

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

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

ORIGINAL STAMP BELOW

The Committee on Judiciary offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

Section 1. Section 30.17, Florida Statutes, is amended to read:

30.17 Sheriff to keep an execution docket.--

(1) The sheriff shall keep an execution docket, which shall contain a list of all executions, orders and decrees directed to the sheriff, in relation to the collection of moneys, and a statement of all moneys credited on such orders, executions and decrees, and when and to whom and by whom paid.

(2) Said docket shall be subject to the inspection of all parties interested.

(3) The sheriff's failure to keep said docket, or to allow inspection of the same, shall be considered a contempt of court and subject him or her to a fine not exceeding \$100, at the discretion of the court.

(4) On October 1, 2001, the sheriff shall cease

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

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

12 Section 2. Subsection (1) of section 30.231, Florida
13 Statutes, is amended to read:

14 30.231 Sheriffs' fees for service of summons,
15 subpoenas, and executions.--

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

19 (a) All summons or writs except executions: \$20 for
20 each summons or writ to be served, except when more than one
21 summons or writ is issued at the same time out of the same
22 cause of action to be served upon one person or defendant at
23 the same time, in which case the sheriff shall be entitled to
24 one fee.

25 (b) All writs except executions requiring a levy or
26 seizure of property: \$50 in addition to the \$20 fee as stated
27 in paragraph (a).

28 (c) Witness subpoenas: \$20 for each witness to be
29 served.

30 (d) Executions:

31 1. Twenty dollars for docketing and indexing each writ

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

1 of execution, regardless of the number of persons involved.

2 2. Fifty dollars for each levy.

3 a. A levy is considered made when any property or any
4 portion of the property listed or unlisted in the instructions
5 for levy is seized, or upon demand of the sheriff the writ is
6 satisfied by the defendant in lieu of seizure. Seizure
7 requires that the sheriff take actual possession, if
8 practicable, or alternatively, constructive possession of the
9 property by order of the court.

10 b. When the instructions are for levy upon real
11 property, a levy fee is required for each parcel described in
12 the instructions.

13 c. When the instructions are for levy based upon
14 personal property, one fee is allowed, unless ~~although~~ the
15 property is ~~may be~~ seized at different locations, conditional
16 upon all of the items being advertised collectively and the
17 sale being held at a single location. However, if the property
18 seized cannot be sold at one location during the same sale as
19 advertised, but requires separate sales at different
20 locations, the sheriff is then authorized to impose a levy fee
21 for the property and sale at each location.

22 3. Twenty dollars for advertisement of sale under
23 process.

24 4. Twenty dollars for each sale under process.

25 5. Twenty dollars for each deed, bill of sale, or
26 satisfaction of judgment.

27 Section 3. Effective July 1, 2000, section 55.10,
28 Florida Statutes, is amended to read:

29 55.10 Judgments, orders, and decrees; lien of all,
30 generally; extension of liens; transfer of liens to other
31 security.--

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

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

18 (2) The lien provided for in subsection (1) may be
19 extended for an additional period of 10 7 years, subject to
20 the limitation in subsection (3), by rerecording a certified
21 copy of the judgment, order, or decree prior to the ~~within the~~
22 ~~90-day period preceding the~~ expiration of the lien provided
23 for in subsection (1) and by simultaneously recording an
24 affidavit with the current address of the person who has a
25 lien as a result of the judgment, order, or decree. The one
26 additional period of 10 years shall be effective from the date
27 the judgment, order, or decree is rerecorded. The lien will
28 not be extended unless the affidavit with the current address
29 is simultaneously recorded.

30 ~~(3) In the event the lien is extended under subsection~~
31 ~~(2), the lien of the judgment, order, or decree may be further~~

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

1 ~~extended by re-recording a certified copy of it within the~~
2 ~~90-day period preceding the expiration of the lien provided~~
3 ~~for in subsection (2) and by simultaneously recording an~~
4 ~~affidavit with the current address of the person who has a~~
5 ~~lien as a result of such judgment, order, or decree. The lien~~
6 ~~will not be extended unless the affidavit with the current~~
7 ~~address is recorded.~~

8 (3)(4) In no event shall the lien upon real property
9 created by this section ~~subsections (1), (2), and (3)~~ be
10 extended beyond the period provided for in s. 55.081.

11 (4) Except as otherwise provided in this subsection,
12 this act shall apply to all judgments, orders, and decrees of
13 record which constitute a lien on real property immediately
14 prior to the effective date of this act. Any judgment, order,
15 or decree recorded prior to July 1, 1987, shall be unaffected
16 by the changes in this act and shall remain a lien on real
17 property until the period provided for in s. 55.081 expires or
18 until the lien is satisfied, whichever occurs first.

19 ~~(5) This section shall be deemed to operate~~
20 ~~prospectively.~~

21 (5)(6) Any lien claimed under this section ~~subsections~~
22 ~~(1), (2), and (3)~~ may be transferred, by any person having an
23 interest in the real property upon which the lien is imposed
24 or the contract under which the lien is claimed, from such
25 real property to other security by either depositing in the
26 clerk's office a sum of money or filing in the clerk's office
27 a bond executed as surety by a surety insurer licensed to do
28 business in this state. Such deposit or bond shall be in an
29 amount equal to the amount demanded in such claim of lien plus
30 interest thereon at the legal rate for 3 years plus \$500 to
31 apply on any court costs which may be taxed in any proceeding

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

1 to enforce said lien. Such deposit or bond shall be
2 conditioned to pay any judgment, order, or decree which may be
3 rendered for the satisfaction of the lien for which such claim
4 of lien was recorded and costs plus \$500 for court costs. Upon
5 such deposit being made or such bond being filed, the clerk
6 shall make and record a certificate showing the transfer of
7 the lien from the real property to the security and mail a
8 copy thereof by registered or certified mail to the lienor
9 named in the claim of lien so transferred, at the address
10 stated therein. Upon the filing of the certificate of
11 transfer, the real property shall thereupon be released from
12 the lien claimed, and such lien shall be transferred to said
13 security. The clerk shall be entitled to a fee of \$10 for
14 making and serving the certificate. If the transaction
15 involves the transfer of multiple liens, an additional charge
16 of \$5 for each additional lien shall be charged. Any number of
17 liens may be transferred to one such security.

18 ~~(6)(7)~~ Any excess of the security over the aggregate
19 amount of any judgments, orders, or decrees rendered, plus
20 costs actually taxed, shall be repaid to the party filing the
21 security or his or her successor in interest. Any deposit of
22 money shall be considered as paid into court and shall be
23 subject to the provisions of law relative to payments of money
24 into court and the disposition of these payments.

25 ~~(7)(8)~~ Any party having an interest in such security
26 or the property from which the lien was transferred may at any
27 time, and any number of times, file a complaint in chancery in
28 the circuit court of the county where such security is
29 deposited for an order:

- 30 (a) To require additional security;
31 (b) To require reduction of security;

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

- 1 (c) To require change or substitution of sureties;
2 (d) To require payment or discharge thereof; or
3 (e) Relating to any other matter affecting said
4 security.

5 Section 4. Effective October 1, 2001, section 55.201,
6 Florida Statutes, is created to read:

7 55.201 Central database of judgment liens on personal
8 property.--The Department of State shall maintain a database
9 of judgment lien records established in accordance with ss.
10 55.201-55.209.

11 Section 5. Effective October 1, 2001, section 55.202,
12 Florida Statutes, is created to read:

13 55.202 Judgments, orders, and decrees; lien on
14 personal property.--

15 (1) A judgment lien securing the unpaid amount of any
16 money judgment may be acquired by the holder of a judgment
17 entered by:

18 (a) A court of this state;

19 (b) A court of the United States having jurisdiction
20 in this state;

21 (c) A court of the United States or any other state to
22 the extent enforceable under the Florida Enforcement of
23 Foreign Judgments Act, ss. 55.501-55.509;

24 (d) A foreign state as defined in the Uniform
25 Out-of-Country Foreign Money-Judgment Recognition Act, ss.
26 55.601-55.607, from the time and to the extent enforceable
27 thereunder;

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

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

31 (2) A judgment lien may be acquired on the judgment

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

1 debtor's interest in all personal property subject to
2 execution in this state, other than fixtures, money,
3 negotiable instruments, and mortgages.

4 (a) A judgment lien is acquired by recording a
5 judgment lien certificate in accordance with s. 55.203 with
6 the Department of State after the judgment has become final
7 and if no stay of the judgment or its enforcement is in effect
8 at the time the certificate is filed.

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

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

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

19 (3) Except as otherwise provided in s. 55.208, the
20 priority of a judgment lien acquired in accordance with this
21 section or s. 55.204(3) is established at the time the
22 judgment lien is recorded. Such judgment lien is deemed
23 recorded as of its effective date as provided in this section
24 or s. 55.204(3).

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

29 (5) Liens, assessments, or judgments administered by
30 or secured on behalf of any state agency or policy subdivision
31 of the state may be filed directly into the central database

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

1 by such agency or subdivision through electronic or
2 information data exchange programs approved by the Department
3 of State.

4 Section 6. Effective October 1, 2001, section 55.203,
5 Florida Statutes, is created to read:

6 55.203 Judgment lien certificate; content, recording,
7 and indexing.--

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

10 (a) The legal name of each judgment debtor and, if a
11 recorded legal entity, the registered name and document filing
12 number as shown in the records of the Department of State;

13 (b) The last known address and social security number,
14 federal identification number, or, in the instance in which
15 the judgment creditor is a state agency or a political
16 subdivision of the state, a taxpayer or other distinct
17 identification number of each judgment debtor, except that in
18 cases of default judgment, the social security number must be
19 included only if known, or federal employer identification
20 number of each judgment debtor;

21 (c) The legal name of the judgment creditor and, if a
22 recorded legal entity, the registered name and document filing
23 number as shown in the records of the Department of State, and
24 the name of the judgment creditor's attorney or duly
25 authorized representative, if any;

26 (d) The address and social security number or federal
27 employer identification number of the judgment creditor;

28 (e) The identity of the court which entered the
29 judgment and the case number and the date the written judgment
30 was entered;

31 (f) The amount due on the money judgment and the

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

1 applicable interest rate; and

2 (g) The signature of the judgment creditor or the
3 judgment creditor's attorney or duly authorized
4 representative.

5 (h) With respect to a lien created by a delivery of a
6 writ of execution to a sheriff prior to October 1, 2001, an
7 affidavit by the judgment creditor which attests that the
8 person or entity possesses any documentary evidence of the
9 date of delivery of the writ, and a statement of that date or
10 a certification by the sheriff of the date as provided in s.
11 30.17(4).

12 (2) A second judgment lien certificate, as provided in
13 s. 55.204(3), must include the information required in
14 subsection (1) and must state the file number assigned to the
15 record of the original judgment lien certificate, the money
16 amount remaining unpaid, and the interest accrued thereon.

17 (3) An amendment, as provided in s. 55.206, or a
18 correction statement, as provided in s. 55.207, must state the
19 file number of the judgment lien record to which the amendment
20 or correction statement relates and must state the action,
21 change, or statement to be added.

22 (4) The Department of State shall examine, for
23 compliance with ss. 55.201-55.209, each document submitted for
24 recording and shall accept or reject the document accordingly.

25 (a) For each judgment lien certificate recorded, the
26 department shall:

27 1. Create a record;

28 2. Assign a unique file number to the record;

29 3. Include the date of filing of the judgment lien
30 certificate;

31 4. Maintain the record in a database accessible to the

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

1 public via the Internet;

2 5. Index the judgment lien certificate according to
3 the name of each judgment debtor; and

4 6. Index all subsequently filed documents relating to
5 an original judgment lien certificate in a manner that
6 associates them to the original judgment lien certificate.

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

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

14 Section 7. Effective October 1, 2001, section 55.204,
15 Florida Statutes, is created to read:

16 55.204 Duration and continuation of judgment lien;
17 destruction of records.--

18 (1) Except as provided in this section, a judgment
19 lien acquired under s. 55.202 lapses and becomes invalid 5
20 years after the date of recording the judgment lien
21 certificate.

22 (2) Liens securing the payment of child support or tax
23 obligations as set forth in s. 95.091(1)(b) shall not lapse
24 until 20 years after the date of the original filing of the
25 warrant or other document required by law to establish a lien.
26 No second lien based on the original filing may be obtained.

27 (3) At any time within 6 months before the scheduled
28 lapse of a judgment lien under subsection (1), the judgment
29 creditor may acquire a second judgment lien by recording a new
30 judgment lien certificate. The second judgment lien becomes
31 effective on the date of lapse of the original judgment lien

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

1 or on the date on which the judgment lien certificate is
2 recorded, whichever is later. The second judgment lien is
3 deemed recorded on its effective date. The second judgment
4 lien is deemed a new judgment lien and not a continuation of
5 the original judgment lien. The second judgment lien
6 permanently lapses and becomes invalid 5 years after its
7 effective date, and no additional liens based on the original
8 judgment may be obtained.

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

12 (a) The property had been itemized and its location
13 described with sufficient particularity in the instructions
14 for levy;

15 (b) The levy had been delivered to the sheriff prior
16 to the date of lapse of the lien to permit the sheriff to act;
17 and

18 (c) The property was located in the county in which
19 the sheriff has jurisdiction at the time of delivery of the
20 instruction for levy. Subsequent removal of the property does
21 not defeat the lien. A court may order continuation of the
22 lien beyond the 90-day period on a showing that extraordinary
23 circumstances have prevented levy.

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

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

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

1 Section 8. Effective October 1, 2001, section 55.205,
2 Florida Statutes, is created to read:

3 55.205 Effect of judgment lien.--

4 (1) A valid judgment lien gives the judgment creditor
5 the right to take possession of the property subject to levy
6 through writ of execution, garnishment, or other judicial
7 process. A judgment creditor who has not recorded a judgment
8 lien certificate in accordance with s. 55.203 or whose lien
9 has lapsed may nevertheless take possession of the judgment
10 debtor's property through such other judicial process. A
11 judgment creditor proceeding by writ of execution obtains a
12 lien as of the time of levy and only on the property levied
13 upon. Except as provided in s. 55.208, such judgment creditor
14 takes subject to the claims and interest of priority judgment
15 creditors.

16 (2) A buyer in the ordinary course of business as
17 defined in s. 671.201(9) takes free of a judgment lien created
18 under this section even though the buyer knows of its
19 existence. A valid security interest as defined in chapter 679
20 in after-acquired property of the judgment debtor which is
21 perfected prior to the effective date of a judgment lien takes
22 priority over the judgment lien on the after-acquired
23 property.

24 Section 9. Effective October 1, 2001, section 55.206,
25 Florida Statutes, is created to read:

26 55.206 Amendment of judgment lien record; termination,
27 partial release, assignment, continuation, tolling,
28 correction.--

29 (1) An amendment to a judgment lien acquired under s.
30 55.202 may be recorded by the judgment creditor of record,
31 which may provide for:

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

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

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

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

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

9 (2) Within 30 days following receipt of a written
10 demand by a judgment debtor after the obligation underlying a
11 judgment lien has been fully or partially released, the
12 judgment lienholder must deliver to the judgment debtor a
13 written statement indicating that there is no longer a claim
14 for a lien on the personal property of the judgment debtor or
15 that the judgment lien has been partially released and setting
16 forth the value of the lien remaining unpaid as of the date of
17 the statement. A statement signed by an assignee must include
18 or be accompanied by a separate written acknowledgement of
19 assignment signed by the judgment creditor of record. If the
20 judgment lienholder fails to deliver such a statement within
21 30 days after proper written demand therefor, the judgment
22 lienholder is liable to the judgment debtor for \$100, and for
23 any actual or consequential damages, including reasonable
24 attorney's fees, caused by such failure to the judgment
25 debtor.

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

28 Section 10. Effective October 1, 2001, section 55.207,
29 Florida Statutes, is created to read:

30 55.207 Correction of judgment lien record.--

31 (1) A person may file with the Department of State a

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

1 correction statement with respect to a judgment lien record,
2 as provided in s. 55.203, indexed under the person's name if
3 the person believes that the record is inaccurate or that the
4 judgment lien certificate was wrongfully filed.

5 (2) A correction statement must:

6 (a) State the judgment debtor named and the file
7 number assigned to the judgment lien record to which the
8 correction statement relates;

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

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

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

15 (3) The Department shall ensure that a correction
16 statement is indexed and available in the same manner as any
17 recorded lien certificate in the central database of judgment
18 lien records.

19 (4) The filing of a correction statement does not
20 affect the effectiveness of the judgment lien or other filed
21 record.

22 Section 11. Effective October 1, 2001, section 55.208,
23 Florida Statutes, is created to read:

24 55.208 Effect of recorded judgment lien on writs of
25 execution previously delivered to a sheriff.--

26 (1) Any lien created by a writ of execution which has
27 been delivered to the sheriff of any county before October 1,
28 2001, remains in effect for 2 years thereafter as to any
29 property of the judgment debtor located in that county before
30 October 1, 2001, and remaining within that county after that
31 date. As to any property of the judgment debtor brought into

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

1 the county on or after October 1, 2001, such writs create no
2 lien, inchoate or otherwise.

3 (2) If a judgment creditor who has delivered a writ of
4 execution to a sheriff in any county prior to October 1, 2001,
5 properly files a judgment lien certificate with the Department
6 of State by October 1, 2003, the resulting judgment lien is
7 deemed recorded on the date the writ was delivered to the
8 sheriff as to all leviable property of the judgment debtor
9 which is located in that county on October 1, 2001, and that
10 remains continuously in that county thereafter. As to all
11 other property of the judgment debtor, the effective date of
12 the judgment lien is as provided in s. 55.202. The duration of
13 all judgment liens is as provided in s. 55.204, regardless of
14 the date on which a lien is determined to have been recorded.

15 (3) If a judgment creditor who has delivered a writ of
16 execution to a sheriff in any county before October 1, 2001,
17 does not properly record a judgment lien certificate with the
18 Department of State by October 1, 2003, such writ is
19 considered to have been abandoned and to be of no effect after
20 October 1, 2003.

21 Section 12. Effective October 1, 2001, section 55.209,
22 Florida Statutes, is created to read:

23 55.209 Department of State; processing fees,
24 responsibilities.--

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

31 (a) For any judgment lien certificate or other

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

1 documents permitted to be filed, \$20.

2 (b) For the certification of any recorded document,
3 \$10.

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

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

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

13 (2) Unless otherwise provided by law, the Department
14 of State may not conduct any search of the database
15 established under s. 55.201 to determine the existence of any
16 judgment lien record or to perform any service other than in
17 connection with those services for which payment of services
18 are required under this section. The information maintained in
19 the database is for public notice purposes only and the
20 department may make no certification or determination of the
21 validity of any judgment lien acquired under ss. 55.202 and
22 55.204(3).

23 Section 13. Effective October 1, 2001, subsection (1)
24 of section 55.604, Florida Statutes, is amended, and
25 subsection (8) is added to that section to read:

26 55.604 Recognition and enforcement.--Except as
27 provided in s. 55.605, a foreign judgment meeting the
28 requirements of s. 55.603 is conclusive between the parties to
29 the extent that it grants or denies recovery of a sum of
30 money. Procedures for recognition and enforceability of a
31 foreign judgment shall be as follows:

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

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

6 (a) At the time of the recording of a foreign
7 judgment, the judgment creditor shall make and record with the
8 clerk of the circuit court an affidavit setting forth the
9 name, social security number, if known, and last known
10 post-office address of the judgment debtor and of the judgment
11 creditor.

12 (b) Promptly upon the recording of the foreign
13 judgment and the affidavit, the clerk shall mail notice of the
14 recording of the foreign judgment, by registered mail with
15 return receipt requested, to the judgment debtor at the
16 address given in the affidavit and shall make a note of the
17 mailing in the docket. The notice shall include the name and
18 address of the judgment creditor and of the judgment
19 creditor's attorney, if any, in this state. In addition, the
20 judgment creditor may mail a notice of the recording of the
21 judgment to the judgment debtor and may record proof of
22 mailing with the clerk. The failure of the clerk to mail
23 notice of recording will not affect the enforcement
24 proceedings if proof of mailing by the judgment creditor has
25 been recorded.

26 (8) A judgment lien on personal property is acquired
27 only when a judgment lien certificate satisfying the
28 requirements of s. 55.203 has been recorded with the
29 Department of State.

30 Section 14. Effective October 1, 2001, section 56.21,
31 Florida Statutes, is amended to read:

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

1 56.21 Execution sales; notice.--Notice of all sales
2 under execution shall be given by advertisement once each week
3 for 4 successive weeks in a newspaper published in the county
4 in which the sale is to take place. The time of such notice
5 may be shortened in the discretion of the court from which the
6 execution issued, upon affidavit that the property to be sold
7 is subject to decay and will not sell for its full value if
8 held until date of sale. On or before the date of the first
9 publication or posting of the notice of sale, a copy of the
10 notice of sale shall be furnished by certified mail to the
11 attorney of record of the judgment debtor, or to the judgment
12 debtor at the judgment debtor's last known address if the
13 judgment debtor does not have an attorney of record. Such copy
14 of the notice of sale shall be mailed even though a default
15 judgment was entered. When levying upon personal property, a
16 notice of such levy and execution sale and a copy of the
17 affidavit required by s. 56.27(4) shall be made by the levying
18 creditor to the attorney of record of the judgment creditor or
19 the judgment creditor who has recorded a judgment lien
20 certificate as provided in s. 55.202 or s. 55.204(3) at the
21 address listed in the judgment lien certificate, or, if
22 amended, in any amendment to the judgment lien certificate,
23 and to all secured creditors who have filed financing
24 statements as provided in s. 679.401 in the name of the
25 judgment debtor reflecting a security interest in property of
26 the kind to be sold at the execution sale at the address
27 listed in the financing statement, or, if amended, in any
28 amendment to the financing statement. Such notice shall be
29 made in the same manner as notice is made to any judgment
30 debtor under this section.When levying upon real property,
31 notice of such levy and execution sale shall be made to the

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

1 property owner of record in the same manner as notice is made
2 to any judgment debtor pursuant to this section. When selling
3 real or personal property, the sale date shall not be earlier
4 than 30 days after the date of the first advertisement.

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

7 56.27 Executions; payment to ~~execution creditor~~ of
8 money collected.--

9 (1) All money received under executions shall be paid,
10 in the order prescribed, to the following: the sheriff for
11 costs, the levying creditor in the amount of \$500 as
12 liquidated expenses and the judgment lienholder having the
13 earliest recorded judgment lien acquired under ss. 55.202 and
14 55.204(3), as set forth in an affidavit required by subsection
15 (4), or his or her attorney, in satisfaction of the judgment
16 lien, provided that the judgment lien has not lapsed at the
17 time of the levy party in whose favor the execution was issued
18 or his or her attorney. The receipt of the attorney shall be a
19 release of the officer paying the money to him or her. When
20 the name of more than one attorney appears in the court file,
21 the money shall be paid to the attorney who originally
22 commenced the action or who made the original defense unless
23 the file shows that another attorney has been substituted.

24 (2) When property sold under execution brings more
25 than the amount needed to satisfy the provisions of subsection
26 (1), the surplus shall be paid in the order of priority to any
27 judgment lienholders whose judgment liens have not lapsed.
28 Priority shall be based on the effective date of the judgment
29 lien acquired under s. 55.202 or s. 55.204(3), as set forth in
30 an affidavit required under s. 56.27(4). If there is a surplus
31 after all valid judgment liens and execution liens have been

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

1 ~~satisfied of the execution, the surplus must be paid to the~~
2 ~~defendant or, if there is another writ against the defendant~~
3 ~~docketed and indexed with the sheriff, the surplus must be~~
4 ~~paid to the junior writ.~~

5 (3) The value of the property levied upon shall not be
6 considered excessive unless the value unreasonably exceeds the
7 total debt reflected in all unsatisfied judgment liens that
8 have not lapsed and any unsatisfied lien of the levying
9 creditor.

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

14 (a) An attestation that the levying creditor has
15 reviewed the database or judgment lien records established in
16 accordance with ss. 55.201-55.209 and that the information
17 contained in the affidavit based on that review is true and
18 correct;

19 (b) The information required under s. 55.203(1) and
20 (2) for each judgment lien certificate indexed under the name
21 of the judgment debtor as to each judgment creditor; the file
22 number assigned to the record of the original and, if any, the
23 second judgment lien; and the date of filing for each judgment
24 lien certificate under s. 55.202 or s. 55.204(3); and

25 (c) A statement that the levying creditor either does
26 not have any other levy in process or, if another levy is in
27 process, the levying creditor believes in good faith that the
28 total value of the property under execution does not exceed
29 the amount of outstanding judgments.

30 (5) A sheriff paying money received under an execution
31 in accordance with the information contained in the affidavit

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

1 under subsection (4) is not liable to anyone for damages
2 arising from a wrongful levy.

3 Section 16. Subsection (1) of section 56.29, Florida
4 Statutes, is amended to read:

5 56.29 Proceedings supplementary.--

6 (1) When any person or entity ~~sheriff~~ holds an
7 unsatisfied execution and has delivered a writ of execution to
8 any sheriff, the plaintiff in execution may file an affidavit
9 so stating and that the execution is valid and outstanding and
10 thereupon is entitled to these proceedings supplementary to
11 execution.

12 Section 17. Section 77.01, Florida Statutes, is
13 amended to read:

14 77.01 Right to garnishment.--Every person or entity
15 who has sued to recover a debt or has recovered judgment in
16 any court against any person or entity, ~~natural or corporate~~,
17 has a right to a writ of garnishment, in the manner
18 hereinafter provided, to subject any debt due or any debt
19 under a negotiable instrument that will become due to
20 defendant by a third person, and any tangible or intangible
21 personal property of defendant in the possession or control of
22 a third person. The officers, agents, and employees of any
23 companies or corporations are third persons in regard to the
24 companies or corporations, and as such are subject to
25 garnishment after judgment against the companies or
26 corporations.

27 Section 18. Section 77.041, Florida Statutes, is
28 created to read:

29 77.041 Notice to defendant for claim of exemption from
30 garnishment; procedure for hearing.--

31 (1) Upon application for a writ of garnishment by a

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

1 plaintiff, the clerk of the court shall attach to the writ the
2 following "Notice to Defendant":

3
4 NOTICE TO DEFENDANT OF RIGHT AGAINST GARNISHMENT
5 OF WAGES, MONEY, AND OTHER PROPERTY

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

11 State and federal laws provide that certain wages,
12 money, and property, even if deposited in a bank, savings and
13 loan, or credit union, may not be taken to pay certain types
14 of court judgments. Such wages, money, and property are exempt
15 from garnishment. The major exemptions are listed below on the
16 form for Claim of Exemption and Request for Hearing. This list
17 does not include all possible exemptions. You should consult a
18 lawyer for specific advice.

19 TO KEEP YOUR WAGES, MONEY, AND OTHER PROPERTY
20 FROM BEING GARNISHED, OR TO GET BACK ANYTHING
21 ALREADY TAKEN, YOU MUST COMPLETE A FORM FOR
22 CLAIM OF EXEMPTION AND REQUEST FOR HEARING AS
23 SET FORTH BELOW AND HAVE THE FORM NOTARIZED.
24 YOU MUST FILE THE FORM WITH THE CLERK'S OFFICE
25 WITHIN 20 DAYS AFTER THE DATE YOU RECEIVE THIS
26 NOTICE OR YOU MAY LOSE IMPORTANT RIGHTS. YOU
27 MUST ALSO MAIL OR DELIVER A COPY OF THIS FORM
28 TO THE PLAINTIFF AND THE GARNISHEE AT THE
29 ADDRESSES LISTED ON THE WRIT OF GARNISHMENT.

30 If you request a hearing, it will be held as soon as
31 possible after your request is received by the court. The

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

1 plaintiff must file any objection within 2 business days if
2 you hand delivered to the plaintiff a copy of the form for
3 Claim of Exemption and Request for Hearing or, alternatively,
4 7 days if you mailed a copy of the form for claim and request
5 to the plaintiff. If the plaintiff files an objection to your
6 Claim of Exemption and Request for Hearing, the clerk will
7 notify you and the other parties of the time and date of the
8 hearing. You may attend the hearing with or without an
9 attorney. If the plaintiff fails to file an objection, no
10 hearing is required, the writ of garnishment will be dissolved
11 and your wages, money, or property will be released.

12 YOU SHOULD FILE THE FORM FOR CLAIM OF EXEMPTION
13 IMMEDIATELY TO KEEP YOUR WAGES, MONEY, OR
14 PROPERTY FROM BEING APPLIED TO THE COURT
15 JUDGMENT. THE CLERK CANNOT GIVE YOU LEGAL
16 ADVICE. IF YOU NEED LEGAL ASSISTANCE YOU SHOULD
17 SEE A LAWYER. IF YOU CAN'T AFFORD A PRIVATE
18 LAWYER, LEGAL SERVICES MAY BE AVAILABLE.
19 CONTACT YOUR LOCAL BAR ASSOCIATION OR ASK THE
20 CLERK'S OFFICE ABOUT ANY LEGAL SERVICES PROGRAM
21 IN YOUR AREA.

22 CLAIM OF EXEMPTION AND REQUEST FOR HEARING
23 I claim exemptions from garnishment under the following
24 categories as checked:

- 25 _____ 1. Head of family wages. (You must check a
26 or b below.)
27 _____ a. I provide more than one half of the
28 support for a child or other dependent and
29 have net earnings of \$500 or less per week.
30 _____ b. I provide more than one half of the
31 support for a child or other dependent, have

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

1 net earnings of more than \$500 per week, but
2 have not agreed in writing to have my wages
3 garnished.
4 2. Social Security benefits.
5 3. Supplemental Security Income benefits.
6 4. Public assistance (welfare).
7 5. Workers' Compensation.
8 6. Unemployment Compensation.
9 7. Veterans' benefits.
10 8. Retirement or profit-sharing benefits or
11 pension money.
12 9. Life insurance benefits or cash surrender
13 value of a life insurance policy or proceeds
14 of annuity contract.
15 10. Disability income benefits.
16 11. Prepaid College Trust Fund or Medical
17 Savings Account.
18 12. Other exemptions as provided by law.
19 _____(explain)
20
21 I request a hearing to decide the validity of my claim. Notice
22 of the hearing should be given to me at:
23
24 Address:_____
25
26 Telephone number:_____
27
28 The statements made in this request are true to the best of my
29 knowledge and belief.
30
31 _____

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

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

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

(3) Upon the filing by a defendant of a claim of

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

1 exemption and request for hearing, a hearing will be held as
2 soon as is practicable to determine the validity of the
3 claimed exemptions. If the plaintiff does not file a sworn
4 written statement that contests the defendant's claim of
5 exemption within 2 business days after hand delivering the
6 claim and request or, alternatively, 7 business days, if the
7 claim and request were served by mail, no hearing is required
8 and the clerk must automatically dissolve the writ and notify
9 the parties of the dissolution by mail.

10 Section 19. Section 77.055, Florida Statutes, is
11 amended to read:

12 77.055 Service of garnishee's answer and notice of
13 right to dissolve writ ~~Notice to defendant and other~~
14 ~~interested persons.~~--Within 5 days after service of the
15 garnishee's answer on the plaintiff or after the time period
16 for the garnishee's answer has expired, the plaintiff shall
17 serve, by mail, the following documents: ~~a copy of the writ, a~~
18 ~~copy of the~~ garnishee's answer, and a notice advising, ~~and a~~
19 ~~certificate of service. The notice shall advise the recipient~~
20 ~~that he or she must move to dissolve the writ~~ of garnishment
21 within 20 days after the date indicated on the certificate of
22 service in the notice if any allegation in the plaintiff's
23 motion for writ of garnishment is untrue ~~within the time~~
24 ~~period set forth in s. 77.07(2) or be defaulted and that he or~~
25 ~~she may have exemptions from the garnishment which must be~~
26 ~~asserted as a defense.~~ The plaintiff shall serve these
27 documents on the defendant at the defendant's last known
28 address and any other address disclosed by the garnishee's
29 answer and on any other person disclosed in the garnishee's
30 answer to have any ownership interest in the deposit, account,
31 or property controlled by the garnishee. The plaintiff shall

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

1 file in the proceeding a certificate of such service.

2 Section 20. Subsection (1) of section 77.06, Florida
3 Statutes, is amended to read:

4 77.06 Writ; effect.--

5 (1) Service of the writ shall make garnishee liable
6 for all debts due by him or her to defendant and for any
7 tangible or intangible personal property of defendant in the
8 garnishee's possession or control at the time of the service
9 of the writ or at any time between the service and the time of
10 the garnishee's answer. Service of the writ creates a lien in
11 or upon any such debts or property at the time of service or
12 at the time such debts or property come into the garnishee's
13 possession or control.

14 Section 21. Effective July 1, 2000, section 222.01,
15 Florida Statutes, is amended to read:

16 222.01 Designation of homestead by owner before
17 levy.--

18 (1) Whenever any natural person residing in this state
19 desires to avail himself or herself of the benefit of the
20 provisions of the constitution and laws exempting property as
21 a homestead from forced sale under any process of law, he or
22 she may make a statement, in writing, containing a description
23 of the real property, mobile home, or modular home claimed to
24 be exempt and declaring that the real property, mobile home,
25 or modular home is the homestead of the party in whose behalf
26 such claim is being made. Such statement shall be signed by
27 the person making it and shall be recorded in the circuit
28 court.

29 (2) When a certified copy of a judgment has been filed
30 in the public records of a county pursuant to s. 55.10, a
31 person who is entitled to the benefit of the provisions of the

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

1 State Constitution exempting real property as homestead and
2 who has a contract to sell or a commitment from a lender for a
3 mortgage on the homestead may file a notice of homestead in
4 the public records of the county in which the homestead
5 property is located in substantially the following form:

6
7 NOTICE OF HOMESTEAD

8
9 To:...(Name and address of judgment creditor as
10 shown on recorded judgment and name and address
11 of any other person shown in the recorded
12 judgment to receive a copy of the Notice of
13 Homestead)....

14
15 You are notified that the undersigned claims as
16 homestead exempt from levy and execution under
17 Section 4, Article X of the State Constitution,
18 the following described property:

19
20 ...(Legal description)...

21
22 The undersigned certifies, under oath, that he
23 or she has applied for and received the
24 homestead tax exemption as to the
25 above-described property, that is the tax
26 identification parcel number of this property,
27 and that the undersigned has resided on this
28 property continuously and uninterruptedly from
29 ...(date)... to the date of this Notice of
30 Homestead. Further, the undersigned will either
31 convey or mortgage the above-described property

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

1 pursuant to the following:
2
3 ...(Describe the contract of sale or loan
4 commitment by date, names of parties, date of
5 anticipated closing, and amount. The name,
6 address, and telephone number of the person
7 conducting the anticipated closing must be set
8 forth.)...
9
10 The undersigned also certifies, under oath,
11 that the judgment lien filed by you on
12 ...(date)... and recorded in Official Records
13 Book, Page, of the Public Records of
14 County, Florida, does not constitute a
15 valid lien on the described property.
16
17 YOU ARE FURTHER NOTIFIED, PURSUANT TO SECTION
18 222.01 ET SEQ., FLORIDA STATUTES, THAT WITHIN
19 45 DAYS AFTER THE MAILING OF THIS NOTICE YOU
20 MUST FILE AN ACTION IN THE CIRCUIT COURT OF
21 COUNTY, FLORIDA, FOR A DECLARATORY
22 JUDGMENT TO DETERMINE THE CONSTITUTIONAL
23 HOMESTEAD STATUS OF THE SUBJECT PROPERTY OR TO
24 FORECLOSE YOUR JUDGMENT LIEN ON THE PROPERTY
25 AND RECORD A LIS PENDENS IN THE PUBLIC RECORDS
26 OF THE COUNTY WHERE THE HOMESTEAD IS LOCATED.
27 YOUR FAILURE TO SO ACT WILL RESULT IN ANY BUYER
28 OR LENDER, OR HIS OR HER SUCCESSORS AND
29 ASSIGNS, UNDER THE ABOVE-DESCRIBED CONTRACT OF
30 SALE OR LOAN COMMITMENT TO TAKE FREE AND CLEAR
31 OF ANY JUDGMENT LIEN YOU MAY HAVE ON THE

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

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

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

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

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

1 upon mailing.

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

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

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

23 (b) Liens and judgments for obligations contracted for
24 the purchase of real property.

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

27 (d) Liens and judgments for other obligations
28 contracted for house, field, or other labor performed on real
29 property.

30 Section 22. Section 222.12, Florida Statutes, is
31 amended to read:

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

1 222.12 Proceedings for exemption.--Whenever any money
2 or other thing due for labor or services as aforesaid is
3 attached by such process, the person to whom the same is due
4 and owing may make oath before the officer who issued the
5 process or before a notary public that the money attached is
6 due for the personal labor and services of such person, and
7 she or he is the head of a family residing in said state.
8 When such an affidavit is made, notice of same shall be
9 forthwith given to the party, or her or his attorney, who sued
10 out the process, and if the facts set forth in such affidavit
11 are not denied under oath within 2 business days after the
12 service of said notice, the process shall be returned, and all
13 proceedings under the same shall cease. If the facts stated
14 in the affidavit are denied by the party who sued out the
15 process within the time above set forth and under oath, then
16 the matter shall be tried by the court from which the writ or
17 process issued, in like manner as claims to property levied
18 upon by writ of execution are tried, and the money or thing
19 attached shall remain subject to the process until released by
20 the judgment of the court which shall try the issue.

