

Amendment No. 01 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	

ORIGINAL STAMP BELOW

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

Representative(s) Sublette offered the following:

**Amendment (with title amendment)**

On page 5, between lines 21&22, of the bill

insert:

Section 4. Subsection (4) is added to section 30.17, Florida Statutes, to read:

30.17 Sheriff to keep an execution docket.--

(4) On October 1, 2001, the sheriff shall cease docketing newly delivered writs of executions. The sheriff shall maintain the existing docket until October 1, 2003. Upon the request of any person or entity who delivered a writ of execution to the sheriff before October 1, 2001, the sheriff shall provide written certification of the date on which the writ was delivered. Except for any certification requested by a state agency or a political subdivision of the state, the sheriff shall charge a fixed, nonrefundable fee of \$20 for each certification. Fees collected under this section shall be disbursed in accordance with s. 30.231(5). The sheriff's duties under this section shall cease on October 1, 2003.

1           Section 5. Paragraph (d) of subsection (1) of section  
2 30.231, Florida Statutes, is amended to read:

3           30.231 Sheriffs' fees for service of summons,  
4 subpoenas, and executions.--

5           (1) The sheriffs of all counties of the state in civil  
6 cases shall charge fixed, nonrefundable fees for docketing and  
7 service of process, according to the following schedule:

8           (d) Executions:

9           1. Twenty dollars for docketing and indexing each writ  
10 of execution, regardless of the number of persons involved.

11           2. Fifty dollars for each levy.

12           a. A levy is considered made when any property or any  
13 portion of the property listed or unlisted in the instructions  
14 for levy is seized, or upon demand of the sheriff the writ is  
15 satisfied by the defendant in lieu of seizure. Seizure  
16 requires that the sheriff take actual possession, if  
17 practicable, or, alternatively, constructive possession of the  
18 property by order of the court.

19           b. When the instructions are for levy upon real  
20 property, a levy fee is required for each parcel described in  
21 the instructions.

22           c. When the instructions are for levy based upon  
23 personal property, one fee is allowed, unless ~~although~~ the  
24 property is ~~may be~~ seized at different locations, conditional  
25 upon all of the items being advertised collectively and the  
26 sale being held at a single location. However, if the property  
27 seized cannot be sold at one location during the same sale as  
28 advertised, but requires separate sales at different  
29 locations, the sheriff is then authorized to impose a levy fee  
30 for the property and sale at each location.

31           3. Twenty dollars for advertisement of sale under

1 process.

2 4. Twenty dollars for each sale under process.

3 5. Twenty dollars for each deed, bill of sale, or  
4 satisfaction of judgment.

5 Section 6. Effective July 1, 2000, section 55.10,  
6 Florida Statutes, is amended to read:

7 55.10 Judgments, orders, and decrees; lien of all,  
8 generally; extension of liens; transfer of liens to other  
9 security.--

10 (1) A judgment, order, or decree becomes a lien on  
11 real estate in any county when a certified copy of it is  
12 recorded in the official records or judgment lien record of  
13 the county, whichever is maintained at the time of  
14 recordation, and it shall be a lien for a period of 7 years  
15 from the date of the recording provided that the judgment,  
16 order, or decree contains the address of the person who has a  
17 lien as a result of such judgment, order, or decree or a  
18 separate affidavit is recorded simultaneously with the  
19 judgment, order, or decree stating the address of the person  
20 who has a lien as a result of such judgment, order, or decree.  
21 A judgment, order, or decree does not become a lien on real  
22 estate unless the address of the person who has a lien as a  
23 result of such judgment, order, or decree is contained in the  
24 judgment, order, or decree or an affidavit with such address  
25 is simultaneously recorded with the judgment, order, or  
26 decree.

27 (2) The lien provided for in subsection (1) may be  
28 extended for an additional period of 10 7 years, subject to  
29 the limitation in subsection (3), by rerecording a certified  
30 copy of the judgment, order, or decree prior to the ~~within the~~  
31 ~~90-day period preceding the~~ expiration of the lien provided

1 for in subsection (1) and by simultaneously recording an  
2 affidavit with the current address of the person who has a  
3 lien as a result of the judgment, order, or decree. The one  
4 additional period of 10 years shall be effective from the date  
5 the judgment, order, or decree is rerecorded. The lien will  
6 not be extended unless the affidavit with the current address  
7 is simultaneously recorded.

8 ~~(3) In the event the lien is extended under subsection~~  
9 ~~(2), the lien of the judgment, order, or decree may be further~~  
10 ~~extended by re-recording a certified copy of it within the~~  
11 ~~90-day period preceding the expiration of the lien provided~~  
12 ~~for in subsection (2) and by simultaneously recording an~~  
13 ~~affidavit with the current address of the person who has a~~  
14 ~~lien as a result of such judgment, order, or decree. The lien~~  
15 ~~will not be extended unless the affidavit with the current~~  
16 ~~address is recorded.~~

17 ~~(3)(4)~~ In no event shall the lien upon real property  
18 created by this section ~~subsections (1), (2), and (3)~~ be  
19 extended beyond the period provided for in s. 55.081.

20 (4) Except as otherwise provided in this subsection,  
21 this act shall apply to all judgments, orders, and decrees of  
22 record which constitute a lien on real property immediately  
23 prior to the effective date of this act. Any judgment, order,  
24 or decree recorded prior to July 1, 1987, shall be unaffected  
25 by the changes in this act and shall remain a lien on real  
26 property until the period provided for in s. 55.081 expires or  
27 until the lien is satisfied, whichever occurs first.

28 ~~(5) This section shall be deemed to operate~~  
29 ~~prospectively.~~

30 ~~(5)(6)~~ Any lien claimed under this section ~~subsections~~  
31 ~~(1), (2), and (3)~~ may be transferred, by any person having an

1 interest in the real property upon which the lien is imposed  
2 or the contract under which the lien is claimed, from such  
3 real property to other security by either depositing in the  
4 clerk's office a sum of money or filing in the clerk's office  
5 a bond executed as surety by a surety insurer licensed to do  
6 business in this state. Such deposit or bond shall be in an  
7 amount equal to the amount demanded in such claim of lien plus  
8 interest thereon at the legal rate for 3 years plus \$500 to  
9 apply on any court costs which may be taxed in any proceeding  
10 to enforce said lien. Such deposit or bond shall be  
11 conditioned to pay any judgment, order, or decree which may be  
12 rendered for the satisfaction of the lien for which such claim  
13 of lien was recorded and costs plus \$500 for court costs. Upon  
14 such deposit being made or such bond being filed, the clerk  
15 shall make and record a certificate showing the transfer of  
16 the lien from the real property to the security and mail a  
17 copy thereof by registered or certified mail to the lienor  
18 named in the claim of lien so transferred, at the address  
19 stated therein. Upon the filing of the certificate of  
20 transfer, the real property shall thereupon be released from  
21 the lien claimed, and such lien shall be transferred to said  
22 security. The clerk shall be entitled to a fee of \$10 for  
23 making and serving the certificate. If the transaction  
24 involves the transfer of multiple liens, an additional charge  
25 of \$5 for each additional lien shall be charged. Any number of  
26 liens may be transferred to one such security.

27 (6)~~(7)~~ Any excess of the security over the aggregate  
28 amount of any judgments, orders, or decrees rendered, plus  
29 costs actually taxed, shall be repaid to the party filing the  
30 security or his or her successor in interest. Any deposit of  
31 money shall be considered as paid into court and shall be

1 subject to the provisions of law relative to payments of money  
2 into court and the disposition of these payments.

3 ~~(7)(8)~~ Any party having an interest in such security  
4 or the property from which the lien was transferred may at any  
5 time, and any number of times, file a complaint in chancery in  
6 the circuit court of the county where such security is  
7 deposited for an order:

- 8 (a) To require additional security;
- 9 (b) To require reduction of security;
- 10 (c) To require change or substitution of sureties;
- 11 (d) To require payment or discharge thereof; or
- 12 (e) Relating to any other matter affecting said  
13 security.

14 Section 7. Effective October 1, 2001, section 55.201,  
15 Florida Statutes, is created to read:

16 55.201 Central database of judgment liens on personal  
17 property.--The Department of State shall maintain a database  
18 of judgment lien records established in accordance with ss.  
19 55.201-55.209.

20 Section 8. Effective October 1, 2001, section 55.202,  
21 Florida Statutes, is created to read:

22 55.202 Judgments, orders, and decrees; lien on  
23 personal property.--

24 (1) A judgment lien securing the unpaid amount of any  
25 money judgment may be acquired by the holder of a judgment  
26 entered by:

27 (a) A court of this state;

28 (b) A court of the United States having jurisdiction  
29 in this state;

30 (c) A court of the United States or any other state to  
31 the extent enforceable under the Florida Enforcement of

1 Foreign Judgments Act, ss. 55.501-55.509;

2 (d) A foreign state as defined in the Uniform  
3 Out-of-Country Foreign Money-Judgment Recognition Act, ss.  
4 55.601-55.607, from the time and to the extent enforceable  
5 thereunder;

6 (e) An issuing tribunal with respect to a support  
7 order being enforced in this state pursuant to chapter 88; or

8 (f) Operation of law pursuant to s. 61.14(6).

9 (2) A judgment lien may be acquired on the judgment  
10 debtor's interest in all personal property subject to  
11 execution in this state, other than fixtures, money,  
12 negotiable instruments, and mortgages.

13 (a) A judgment lien is acquired by recording a  
14 judgment lien certificate in accordance with s. 55.203 with  
15 the Department of State after the judgment has become final  
16 and if no stay of the judgment or its enforcement is in effect  
17 at the time the certificate is filed.

18 (b) For any tax lien or assessment granted by law to  
19 the state or any of the political subdivisions for any tax  
20 enumerated in s. 72.011, a judgment lien may be acquired by  
21 recording the lien or warrant with the Department of State.

22 (c) A judgment lien is effective as of the date of  
23 recording, but no lien attaches to property until the debtor  
24 acquires an interest in the property.

25 (d) Except as provided in s. 55.204(3), a judgment  
26 creditor may record only one effective judgment lien  
27 certificate based upon a particular judgment.

28 (3) Except as otherwise provided in s. 55.208, the  
29 priority of a judgment lien acquired in accordance with this  
30 section or s. 55.204(3) is established at the time the  
31 judgment lien is recorded. Such judgment lien is deemed

1 recorded as of its effective date as provided in this section  
2 or s. 55.204(3).

3 (4) As used in ss. 55.201-55.209, the terms "holder of  
4 a judgment" and "judgment creditor" include the Department of  
5 Revenue with respect to a judgment being enforced by the  
6 Department of Revenue as the state IV-D agency.

7 (5) Liens, assessments, or judgments administered by  
8 or secured on behalf of any state agency or political  
9 subdivision of the state may be filed directly into the  
10 central database by such agency or subdivision through  
11 electronic or information data exchange programs approved by  
12 the Department of State.

13 Section 9. Effective October 1, 2001, section 55.203,  
14 Florida Statutes, is created to read:

15 55.203 Judgment lien certificate; content, recording,  
16 and indexing.--

17 (1) An original judgment lien certificate, as provided  
18 in s. 55.202, must include:

19 (a) The legal name of each judgment debtor and, if a  
20 recorded legal entity, the registered name and document filing  
21 number as shown in the records of the Department of State.

22 (b) The last known address and social security number,  
23 federal identification number, or, in the instance in which  
24 the judgment creditor is a state agency or a political  
25 subdivision of the state, a taxpayer or other distinct  
26 identification number of each judgment debtor, except that in  
27 cases of default judgment, the social security number must be  
28 included only if known, or federal employer identification  
29 number of each judgment debtor.

30 (c) The legal name of the judgment creditor and, if a  
31 recorded legal entity, the registered name and document filing



1 number as shown in the records of the Department of State, and  
2 the name of the judgment creditor's attorney or duly  
3 authorized representative, if any.

4 (d) The address and social security number or federal  
5 employer identification number of the judgment creditor.

6 (e) The identity of the court which entered the  
7 judgment and the case number and the date the written judgment  
8 was entered.

9 (f) The amount due on the money judgment and the  
10 applicable interest rate.

11 (g) The signature of the judgment creditor or the  
12 judgment creditor's attorney or duly authorized  
13 representative.

14 (h) With respect to a lien created by a delivery of a  
15 writ of execution to a sheriff prior to October 1, 2001, an  
16 affidavit by the judgment creditor which attests that the  
17 person or entity possesses any documentary evidence of the  
18 date of delivery of the writ, and a statement of that date or  
19 a certification by the sheriff of the date as provided in s.  
20 30.17(4).

21 (2) A second judgment lien certificate, as provided in  
22 s. 55.204(3), must include the information required in  
23 subsection (1) and must state the file number assigned to the  
24 record of the original judgment lien certificate, the money  
25 amount remaining unpaid, and the interest accrued thereon.

26 (3) An amendment, as provided in s. 55.206, or a  
27 correction statement, as provided in s. 55.207, must state the  
28 file number of the judgment lien record to which the amendment  
29 or correction statement relates and must state the action,  
30 change, or statement to be added.

31 (4) The Department of State shall examine, for

1 compliance with ss. 55.201-55.209, each document submitted for  
2 recording and shall accept or reject the document accordingly.

3 For each judgment lien certificate recorded, the department  
4 shall:

5 (a) Create a record.

6 (b) Assign a unique file number to the record.

7 (c) Include the date of filing of the judgment lien  
8 certificate.

9 (d) Maintain the record in a database accessible to  
10 the public via the Internet.

11 (e) Index the judgment lien certificate according to  
12 the name of each judgment debtor.

13 (f) Index all subsequently filed documents relating to  
14 an original judgment lien certificate in a manner that  
15 associates them to the original judgment lien certificate.

16 (5) The validity of a judgment lien certificate  
17 recorded under this section may not be defeated by technical  
18 or clerical errors made in good faith which are not seriously  
19 misleading, nor may any claim of estoppel be based on such  
20 errors.

21 (6) The Department of State shall prescribe mandatory  
22 forms of all documents to be filed under this section.

23 Section 10. Effective October 1, 2001, section 55.204,  
24 Florida Statutes, is created to read:

25 55.204 Duration and continuation of judgment lien;  
26 destruction of records.--

27 (1) Except as provided in this section, a judgment  
28 lien acquired under s. 55.202 lapses and becomes invalid 5  
29 years after the date of recording the judgment lien  
30 certificate.

31 (2) Liens securing the payment of child support or tax

1 obligations as set forth in s. 95.091(1)(b) shall not lapse  
2 until 20 years after the date of the original filing of the  
3 warrant or other document required by law to establish a lien.  
4 No second lien based on the original filing may be obtained.

5 (3) At any time within 6 months before the scheduled  
6 lapse of a judgment lien under subsection (1), the judgment  
7 creditor may acquire a second judgment lien by recording a new  
8 judgment lien certificate. The second judgment lien becomes  
9 effective on the date of lapse of the original judgment lien  
10 or on the date on which the judgment lien certificate is  
11 recorded, whichever is later. The second judgment lien is  
12 deemed recorded on its effective date. The second judgment  
13 lien is deemed a new judgment lien and not a continuation of  
14 the original judgment lien. The second judgment lien  
15 permanently lapses and becomes invalid 5 years after its  
16 effective date, and no additional liens based on the original  
17 judgment may be obtained.

18 (4) A judgment lien continues only as to itemized  
19 property for an additional 90 days after lapse of the lien.  
20 Such judgment lien will continue only if:

21 (a) The property had been itemized and its location  
22 described with sufficient particularity in the instructions  
23 for levy;

24 (b) The levy had been delivered to the sheriff prior  
25 to the date of lapse of the lien to permit the sheriff to act;  
26 and

27 (c) The property was located in the county in which  
28 the sheriff has jurisdiction at the time of delivery of the  
29 instruction for levy. Subsequent removal of the property does  
30 not defeat the lien. A court may order continuation of the  
31 lien beyond the 90-day period on a showing that extraordinary

1 circumstances have prevented levy.

2 (5) The date of lapse of a judgment lien whose  
3 enforceability has been temporarily stayed or enjoined as a  
4 result of any legal or equitable proceeding is tolled until 30  
5 days after the stay or injunction is terminated.

6 (6) The Department of State shall maintain each  
7 judgment lien record and all information contained therein for  
8 a minimum of 1 year after the judgment lien lapses in  
9 accordance with this section.

10 Section 11. Effective October 1, 2001, section 55.205,  
11 Florida Statutes, is created to read:

12 55.205 Effect of judgment lien.--

13 (1) A valid judgment lien gives the judgment creditor  
14 the right to take possession of the property subject to levy  
15 through writ of execution, garnishment, or other judicial  
16 process. A judgment creditor who has not recorded a judgment  
17 lien certificate in accordance with s. 55.203 or whose lien  
18 has lapsed may nevertheless take possession of the judgment  
19 debtor's property through such other judicial process. A  
20 judgment creditor proceeding by writ of execution obtains a  
21 lien as of the time of levy and only on the property levied  
22 upon. Except as provided in s. 55.208, such judgment creditor  
23 takes subject to the claims and interest of priority judgment  
24 creditors.

25 (2) A buyer in the ordinary course of business as  
26 defined in s. 671.201(9) takes free of a judgment lien created  
27 under this section even though the buyer knows of its  
28 existence. A valid security interest as defined in chapter 679  
29 in after-acquired property of the judgment debtor which is  
30 perfected prior to the effective date of a judgment lien takes  
31 priority over the judgment lien on the after-acquired

1 property.

2 Section 12. Effective October 1, 2001, section 55.206,  
3 Florida Statutes, is created to read:

4 55.206 Amendment of judgment lien record; termination,  
5 partial release, assignment, continuation, tolling,  
6 correction.--

7 (1) An amendment to a judgment lien acquired under s.  
8 55.202 may be recorded by the judgment creditor of record,  
9 which may provide for:

10 (a) The termination, partial release, or assignment of  
11 the judgment creditor's interest in a judgment lien;

12 (b) The continuation and termination of the  
13 continuation of a judgment lien, as provided in s. 55.204(4);

14 (c) The tolling and termination of the tolling of a  
15 lapse of a judgment lien, as provided in s. 55.204(5); or

16 (d) The correction or change of any other information  
17 provided in the record of a judgment lien.

18 (2) Within 30 days following receipt of a written  
19 demand by a judgment debtor after the obligation underlying a  
20 judgment lien has been fully or partially released, the  
21 judgment lienholder must deliver to the judgment debtor a  
22 written statement indicating that there is no longer a claim  
23 for a lien on the personal property of the judgment debtor or  
24 that the judgment lien has been partially released and setting  
25 forth the value of the lien remaining unpaid as of the date of  
26 the statement. A statement signed by an assignee must include  
27 or be accompanied by a separate written acknowledgement of  
28 assignment signed by the judgment creditor of record. If the  
29 judgment lienholder fails to deliver such a statement within  
30 30 days after proper written demand therefor, the judgment  
31 lienholder is liable to the judgment debtor for \$100, and for

1 any actual or consequential damages, including reasonable  
2 attorney's fees, caused by such failure to the judgment  
3 debtor.

4 (3) The judgment debtor, the judgment creditor, or  
5 assignee may file such statement with the Department of State.

6 Section 13. Effective October 1, 2001, section 55.207,  
7 Florida Statutes, is created to read:

8 55.207 Correction of judgment lien record.--

9 (1) A person may file with the Department of State a  
10 correction statement with respect to a judgment lien record,  
11 as provided in s. 55.203, indexed under the person's name, if  
12 the person believes that the record is inaccurate or that the  
13 judgment lien certificate was wrongfully filed.

14 (2) A correction statement must:

15 (a) State the judgment debtor named and the file  
16 number assigned to the judgment lien record to which the  
17 correction statement relates;

18 (b) Indicate that it is a correction statement;

19 (c) Provide the basis for the person's belief that the  
20 judgment lien certificate was wrongfully filed or the record  
21 is inaccurate; and

22 (d) Indicate the manner in which the person believes  
23 the record should be corrected to cure any inaccuracy.

24 (3) The department shall ensure that a correction  
25 statement is indexed and available in the same manner as any  
26 recorded lien certificate in the central database of judgment  
27 lien records.

28 (4) The filing of a correction statement does not  
29 affect the effectiveness of the judgment lien or other filed  
30 record.

31 Section 14. Effective October 1, 2001, section 55.208,

1 Florida Statutes, is created to read:

2 55.208 Effect of recorded judgment lien on writs of  
3 execution previously delivered to a sheriff.--

4 (1) Any lien created by a writ of execution which has  
5 been delivered to the sheriff of any county before October 1,  
6 2001, remains in effect for 2 years thereafter as to any  
7 property of the judgment debtor located in that county before  
8 October 1, 2001, and remaining within that county after that  
9 date. As to any property of the judgment debtor brought into  
10 the county on or after October 1, 2001, such writs create no  
11 lien, inchoate or otherwise.

12 (2) If a judgment creditor who has delivered a writ of  
13 execution to a sheriff in any county prior to October 1, 2001,  
14 properly files a judgment lien certificate with the Department  
15 of State by October 1, 2003, the resulting judgment lien is  
16 deemed recorded on the date the writ was delivered to the  
17 sheriff as to all leviable property of the judgment debtor  
18 which is located in that county on October 1, 2001, and that  
19 remains continuously in that county thereafter. As to all  
20 other property of the judgment debtor, the effective date of  
21 the judgment lien is as provided in s. 55.202. The duration of  
22 all judgment liens is as provided in s. 55.204, regardless of  
23 the date on which a lien is determined to have been recorded.

24 (3) If a judgment creditor who has delivered a writ of  
25 execution to a sheriff in any county before October 1, 2001,  
26 does not properly record a judgment lien certificate with the  
27 Department of State by October 1, 2003, such writ is  
28 considered to have been abandoned and to be of no effect after  
29 October 1, 2003.

30 Section 15. Effective October 1, 2001, section 55.209,  
31 Florida Statutes, is created to read:

1           55.209 Department of State; processing fees,  
2 responsibilities.--

3           (1) Except for liens, assessments, or judgments filed  
4 electronically by a state agency or a political subdivision of  
5 the state, as provided in s. 55.202(6), the Department of  
6 State shall collect the following nonrefundable processing  
7 fees for all documents filed or recorded in accordance with  
8 ss. 55.201-55.209:

9           (a) For any judgment lien certificate or other  
10 documents permitted to be filed, \$20.

11           (b) For the certification of any recorded document,  
12 \$10.

13           (c) For copies of judgment lien documents which are  
14 produced by the Department of State, \$1 per page or part  
15 thereof. However, no charge may be collected for copies  
16 provided in an online electronic format via the Internet.

17           (d) For indexing a judgment lien by multiple judgment  
18 debtor names, \$5 per additional name.

19           (e) For each additional facing page attached to a  
20 judgment lien certificate or document permitted to be filed or  
21 recorded, \$5.

22           (2) Unless otherwise provided by law, the Department  
23 of State may not conduct any search of the database  
24 established under s. 55.201 to determine the existence of any  
25 judgment lien record or to perform any service other than in  
26 connection with those services for which payment of services  
27 are required under this section. The information maintained in  
28 the database is for public notice purposes only and the  
29 department may make no certification or determination of the  
30 validity of any judgment lien acquired under ss. 55.202 and  
31 55.204(3).



1           Section 16. Effective October 1, 2001, subsection (1)  
2 of section 55.604, Florida Statutes, is amended, and  
3 subsection (8) is added to that section, to read:

4           55.604 Recognition and enforcement.--Except as  
5 provided in s. 55.605, a foreign judgment meeting the  
6 requirements of s. 55.603 is conclusive between the parties to  
7 the extent that it grants or denies recovery of a sum of  
8 money. Procedures for recognition and enforceability of a  
9 foreign judgment shall be as follows:

10           (1) The foreign judgment shall be filed with ~~the~~  
11 ~~Department of State and~~ the clerk of the court and recorded in  
12 the public records in the county or counties where enforcement  
13 is sought. ~~The filing with the Department of State shall not~~  
14 ~~create a lien on any property.~~

15           (a) At the time of the recording of a foreign  
16 judgment, the judgment creditor shall make and record with the  
17 clerk of the circuit court an affidavit setting forth the  
18 name, social security number, if known, and last known  
19 post-office address of the judgment debtor and of the judgment  
20 creditor.

21           (b) Promptly upon the recording of the foreign  
22 judgment and the affidavit, the clerk shall mail notice of the  
23 recording of the foreign judgment, by registered mail with  
24 return receipt requested, to the judgment debtor at the  
25 address given in the affidavit and shall make a note of the  
26 mailing in the docket. The notice shall include the name and  
27 address of the judgment creditor and of the judgment  
28 creditor's attorney, if any, in this state. In addition, the  
29 judgment creditor may mail a notice of the recording of the  
30 judgment to the judgment debtor and may record proof of  
31 mailing with the clerk. The failure of the clerk to mail

1 notice of recording will not affect the enforcement  
2 proceedings if proof of mailing by the judgment creditor has  
3 been recorded.

4 (8) A judgement lien on personal property is acquired  
5 only when a judgment lien certificate satisfying the  
6 requirements of s. 55.203 has been recorded with the  
7 Department of State.

8 Section 17. Effective October 1, 2001, section 56.21,  
9 Florida Statutes, is amended to read:

10 56.21 Execution sales; notice.--Notice of all sales  
11 under execution shall be given by advertisement once each week  
12 for 4 successive weeks in a newspaper published in the county  
13 in which the sale is to take place. The time of such notice  
14 may be shortened in the discretion of the court from which the  
15 execution issued, upon affidavit that the property to be sold  
16 is subject to decay and will not sell for its full value if  
17 held until date of sale. On or before the date of the first  
18 publication or posting of the notice of sale, a copy of the  
19 notice of sale shall be furnished by certified mail to the  
20 attorney of record of the judgment debtor, or to the judgment  
21 debtor at the judgment debtor's last known address if the  
22 judgment debtor does not have an attorney of record. Such copy  
23 of the notice of sale shall be mailed even though a default  
24 judgment was entered. When levying upon personal property, a  
25 notice of such levy and execution sale and a copy of the  
26 affidavit required by s. 56.27(4) shall be made by the levying  
27 creditor to the attorney of record of the judgment creditor or  
28 the judgment creditor who has recorded a judgment lien  
29 certificate as provided in s. 55.202 or s. 55.204(3) at the  
30 address listed in the judgment lien certificate, or, if  
31 amended, in any amendment to the judgment lien certificate,

1 and to all secured creditors who have filed financing  
2 statements as provided in s. 679.401 in the name of the  
3 judgment debtor reflecting a security interest in property of  
4 the kind to be sold at the execution sale at the address  
5 listed in the financing statement, or, if amended, in any  
6 amendment to the financing statement. Such notice shall be  
7 made in the same manner as notice is made to any judgment  
8 debtor under this section.When levying upon real property,  
9 notice of such levy and execution sale shall be made to the  
10 property owner of record in the same manner as notice is made  
11 to any judgment debtor pursuant to this section. When selling  
12 real or personal property, the sale date shall not be earlier  
13 than 30 days after the date of the first advertisement.

