute identifying certain harmful chemical substances, or ch. 893, F.S., which identifies controlled substances.²⁰ However, the term does not include any drug or medication obtained pursuant to a prescription which was taken in accordance with the prescription,²¹ or any medication that is authorized under state or federal law for general distribution and use without a prescription in treating human diseases, ailments, or injuries and that was taken in the recommended dosage.

III. Effect of Proposed Changes:

The bill amends s. 948.15, F.S. to authorize a court to sentence a defendant who is found guilty of a misdemeanor to a term of probation of up to one year if a controlled substance,²² a

²⁰ Section 768.36(1), F.S.

²¹ A “prescription” includes any order for drugs or medicinal supplies which is written or transmitted by any means of communication by a licensed practitioner authorized by the laws of Florida to prescribe such drugs or medicinal supplies, it issued in good faith and in the course of professional practice, is intended to be dispensed by a person authorized by the laws of Florida to do so, and meets the requirements of s. 893.04, F.S. (regulating pharmacists and practitioners). Section 893.02(24), F.S.

²² Section 893.02, F.S.

controlled substance analog,²³ or a chemical substance²⁴ is a significant factor in the commission of the offense.

Current law provides that the maximum term of probation is 6 months unless otherwise specified by a court.

The bill takes effect on July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Art. VII, s. 18 of the State Constitution.

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:

None.

²³ Section 893.0356, F.S.

²⁴ Section 877.111(1), F.S.

C. Government Sector Impact:

The bill is not expected to impact state or local government revenues and expenditures.²⁵

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 948.15 of the Florida Statutes.

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.

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

²⁵ Office of Economic and Demographic Research, *SB 878 – Probation for Misdemeanor Offenses* (on file with the Senate Committee on Criminal Justice).

CourtSmart Tag Report

Room: SB 37

Case No.:

Type:

Caption: Senate Appropriations Committee on Criminal and Civil Justice

Judge:

Started: 3/18/2025 1:03:26 PM

Ends: 3/18/2025 1:29:20 PM

Length: 00:25:55

1:03:25 PM	Sen. Garcia (Chair)
1:04:04 PM	TAB 1: Status on the Implementation of CS/ SB 606
1:04:35 PM	Lieutenant Colonel Robert Rowe
1:12:23 PM	Sen. Garcia
1:13:29 PM	Sen. Martin
1:14:13 PM	R. Rowe
1:14:38 PM	Sen. Martin
1:14:55 PM	R. Rowe
1:15:12 PM	Sen. Martin
1:15:17 PM	R. Rowe
1:15:36 PM	Sen. Martin
1:16:10 PM	R. Rowe
1:16:28 PM	Sen. Ingoglia
1:16:59 PM	R. Rowe
1:17:18 PM	Sen. Martin
1:17:41 PM	R. Rowe
1:18:38 PM	Sen. Garcia
1:19:41 PM	S 878
1:20:25 PM	Sen. Martin
1:21:23 PM	Sen. Garcia
1:21:54 PM	Recording Paused
1:23:48 PM	Recording Resumed
1:23:50 PM	Sen. Martin (Chair)
1:24:15 PM	S 538
1:24:21 PM	Sen. Bradley
1:24:31 PM	Sen. Martin
1:24:45 PM	Am. 408054
1:24:55 PM	Sen. Bradley
1:25:22 PM	Sen. Martin
1:25:51 PM	Judge Clay Roberts, FL Conference of DCA Judges (waives in support)
1:25:56 PM	Tad David, Lead Staff for the FL Supreme Ct. Committee on ADR Rules & Policy (waives in support)
1:26:04 PM	Sean Burnfin, State Court System (waives in support)
1:26:10 PM	Jason Welty, Florida Clerks of Court Operation Corporation (waives in support)
1:26:20 PM	Sen. Bradley
1:26:25 PM	Sen. Martin
1:26:51 PM	S 472
1:26:58 PM	Sen. Truenow
1:27:20 PM	Sen. Martin
1:27:34 PM	Michele Combs, Christian Coalition of Florida (waives in support)
1:27:42 PM	Katie Bonnett, Alliance for Safety and Justice (waives in support)
1:27:49 PM	Albert Balido, Florida Policy Institute (waives in support)
1:27:58 PM	Denise Rock, Florida Cares (waives in support)
1:28:07 PM	Gus Corbella, Florida Rights Restoration Coalition (waives in support)
1:28:12 PM	Jessica Kraynak, Florida Retail Federation (waives in support)
1:28:14 PM	Sen. Truenow
1:28:24 PM	Sen. Martin



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations, *Vice Chair*
Agriculture
Appropriations Committee on Criminal and Civil Justice
Appropriations Committee on Health and Human Services
Children, Families, and Elder Affairs
Ethics and Elections
Rules

JOINT COMMITTEE:

Joint Legislative Budget Commission

SENATOR DARRYL ERVIN ROUSON

16th District

March 18, 2025

Senator Ileana Garcia

Chair, Appropriations Committee on Criminal and Civil Justice

201 The Capitol

404 S Monroe St

Tallahassee, FL 32399

Chair Garcia,

I am writing to request that my absence from today's meeting of the Appropriations Committee on Criminal and Civil Justice (ACJ) be recorded as excused. I was off campus and was en route to the committee meeting when it adjourned early after completing its business. I appreciate your consideration of this request and remain committed to the important work of the committee.

Thank you for your time and understanding.

Sincerely,

A handwritten signature in green ink that reads "Darryl E. Rouson".

Senator Darryl. E Rouson

Florida Senate District 16

REPLY TO:

☐ 535 Central Avenue, Suite 302, St. Petersburg, Florida 33701 (727) 822-6828

☐ 212 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5016

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Fiscal Policy, *Vice Chair*
Appropriations Committee on Criminal and
Civil Justice
Appropriations Committee on Pre-K - 12 Education
Banking and Insurance
Education Pre-K - 12
Health Policy
Judiciary
Rules

JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

SENATOR ROSALIND OSGOOD

32nd District

March 19, 2025

Dear Chair Garcia,

I hope you are doing well. I am writing to formally request that I be excused from the Appropriations Committee on Criminal and Civil Justice meeting scheduled for Tuesday, March 19th, 2025, due to an unmovable commitment. While I regret missing the discussions and any important matters on the agenda, this prior commitment requires my attention.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in blue ink that reads "Rosalind Osgood". The signature is fluid and cursive, with the first name "Rosalind" and last name "Osgood" clearly distinguishable.

Senator Rosalind Osgood

REPLY TO:

- ☐ 8491 West Commercial Boulevard, Tamarac, Florida 33351 (954) 321-2705
- ☐ 213 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5032

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Education Pre-K - 12, *Chair*
Education Postsecondary, *Vice Chair*
Appropriations Committee on Criminal and
Civil Justice
Appropriations Committee on Pre-K - 12 Education
Children, Families, and Elder Affairs
Criminal Justice
Fiscal Policy
Rules

JOINT COMMITTEE:

Joint Legislative Auditing Committee

SENATOR COREY SIMON

3rd District

March 17th, 2025

The Honorable Ileana Garcia

Chair, Appropriations Committee on Criminal and Civil Justice
201 The Capitol
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Garcia,

Senator Simon respectfully requests an excused absence from the March 18th, 2025, meeting of the Appropriations Committee on Criminal and Civil Justice.

I appreciate your consideration.

Sincerely,

Jacob Paterson
Legislative Aide to Senator Corey Simon

□ 303 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5003

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore