

By the Committee on Transportation & Economic Development
Appropriations and Representative Sublette

1 A bill to be entitled
2 An act relating to debtors and creditors;
3 amending s. 30.17, F.S.; providing for phaseout
4 of sheriff's execution docket; amending s.
5 30.231, F.S.; clarifying seizure of property
6 for levy; amending s. 55.10, F.S.; increasing
7 the time period to rerecord a lien in order to
8 get the lien extended for a certain time;
9 providing for application; creating s. 55.201,
10 F.S.; requiring the Department of State to
11 establish a database of judgment lien records;
12 creating s. 55.202, F.S.; providing for
13 acquisition of a judgment lien on personal
14 property; creating s. 55.203, F.S.; providing
15 requirements for the content, recording, and
16 indexing of judgment lien certificates by the
17 Department of State; creating s. 55.204, F.S.;
18 providing for lapse of a judgment lien;
19 providing for acquisition of a second judgment
20 lien; creating s. 55.205, F.S.; providing for
21 the effect of a judgment lien; creating s.
22 55.206, F.S.; providing for amendment,
23 termination, partial release, assignment,
24 continuation, tolling, or correction of a
25 recorded judgment lien; creating s. 55.207,
26 F.S.; providing for filing and effect of a
27 correction statement as to a judgment lien
28 record; creating s. 55.208, F.S.; providing for
29 phaseout of the effect of writs of execution
30 delivered to a sheriff prior to a date certain;
31 creating s. 55.209, F.S.; providing for the

1 responsibilities of the Department of State and
2 for filing fees; amending s. 55.604, F.S.;
3 eliminating requirement for the filing of a
4 foreign judgment with the Department of State;
5 conditioning the effect of a foreign judgment
6 as a lien on personal property in this state
7 based on the recording of a lien certificate;
8 amending s. 56.21, F.S.; providing for notice
9 of levy and execution sale and affidavit of
10 levying creditor to judgment creditors and
11 certain secured creditors; amending s. 56.27,
12 F.S.; providing for distribution of money
13 collected under execution; amending s. 56.29,
14 F.S.; clarifying who may file an affidavit for
15 purposes of supplementary proceedings; amending
16 s. 77.01, F.S.; providing entities with right
17 to writ of garnishment; creating s. 77.041,
18 F.S.; providing for notice of procedures for
19 asserting exemptions and requesting a hearing;
20 amending s. 77.055, F.S.; clarifying
21 requirements for service of garnishee's answer
22 and notice of right to dissolve writ of
23 garnishment; amending s. 77.06, F.S.; providing
24 for creation of judgment lien upon service of
25 writ of garnishment; amending s. 222.01, F.S.;
26 revising provisions relating to designation of
27 homestead by the owner before levy; providing
28 procedures; amending s. 222.12, F.S.; providing
29 for taking of oath before notary public
30 regarding exemptions from garnishment; amending
31 s. 679.301, F.S.; revising the definition of a

1 lien creditor; providing appropriations from
2 the Corporations Trust Fund in the Department
3 of State; amending s. 607.1901, F.S.; providing
4 for the transfer of funds from the Corporations
5 Trust Fund; providing effective dates.
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7 Be It Enacted by the Legislature of the State of Florida:
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9 Section 1. Subsection (4) is added to section 30.17,
10 Florida Statutes, to read:

11 30.17 Sheriff to keep an execution docket.--

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

24 Section 2. Paragraph (d) of subsection (1) of section
25 30.231, Florida Statutes, is amended to read:

26 30.231 Sheriffs' fees for service of summons,
27 subpoenas, and executions.--

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

31 (d) Executions:

- 1 1. Twenty dollars for docketing and indexing each writ
2 of execution, regardless of the number of persons involved.
- 3 2. Fifty dollars for each levy.
- 4 a. A levy is considered made when any property or any
5 portion of the property listed or unlisted in the instructions
6 for levy is seized, or upon demand of the sheriff the writ is
7 satisfied by the defendant in lieu of seizure. Seizure
8 requires that the sheriff take actual possession, if
9 practicable, or, alternatively, constructive possession of the
10 property by order of the court.
- 11 b. When the instructions are for levy upon real
12 property, a levy fee is required for each parcel described in
13 the instructions.
- 14 c. When the instructions are for levy based upon
15 personal property, one fee is allowed, unless ~~although~~ the
16 property is ~~may be~~ seized at different locations, conditional
17 upon all of the items being advertised collectively and the
18 sale being held at a single location. However, if the property
19 seized cannot be sold at one location during the same sale as
20 advertised, but requires separate sales at different
21 locations, the sheriff is then authorized to impose a levy fee
22 for the property and sale at each location.
- 23 3. Twenty dollars for advertisement of sale under
24 process.
- 25 4. Twenty dollars for each sale under process.
- 26 5. Twenty dollars for each deed, bill of sale, or
27 satisfaction of judgment.
- 28 Section 3. Effective July 1, 2000, section 55.10,
29 Florida Statutes, is amended to read:
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1 55.10 Judgments, orders, and decrees; lien of all,
2 generally; extension of liens; transfer of liens to other
3 security.--
4 (1) A judgment, order, or decree becomes a lien on
5 real estate in any county when a certified copy of it is
6 recorded in the official records or judgment lien record of
7 the county, whichever is maintained at the time of
8 recordation, and it shall be a lien for a period of 7 years
9 from the date of the recording provided that the judgment,
10 order, or decree contains the address of the person who has a
11 lien as a result of such judgment, order, or decree or a
12 separate affidavit is recorded simultaneously with the
13 judgment, order, or decree stating the address of the person
14 who has a lien as a result of such judgment, order, or decree.
15 A judgment, order, or decree does not become a lien on real
16 estate unless the address of the person who has a lien as a
17 result of such judgment, order, or decree is contained in the
18 judgment, order, or decree or an affidavit with such address
19 is simultaneously recorded with the judgment, order, or
20 decree.
21 (2) The lien provided for in subsection (1) may be
22 extended for an additional period of 10 7 years, subject to
23 the limitation in subsection (3), by rerecording a certified
24 copy of the judgment, order, or decree prior to the ~~within the~~
25 ~~90-day period preceding the~~ expiration of the lien provided
26 for in subsection (1) and by simultaneously recording an
27 affidavit with the current address of the person who has a
28 lien as a result of the judgment, order, or decree. The one
29 additional period of 10 years shall be effective from the date
30 the judgment, order, or decree is rerecorded. The lien will
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1 not be extended unless the affidavit with the current address
2 is simultaneously recorded.

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

12 (3)(4) In no event shall the lien upon real property
13 created by this section ~~subsections (1), (2), and (3)~~ be
14 extended beyond the period provided for in s. 55.081.

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

23 ~~(5) This section shall be deemed to operate~~
24 ~~prospectively.~~

25 (5)(6) Any lien claimed under this section ~~subsections~~
26 ~~(1), (2), and (3)~~ may be transferred, by any person having an
27 interest in the real property upon which the lien is imposed
28 or the contract under which the lien is claimed, from such
29 real property to other security by either depositing in the
30 clerk's office a sum of money or filing in the clerk's office
31 a bond executed as surety by a surety insurer licensed to do

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

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

29 (7)~~(8)~~ Any party having an interest in such security
30 or the property from which the lien was transferred may at any
31 time, and any number of times, file a complaint in chancery in

1 the circuit court of the county where such security is
2 deposited for an order:
3 (a) To require additional security;
4 (b) To require reduction of security;
5 (c) To require change or substitution of sureties;
6 (d) To require payment or discharge thereof; or
7 (e) Relating to any other matter affecting said
8 security.

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

11 55.201 Central database of judgment liens on personal
12 property.--The Department of State shall maintain a database
13 of judgment lien records established in accordance with ss.
14 55.201-55.209.

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

17 55.202 Judgments, orders, and decrees; lien on
18 personal property.--

19 (1) A judgment lien securing the unpaid amount of any
20 money judgment may be acquired by the holder of a judgment
21 entered by:

22 (a) A court of this state;

23 (b) A court of the United States having jurisdiction
24 in this state;

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

28 (d) A foreign state as defined in the Uniform
29 Out-of-Country Foreign Money-Judgment Recognition Act, ss.
30 55.601-55.607, from the time and to the extent enforceable
31 thereunder;

1 (e) An issuing tribunal with respect to a support
2 order being enforced in this state pursuant to chapter 88; or
3 (f) Operation of law pursuant to s. 61.14(6).
4 (2) A judgment lien may be acquired on the judgment
5 debtor's interest in all personal property subject to
6 execution in this state, other than fixtures, money,
7 negotiable instruments, and mortgages.
8 (a) A judgment lien is acquired by recording a
9 judgment lien certificate in accordance with s. 55.203 with
10 the Department of State after the judgment has become final
11 and if no stay of the judgment or its enforcement is in effect
12 at the time the certificate is filed.
13 (b) For any tax lien or assessment granted by law to
14 the state or any of the political subdivisions for any tax
15 enumerated in s. 72.011, a judgment lien may be acquired by
16 recording the lien or warrant with the Department of State.
17 (c) A judgment lien is effective as of the date of
18 recording, but no lien attaches to property until the debtor
19 acquires an interest in the property.
20 (d) Except as provided in s. 55.204(3), a judgment
21 creditor may record only one effective judgment lien
22 certificate based upon a particular judgment.
23 (3) Except as otherwise provided in s. 55.208, the
24 priority of a judgment lien acquired in accordance with this
25 section or s. 55.204(3) is established at the time the
26 judgment lien is recorded. Such judgment lien is deemed
27 recorded as of its effective date as provided in this section
28 or s. 55.204(3).
29 (4) As used in ss. 55.201-55.209, the terms "holder of
30 a judgment" and "judgment creditor" include the Department of
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1 Revenue with respect to a judgment being enforced by the
2 Department of Revenue as the state IV-D agency.