14 Section 18. Effective October 1, 2001, section 56.27,  
15 Florida Statutes, is amended to read:

16 56.27 Executions; payment ~~to execution creditor~~ of  
17 money collected.--

18 (1) All money received under executions shall be paid,  
19 in the order prescribed, to the following: the sheriff, for  
20 costs; the levying creditor in the amount of \$500 as  
21 liquidated expenses; and the judgment lienholder having the  
22 earliest recorded judgment lien acquired under ss. 55.202 and  
23 55.204(3), as set forth in an affidavit required by subsection  
24 (4), or his or her attorney, in satisfaction of the judgment  
25 lien, provided that the judgment lien has not lapsed at the  
26 time of the levy party in whose favor the execution was issued  
27 ~~or his or her attorney.~~ The receipt of the attorney shall be a  
28 release of the officer paying the money to him or her. When  
29 the name of more than one attorney appears in the court file,  
30 the money shall be paid to the attorney who originally  
31 commenced the action or who made the original defense unless

1 the file shows that another attorney has been substituted.

2 (2) When property sold under execution brings more  
3 than the amount needed to satisfy the provisions of subsection  
4 (1), the surplus shall be paid in the order of priority to any  
5 judgment lienholders whose judgment liens have not lapsed.  
6 Priority shall be based on the effective date of the judgment  
7 lien acquired under s. 55.202 or s. 55.204(3), as set forth in  
8 an affidavit required under subsection (4). If there is a  
9 surplus after all valid judgment liens and execution liens  
10 have been satisfied of the execution, the surplus must be paid  
11 to the defendant or, if there is another writ against the  
12 defendant docketed and indexed with the sheriff, the surplus  
13 must be paid to the junior writ.

14 (3) The value of the property levied upon shall not be  
15 considered excessive unless the value unreasonably exceeds the  
16 total debt reflected in all unsatisfied judgment liens that  
17 have not lapsed and any unsatisfied lien of the levying  
18 creditor.

19 (4) On or before the date of the first publication or  
20 posting of the notice of sale provided for under s. 56.21, the  
21 levying creditor shall file an affidavit setting forth the  
22 following as to the judgment debtor:

23 (a) An attestation that the levying creditor has  
24 reviewed the database or judgment lien records established in  
25 accordance with ss. 55.201-55.209 and that the information  
26 contained in the affidavit based on that review is true and  
27 correct;

28 (b) The information required under s. 55.203(1) and  
29 (2) for each judgment lien certificate indexed under the name  
30 of the judgment debtor as to each judgment creditor; the file  
31 number assigned to the record of the original and, if any, the

1 second judgment lien; and the date of filing for each judgment  
2 lien certificate under s. 55.202 or s. 55.204(3); and

3 (c) A statement that the levying creditor either does  
4 not have any other levy in process or, if another levy is in  
5 process, the levying creditor believes in good faith that the  
6 total value of the property under execution does not exceed  
7 the amount of outstanding judgments.

8 (5) A sheriff paying money received under an execution  
9 in accordance with the information contained in the affidavit  
10 under subsection (4) is not liable to anyone for damages  
11 arising from a wrongful levy.

12 Section 19. Subsection (1) of section 56.29, Florida  
13 Statutes, is amended to read:

14 56.29 Proceedings supplementary.--

15 (1) When any person or entity ~~sheriff~~ holds an  
16 unsatisfied execution and has delivered a writ of execution to  
17 any sheriff, the plaintiff in execution may file an affidavit  
18 so stating and that the execution is valid and outstanding and  
19 thereupon is entitled to these proceedings supplementary to  
20 execution.

21 Section 20. Section 77.01, Florida Statutes, is  
22 amended to read:

23 77.01 Right to garnishment.--Every person or entity  
24 who has sued to recover a debt or has recovered judgment in  
25 any court against any person or entity, ~~natural or corporate~~,  
26 has a right to a writ of garnishment, in the manner  
27 hereinafter provided, to subject any debt due or any debt  
28 under a negotiable instrument that will become due to  
29 defendant by a third person, and any tangible or intangible  
30 personal property of defendant in the possession or control of  
31 a third person. The officers, agents, and employees of any

1 companies or corporations are third persons in regard to the  
2 companies or corporations, and as such are subject to  
3 garnishment after judgment against the companies or  
4 corporations.

5 Section 21. Section 77.041, Florida Statutes, is  
6 created to read:

7 77.041 Notice to defendant for claim of exemption from  
8 garnishment; procedure for hearing.--

9 (1) Upon application for a writ of garnishment by a  
10 plaintiff, the clerk of the court shall attach to the writ the  
11 following "Notice to Defendant":

12  
13 NOTICE TO DEFENDANT OF RIGHT AGAINST GARNISHMENT  
14 OF WAGES, MONEY, AND OTHER PROPERTY

15 The Writ of Garnishment delivered to you with this  
16 Notice means that wages, money, and other property belonging  
17 to you have been garnished to pay a court judgment against  
18 you. HOWEVER, YOU MAY BE ABLE TO KEEP OR RECOVER YOUR WAGES,  
19 MONEY, OR PROPERTY. READ THIS NOTICE CAREFULLY.

20 State and federal laws provide that certain wages,  
21 money, and property, even if deposited in a bank, savings and  
22 loan, or credit union, may not be taken to pay certain types  
23 of court judgments. Such wages, money, and property are exempt  
24 from garnishment. The major exemptions are listed below on the  
25 form for Claim of Exemption and Request for Hearing. This list  
26 does not include all possible exemptions. You should consult a  
27 lawyer for specific advice.

28 TO KEEP YOUR WAGES, MONEY, AND OTHER PROPERTY  
29 FROM BEING GARNISHED, OR TO GET BACK ANYTHING  
30 ALREADY TAKEN, YOU MUST COMPLETE A FORM FOR  
31 CLAIM OF EXEMPTION AND REQUEST FOR HEARING AS