21 Section 23. Subsections (2) and (3) of section
22 679.301, Florida Statutes, are amended to read:

23 679.301 Persons who take priority over unperfected
24 security interests; right of "lien creditor."--

25 (2) If the secured party files with respect to a
26 purchase money security interest before or within 15 days
27 after the debtor receives possession of the collateral, the
28 secured party ~~he or she~~ takes priority over the rights of a
29 transferee in bulk or of a lien creditor ~~which arise between~~
30 ~~the time the security interest attaches and the time of~~
31 filing.

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

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

8 Section 24. The Department of State is authorized to
9 allocate the following funds from the department's
10 Corporations Trust Fund to administer this act:

11 (1) Effective July 1, 2000, four full-time equivalent
12 positions and \$274,858 in annual salaries and benefits,
13 \$200,000 in recurring expense, and \$442,753 in operating
14 capital outlay; and

15 (2) Effective March 1, 2001, nine additional full-time
16 equivalent positions and \$268,443 in annual salaries and
17 benefits and \$32,247 in operating capital outlay.

18 Section 25. Subsection (2) of section 607.1901,
19 Florida Statutes, is amended to read:

20 607.1901 Corporations Trust Fund creation; transfer of
21 funds.--

22 (2)(a) The Legislature shall appropriate from the fund
23 such amounts as it deems necessary for the operation of the
24 division.

25 (b) An amount equal to 2.9 percent of all moneys
26 deposited each month in the fund is transferred to the
27 Corporation Tax Administration Trust Fund created pursuant to
28 s. 213.31.

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

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

1 (d) The division shall transfer from the trust fund to
2 the Cultural Institutions Trust Fund, quarterly, the amount of
3 \$10 from each corporate annual report fee collected by the
4 division and prorations transferring not more than \$10~~\$8~~
5 million each fiscal year, to be used as provided in s.
6 265.2861.

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

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

15 (g) The division shall transfer from the trust fund to
16 the Historical Resources Operating Trust Fund, quarterly,
17 prorations transferring \$2 million each fiscal year, to be
18 used as provided in s. 267.0671.

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

23 (i) The division shall transfer from the trust fund to
24 the department's Grants and Donations Trust Fund quarterly
25 prorations equaling not more than \$1.6 million each fiscal
26 year, to be used in the provision of services under s.
27 288.816.

28 Section 26. Except as otherwise provided in this act,
29 this act shall take effect October 1, 2000.

30
31

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

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

2 And the title is amended as follows:

3 On page 1, line 2, through page 3, line 15,
4 remove from the title of the bill: all of said lines

5

6 and insert in lieu thereof:

7 An act relating to debtors and creditors;
8 amending s. 30.17, F.S.; providing for phaseout
9 of sheriff's execution docket; amending s.
10 30.231, F.S.; clarifying seizure of property
11 for levy; amending s. 55.10, F.S.; increasing
12 the time period to rerecord a lien in order to
13 get the lien extended for a certain time;
14 providing for application; creating s. 55.201,
15 F.S.; requiring the Department of State to
16 establish a database of judgment lien records;
17 creating s. 55.202, F.S.; providing for
18 acquisition of a judgment lien on personal
19 property; creating s. 55.203, F.S.; providing
20 requirements for the content, recording, and
21 indexing of judgment lien certificates by the
22 Department of State; creating s. 55.204, F.S.;
23 providing for lapse of a judgment lien;
24 providing for acquisition of a second judgment
25 lien; creating s. 55.205, F.S.; providing for
26 the effect of a judgment lien; creating s.
27 55.206, F.S.; providing for amendment,
28 termination, partial release, assignment,
29 continuation, tolling, or correction of a
30 recorded judgment lien; creating s. 55.207,
31 F.S.; providing for filing and effect of a

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

1 correction statement as to a judgment lien
2 record; creating s. 55.208, F.S.; providing for
3 phaseout of the effect of writs of execution
4 delivered to a sheriff prior to a date certain;
5 creating s. 55.209, F.S.; providing for the
6 responsibilities of the Department of State and
7 for filing fees; amending s. 55.604, F.S.;
8 eliminating requirement for the filing of a
9 foreign judgment with the Department of State;
10 conditioning the effect of a foreign judgment
11 as a lien on personal property in this state
12 based on the recording of a lien certificate;
13 amending s. 56.21, F.S.; providing for notice
14 of levy and execution sale and affidavit of
15 levying creditor to judgment creditors and
16 certain secured creditors; amending s. 56.27,
17 F.S.; providing for distribution of money
18 collected under execution; amending s. 56.29,
19 F.S.; clarifying who may file an affidavit for
20 purposes of supplementary proceedings; amending
21 s. 77.01, F.S.; providing entities with right
22 to writ of garnishment; creating s. 77.041,
23 F.S.; providing for notice of procedures for
24 asserting exemptions and requesting a hearing;
25 amending s. 77.055, F.S.; clarifying
26 requirements for service of garnishee's answer
27 and notice of right to dissolve writ of
28 garnishment; amending s. 77.06, F.S.; providing
29 for creation of judgment lien upon service of
30 writ of garnishment; amending s. 222.01, F.S.;
31 revising provisions relating to designation of

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

1 homestead by the owner before levy; providing
2 procedures; amending s. 222.12, F.S.; providing
3 for taking of oath before notary public
4 regarding exemptions from garnishment; amending
5 s. 679.301, F.S.; revising the definition of a
6 lien creditor; allocating moneys from the
7 Corporations Trust Fund to the Department of
8 State; amending s. 607.1901, F.S.; providing
9 for the transfer of funds from the Corporations
10 Trust Fund; providing effective dates.

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31