1           SET FORTH BELOW AND HAVE THE FORM NOTARIZED.  
2           YOU MUST FILE THE FORM WITH THE CLERK'S OFFICE  
3           WITHIN 20 DAYS AFTER THE DATE YOU RECEIVE THIS  
4           NOTICE OR YOU MAY LOSE IMPORTANT RIGHTS. YOU  
5           MUST ALSO MAIL OR DELIVER A COPY OF THIS FORM  
6           TO THE PLAINTIFF AND THE GARNISHEE AT THE  
7           ADDRESSES LISTED ON THE WRIT OF GARNISHMENT.  
8           If you request a hearing, it will be held as soon as  
9           possible after your request is received by the court. The  
10          plaintiff must file any objection within 2 business days if  
11          you hand delivered to the plaintiff a copy of the form for  
12          Claim of Exemption and Request for Hearing or, alternatively,  
13          7 days if you mailed a copy of the form for claim and request  
14          to the plaintiff. If the plaintiff files an objection to your  
15          Claim of Exemption and Request for Hearing, the clerk will  
16          notify you and the other parties of the time and date of the  
17          hearing. You may attend the hearing with or without an  
18          attorney. If the plaintiff fails to file an objection, no  
19          hearing is required, the writ of garnishment will be dissolved  
20          and your wages, money, or property will be released.  
21          YOU SHOULD FILE THE FORM FOR CLAIM OF EXEMPTION  
22          IMMEDIATELY TO KEEP YOUR WAGES, MONEY, OR  
23          PROPERTY FROM BEING APPLIED TO THE COURT  
24          JUDGMENT. THE CLERK CANNOT GIVE YOU LEGAL  
25          ADVICE. IF YOU NEED LEGAL ASSISTANCE YOU SHOULD  
26          SEE A LAWYER. IF YOU CAN'T AFFORD A PRIVATE  
27          LAWYER, LEGAL SERVICES MAY BE AVAILABLE.  
28          CONTACT YOUR LOCAL BAR ASSOCIATION OR ASK THE  
29          CLERK'S OFFICE ABOUT ANY LEGAL SERVICES PROGRAM  
30          IN YOUR AREA.  
31          CLAIM OF EXEMPTION AND REQUEST FOR HEARING

Amendment No. 01 (for drafter's use only)

1 I claim exemptions from garnishment under the following  
2 categories as checked:

3 \_\_\_\_\_ 1. Head of family wages. (You must check a  
4 or b below.)

5 \_\_\_\_\_ a. I provide more than one-half of the  
6 support for a child or other dependent and  
7 have net earnings of \$500 or less per week.

8 \_\_\_\_\_ b. I provide more than one-half of the  
9 support for a child or other dependent, have  
10 net earnings of more than \$500 per week, but  
11 have not agreed in writing to have my wages  
12 garnished.

13 \_\_\_\_\_ 2. Social Security benefits.

14 \_\_\_\_\_ 3. Supplemental Security Income benefits.

15 \_\_\_\_\_ 4. Public assistance (welfare).

16 \_\_\_\_\_ 5. Workers' Compensation.

17 \_\_\_\_\_ 6. Unemployment Compensation.

18 \_\_\_\_\_ 7. Veterans' benefits.

19 \_\_\_\_\_ 8. Retirement or profit-sharing benefits or  
20 pension money.

21 \_\_\_\_\_ 9. Life insurance benefits or cash surrender  
22 value of a life insurance policy or proceeds  
23 of annuity contract.

24 \_\_\_\_\_ 10. Disability income benefits.

25 \_\_\_\_\_ 11. Prepaid College Trust Fund or Medical  
26 Savings Account.

27 \_\_\_\_\_ 12. Other exemptions as provided by law.

28 \_\_\_\_\_ (explain)

29  
30 I request a hearing to decide the validity of my claim. Notice  
31 of the hearing should be given to me at:



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

Address:\_\_\_\_\_

Telephone number:\_\_\_\_\_

The statements made in this request are true to the best of my  
knowledge and belief.

\_\_\_\_\_

Defendant's signature

Date\_\_\_\_\_

STATE OF FLORIDA

COUNTY OF

Sworn and subscribed to before me this ..... day of  
.....(month and year), by (name of person making  
statement).....

Notary Public/Deputy Clerk

Personally Known .....OR Produced Identification....

Type of Identification Produced.....

(2) The plaintiff must mail, by first class, a copy of  
the writ of garnishment, a copy of the motion for writ of  
garnishment, and the "Notice to Defendant" to the defendant's  
last known address within 5 business days after the writ is

1 issued or 3 business days after the writ is served on the  
2 garnishee, whichever is later. However, if such documents are  
3 returned as undeliverable by the post office, or if the last  
4 known address is not discoverable after diligent search, the  
5 plaintiff must mail, by first class, the documents to the  
6 defendant at the defendant's place of employment. The  
7 plaintiff shall file in the proceeding a certificate of such  
8 service.

9 (3) Upon the filing by a defendant of a claim of  
10 exemption and request for hearing, a hearing will be held as  
11 soon as is practicable to determine the validity of the  
12 claimed exemptions. If the plaintiff does not file a sworn  
13 written statement that contests the defendant's claim of  
14 exemption within 2 business days after hand delivering the  
15 claim and request or, alternatively, 7 business days, if the  
16 claim and request were served by mail, no hearing is required  
17 and the clerk must automatically dissolve the writ and notify  
18 the parties of the dissolution by mail.

19 Section 22. Section 77.055, Florida Statutes, is  
20 amended to read:

21 77.055 Service of garnishee's answer and notice of  
22 right to dissolve writ ~~Notice to defendant and other~~  
23 ~~interested persons.~~--Within 5 days after service of the  
24 garnishee's answer on the plaintiff or after the time period  
25 for the garnishee's answer has expired, the plaintiff shall  
26 serve, by mail, the following documents: ~~a copy of the writ,~~  
27 a copy of the garnishee's answer, and a notice advising, and a  
28 ~~certificate of service. The notice shall advise~~ the recipient  
29 that he or she must move to dissolve the writ of garnishment  
30 within 20 days after the date indicated on the certificate of  
31 service in the notice if any allegation in the plaintiff's

1 ~~motion for writ of garnishment is untrue within the time~~  
2 ~~period set forth in s. 77.07(2) or be defaulted and that he or~~  
3 ~~she may have exemptions from the garnishment which must be~~  
4 ~~asserted as a defense.~~ The plaintiff shall serve these  
5 documents on the defendant at the defendant's last known  
6 address and any other address disclosed by the garnishee's  
7 answer and on any other person disclosed in the garnishee's  
8 answer to have any ownership interest in the deposit, account,  
9 or property controlled by the garnishee. The plaintiff shall  
10 file in the proceeding a certificate of such service.

11 Section 23. Subsection (1) of section 77.06, Florida  
12 Statutes, is amended to read:

13 77.06 Writ; effect.--

14 (1) Service of the writ shall make garnishee liable  
15 for all debts due by him or her to defendant and for any  
16 tangible or intangible personal property of defendant in the  
17 garnishee's possession or control at the time of the service  
18 of the writ or at any time between the service and the time of  
19 the garnishee's answer. Service of the writ creates a lien in  
20 or upon any such debts or property at the time of service or  
21 at the time such debts or property come into the garnishee's  
22 possession or control.

23 Section 24. Effective July 1, 2000, section 222.01,  
24 Florida Statutes, is amended to read:

25 222.01 Designation of homestead by owner before  
26 levy.--

27 (1) Whenever any natural person residing in this state  
28 desires to avail himself or herself of the benefit of the  
29 provisions of the constitution and laws exempting property as  
30 a homestead from forced sale under any process of law, he or  
31 she may make a statement, in writing, containing a description

1 of the real property, mobile home, or modular home claimed to  
2 be exempt and declaring that the real property, mobile home,  
3 or modular home is the homestead of the party in whose behalf  
4 such claim is being made. Such statement shall be signed by  
5 the person making it and shall be recorded in the circuit  
6 court.

7 (2) When a certified copy of a judgment has been filed  
8 in the public records of a county pursuant to s. 55.10, a  
9 person who is entitled to the benefit of the provisions of the  
10 State Constitution exempting real property as homestead and  
11 who has a contract to sell or a commitment from a lender for a  
12 mortgage on the homestead may file a notice of homestead in  
13 the public records of the county in which the homestead  
14 property is located in substantially the following form:

15  
16 NOTICE OF HOMESTEAD

17  
18 To:...(Name and address of judgment creditor as  
19 shown on recorded judgment and name and address  
20 of any other person shown in the recorded  
21 judgment to receive a copy of the Notice of  
22 Homestead)....

23  
24 You are notified that the undersigned claims as  
25 homestead exempt from levy and execution under  
26 Section 4, Article X of the State Constitution,  
27 the following described property:

28  
29 ...(Legal description)...

30  
31 The undersigned certifies, under oath, that he

1       or she has applied for and received the  
2       homestead tax exemption as to the  
3       above-described property, that .... is the tax  
4       identification parcel number of this property,  
5       and that the undersigned has resided on this  
6       property continuously and uninterruptedly from  
7       ...(date)... to the date of this Notice of  
8       Homestead. Further, the undersigned will either  
9       convey or mortgage the above-described property  
10       pursuant to the following:

11  
12       ...(Describe the contract of sale or loan  
13       commitment by date, names of parties, date of  
14       anticipated closing, and amount. The name,  
15       address, and telephone number of the person  
16       conducting the anticipated closing must be set  
17       forth.)...

18  
19       The undersigned also certifies, under oath,  
20       that the judgment lien filed by you on  
21       ...(date)... and recorded in Official Records  
22       Book ....., Page ....., of the Public Records of  
23       ..... County, Florida, does not constitute a  
24       valid lien on the described property.

25  
26       YOU ARE FURTHER NOTIFIED, PURSUANT TO SECTION  
27       222.01 ET SEQ., FLORIDA STATUTES, THAT WITHIN  
28       45 DAYS AFTER THE MAILING OF THIS NOTICE YOU  
29       MUST FILE AN ACTION IN THE CIRCUIT COURT OF  
30       ..... COUNTY, FLORIDA, FOR A DECLARATORY  
31       JUDGMENT TO DETERMINE THE CONSTITUTIONAL

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

HOMESTEAD STATUS OF THE SUBJECT PROPERTY OR TO  
FORECLOSE YOUR JUDGMENT LIEN ON THE PROPERTY  
AND RECORD A LIS PENDENS IN THE PUBLIC RECORDS  
OF THE COUNTY WHERE THE HOMESTEAD IS LOCATED.  
YOUR FAILURE TO SO ACT WILL RESULT IN ANY BUYER  
OR LENDER, OR HIS OR HER SUCCESSORS AND  
ASSIGNS, UNDER THE ABOVE-DESCRIBED CONTRACT OF  
SALE OR LOAN COMMITMENT TO TAKE FREE AND CLEAR  
OF ANY JUDGMENT LIEN YOU MAY HAVE ON THE  
PROPERTY.

This .... day of ....., 2.....

.....  
...(Signature of Owner)...

.....  
...(Printed Name of Owner)...

.....  
...(Owner's Address)...

Sworn to and subscribed before me by  
..... who is personally  
known to me or produced  
..... as identification,  
this .... day of ....., 2.....

.....  
Notary Public

1       (3) The clerk shall mail a copy of the notice of  
2 homestead to the judgment lienor, by certified mail, return  
3 receipt requested, at the address shown in the most recent  
4 recorded judgment or accompanying affidavit, and to any other  
5 person designated in the most recent recorded judgment or  
6 accompanying affidavit to receive the notice of homestead, and  
7 shall certify to such service on the face of such notice and  
8 record the notice. Notwithstanding the use of certified mail,  
9 return receipt requested, service shall be deemed complete  
10 upon mailing.

11       (4) A lien pursuant to s. 55.10 of any lienor upon  
12 whom such notice is served, who fails to institute an action  
13 for a declaratory judgment to determine the constitutional  
14 homestead status of the property described in the notice of  
15 homestead or to file an action to foreclose the judgment lien,  
16 together with the filing of a lis pendens in the public  
17 records of the county in which the homestead is located,  
18 within 45 days after service of such notice shall be deemed as  
19 not attaching to the property by virtue of its status as  
20 homestead property as to the interest of any buyer or lender,  
21 or his or her successors or assigns, who takes under the  
22 contract of sale or loan commitment described above within 180  
23 days after the filing in the public records of the notice of  
24 homestead. This subsection shall not act to prohibit a lien  
25 from attaching to the real property described in the notice of  
26 homestead at such time as the property loses its homestead  
27 status.

28       (5) As provided in s. 4, Art. X of the State  
29 Constitution, this subsection shall not apply to:

30       (a) Liens and judgments for the payment of taxes and  
31 assessments on real property.

1           (b) Liens and judgments for obligations contracted for  
2 the purchase of real property.

3           (c) Liens and judgments for labor, services, or  
4 materials furnished to repair or improve real property.

5           (d) Liens and judgments for other obligations  
6 contracted for house, field, or other labor performed on real  
7 property.

8           Section 25. Section 222.12, Florida Statutes, is  
9 amended to read:

10           222.12 Proceedings for exemption.--Whenever any money  
11 or other thing due for labor or services as aforesaid is  
12 attached by such process, the person to whom the same is due  
13 and owing may make oath before the officer who issued the  
14 process or before a notary public that the money attached is  
15 due for the personal labor and services of such person, and  
16 she or he is the head of a family residing in said state.  
17 When such an affidavit is made, notice of same shall be  
18 forthwith given to the party, or her or his attorney, who sued  
19 out the process, and if the facts set forth in such affidavit  
20 are not denied under oath within 2 business days after the  
21 service of said notice, the process shall be returned, and all  
22 proceedings under the same shall cease. If the facts stated  
23 in the affidavit are denied by the party who sued out the  
24 process within the time above set forth and under oath, then  
25 the matter shall be tried by the court from which the writ or  
26 process issued, in like manner as claims to property levied  
27 upon by writ of execution are tried, and the money or thing  
28 attached shall remain subject to the process until released by  
29 the judgment of the court which shall try the issue.

30           Section 26. Subsections (2) and (3) of section  
31 679.301, Florida Statutes, are amended to read:



1           679.301 Persons who take priority over unperfected  
2 security interests; right of "lien creditor."--

3           (2) If the secured party files with respect to a  
4 purchase money security interest before or within 15 days  
5 after the debtor receives possession of the collateral, the  
6 secured party ~~he or she~~ takes priority over the rights of a  
7 transferee in bulk or of a lien creditor ~~which arise between~~  
8 ~~the time the security interest attaches and the time of~~  
9 filing.

10           (3) A "lien creditor" means a creditor who has  
11 acquired a lien on the property involved by attachment, levy,  
12 or the like and includes a judgment lienholder as provided  
13 under ss. 55.202-55.209, an assignee for benefit of creditors  
14 from the time of assignment, and a trustee in bankruptcy from  
15 the date of the filing of the petition or a receiver in equity  
16 from the time of appointment.

17           Section 27. There is hereby appropriated from the  
18 Corporations Trust Fund to the Department of State the  
19 following positions and funds to administer this act:

20           (1) Effective July 1, 2000, four full-time equivalent  
21 positions and \$274,858 in recurring salaries and benefits,  
22 \$200,000 in recurring expense, and \$442,753 in nonrecurring  
23 operating capital outlay; and

24           (2) Effective March 1, 2001, nine additional full-time  
25 equivalent positions and \$67,111 in recurring salaries and  
26 benefits and \$32,247 in nonrecurring operating capital outlay.

27           Section 28. Subsection (2) of section 607.1901,  
28 Florida Statutes, is amended to read:

29           607.1901 Corporations Trust Fund creation; transfer of  
30 funds.--

31           (2)(a) The Legislature shall appropriate from the fund

1 such amounts as it deems necessary for the operation of the  
2 division.

3 (b) An amount equal to 2.9 percent of all moneys  
4 deposited each month in the fund is transferred to the  
5 Corporation Tax Administration Trust Fund created pursuant to  
6 s. 213.31.

7 (c) In the last six months of any fiscal year, an  
8 amount equal to 43 percent of all moneys deposited each month  
9 into the fund is transferred to the General Revenue Fund.

10 (d) The division shall transfer from the trust fund to  
11 the Cultural Institutions Trust Fund, quarterly, the amount of  
12 \$10 from each corporate annual report fee collected by the  
13 division and prorations transferring \$8 million each fiscal  
14 year, to be used as provided in s. 265.2861. Effective October  
15 1, 2001, an additional \$2 million each fiscal year shall be  
16 transferred from the Corporations Trust Fund to the Cultural  
17 Institutions Trust Fund to be used as provided in s. 265.2861.  
18 The additional \$2 million is contingent upon the receipt of  
19 corresponding revenues collected under s. 55.209, as created  
20 by this act.

21 (e) The division shall transfer from the trust fund to  
22 the Cultural Institutions Trust Fund, quarterly, prorations  
23 transferring \$250,000 each fiscal year, to be used as provided  
24 in s. 265.609.

25 (f) The division shall transfer from the trust fund to  
26 the Cultural Institutions Trust Fund, quarterly, prorations  
27 transferring \$550,000 each fiscal year, to be used as provided  
28 in s. 265.608.

29 (g) The division shall transfer from the trust fund to  
30 the Historical Resources Operating Trust Fund, quarterly,  
31 prorations transferring \$2 million each fiscal year, to be

1 used as provided in s. 267.0671.

2 (h) The division shall transfer from the trust fund to  
3 the Historical Resources Operating Trust Fund, quarterly,  
4 prorations transferring \$1.5 million each fiscal year, to be  
5 used as provided in s. 267.072.

6 (i) Effective October 1, 2001, the division shall  
7 transfer from the trust fund to the department's Grants and  
8 Donations Trust Fund quarterly prorations equaling not more  
9 than \$1.6 million each fiscal year, to be used in the  
10 provision of services under s. 288.816. The transfer of \$1.6  
11 million is contingent upon the receipt of corresponding  
12 revenues collected under s. 55.209, as created by this act.

13  
14

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

16 And the title is amended as follows:

17 On page 1, line 23,

18  
19

20 after the semicolon, insert:

21 amending s. 30.17, F.S.; providing for phaseout  
22 of sheriff's execution docket; amending s.  
23 30.231, F.S.; clarifying seizure of property  
24 for levy; amending s. 55.10, F.S.; increasing  
25 the time period to rerecord a lien in order to  
26 get the lien extended for a certain time;  
27 providing for application; creating s. 55.201,  
28 F.S.; requiring the Department of State to  
29 establish a database of judgment lien records;  
30 creating s. 55.202, F.S.; providing for  
31 acquisition of a judgment lien on personal

1 property; creating s. 55.203, F.S.; providing  
2 requirements for the content, recording, and  
3 indexing of judgment lien certificates by the  
4 Department of State; creating s. 55.204, F.S.;  
5 providing for lapse of a judgment lien;  
6 providing for acquisition of a second judgment  
7 lien; creating s. 55.205, F.S.; providing for  
8 the effect of a judgment lien; creating s.  
9 55.206, F.S.; providing for amendment,  
10 termination, partial release, assignment,  
11 continuation, tolling, or correction of a  
12 recorded judgment lien; creating s. 55.207,  
13 F.S.; providing for filing and effect of a  
14 correction statement as to a judgment lien  
15 record; creating s. 55.208, F.S.; providing for  
16 phaseout of the effect of writs of execution  
17 delivered to a sheriff prior to a date certain;  
18 creating s. 55.209, F.S.; providing for the  
19 responsibilities of the Department of State and  
20 for filing fees; amending s. 55.604, F.S.;  
21 eliminating requirement for the filing of a  
22 foreign judgment with the Department of State;  
23 conditioning the effect of a foreign judgment  
24 as a lien on personal property in this state  
25 based on the recording of a lien certificate;  
26 amending s. 56.21, F.S.; providing for notice  
27 of levy and execution sale and affidavit of  
28 levying creditor to judgment creditors and  
29 certain secured creditors; amending s. 56.27,  
30 F.S.; providing for distribution of money  
31 collected under execution; amending s. 56.29,

1 F.S.; clarifying who may file an affidavit for  
2 purposes of supplementary proceedings; amending  
3 s. 77.01, F.S.; providing entities with right  
4 to writ of garnishment; creating s. 77.041,  
5 F.S.; providing for notice of procedures for  
6 asserting exemptions and requesting a hearing;  
7 amending s. 77.055, F.S.; clarifying  
8 requirements for service of garnishee's answer  
9 and notice of right to dissolve writ of  
10 garnishment; amending s. 77.06, F.S.; providing  
11 for creation of judgment lien upon service of  
12 writ of garnishment; amending s. 222.01, F.S.;  
13 revising provisions relating to designation of  
14 homestead by the owner before levy; providing  
15 procedures; amending s. 222.12, F.S.; providing  
16 for taking of oath before notary public  
17 regarding exemptions from garnishment; amending  
18 s. 679.301, F.S.; revising the definition of a  
19 lien creditor; providing appropriations from  
20 the Corporations Trust Fund in the Department  
21 of State; amending s. 607.1901, F.S.; providing  
22 for the transfer of funds from the Corporations  
23 Trust Fund;

24  
25  
26  
27  
28  
29  
30  
31