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

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

11 55.203 Judgment lien certificate; content, recording,
12 and indexing.--

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

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

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

26 (c) The legal name of the judgment creditor and, if a
27 recorded legal entity, the registered name and document filing
28 number as shown in the records of the Department of State, and
29 the name of the judgment creditor's attorney or duly
30 authorized representative, if any.

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- 1 (d) The address and social security number or federal
2 employer identification number of the judgment creditor.
- 3 (e) The identity of the court which entered the
4 judgment and the case number and the date the written judgment
5 was entered.
- 6 (f) The amount due on the money judgment and the
7 applicable interest rate.
- 8 (g) The signature of the judgment creditor or the
9 judgment creditor's attorney or duly authorized
10 representative.
- 11 (h) With respect to a lien created by a delivery of a
12 writ of execution to a sheriff prior to October 1, 2001, an
13 affidavit by the judgment creditor which attests that the
14 person or entity possesses any documentary evidence of the
15 date of delivery of the writ, and a statement of that date or
16 a certification by the sheriff of the date as provided in s.
17 30.17(4).
- 18 (2) A second judgment lien certificate, as provided in
19 s. 55.204(3), must include the information required in
20 subsection (1) and must state the file number assigned to the
21 record of the original judgment lien certificate, the money
22 amount remaining unpaid, and the interest accrued thereon.
- 23 (3) An amendment, as provided in s. 55.206, or a
24 correction statement, as provided in s. 55.207, must state the
25 file number of the judgment lien record to which the amendment
26 or correction statement relates and must state the action,
27 change, or statement to be added.
- 28 (4) The Department of State shall examine, for
29 compliance with ss. 55.201-55.209, each document submitted for
30 recording and shall accept or reject the document accordingly.
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1 For each judgment lien certificate recorded, the department
2 shall:
3 (a) Create a record.
4 (b) Assign a unique file number to the record.
5 (c) Include the date of filing of the judgment lien
6 certificate.
7 (d) Maintain the record in a database accessible to
8 the public via the Internet.
9 (e) Index the judgment lien certificate according to
10 the name of each judgment debtor.
11 (f) Index all subsequently filed documents relating to
12 an original judgment lien certificate in a manner that
13 associates them to the original judgment lien certificate.
14 (5) The validity of a judgment lien certificate
15 recorded under this section may not be defeated by technical
16 or clerical errors made in good faith which are not seriously
17 misleading, nor may any claim of estoppel be based on such
18 errors.
19 (6) The Department of State shall prescribe mandatory
20 forms of all documents to be filed under this section.
21 Section 7. Effective October 1, 2001, section 55.204,
22 Florida Statutes, is created to read:
23 55.204 Duration and continuation of judgment lien;
24 destruction of records.--
25 (1) Except as provided in this section, a judgment
26 lien acquired under s. 55.202 lapses and becomes invalid 5
27 years after the date of recording the judgment lien
28 certificate.
29 (2) Liens securing the payment of child support or tax
30 obligations as set forth in s. 95.091(1)(b) shall not lapse
31 until 20 years after the date of the original filing of the

1 warrant or other document required by law to establish a lien.
2 No second lien based on the original filing may be obtained.
3 (3) At any time within 6 months before the scheduled
4 lapse of a judgment lien under subsection (1), the judgment
5 creditor may acquire a second judgment lien by recording a new
6 judgment lien certificate. The second judgment lien becomes
7 effective on the date of lapse of the original judgment lien
8 or on the date on which the judgment lien certificate is
9 recorded, whichever is later. The second judgment lien is
10 deemed recorded on its effective date. The second judgment
11 lien is deemed a new judgment lien and not a continuation of
12 the original judgment lien. The second judgment lien
13 permanently lapses and becomes invalid 5 years after its
14 effective date, and no additional liens based on the original
15 judgment may be obtained.
16 (4) A judgment lien continues only as to itemized
17 property for an additional 90 days after lapse of the lien.
18 Such judgment lien will continue only if:
19 (a) The property had been itemized and its location
20 described with sufficient particularity in the instructions
21 for levy;
22 (b) The levy had been delivered to the sheriff prior
23 to the date of lapse of the lien to permit the sheriff to act;
24 and
25 (c) The property was located in the county in which
26 the sheriff has jurisdiction at the time of delivery of the
27 instruction for levy. Subsequent removal of the property does
28 not defeat the lien. A court may order continuation of the
29 lien beyond the 90-day period on a showing that extraordinary
30 circumstances have prevented levy.
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1 (5) The date of lapse of a judgment lien whose
2 enforceability has been temporarily stayed or enjoined as a
3 result of any legal or equitable proceeding is tolled until 30
4 days after the stay or injunction is terminated.

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

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

11 55.205 Effect of judgment lien.--

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

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

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

3 55.206 Amendment of judgment lien record; termination,
4 partial release, assignment, continuation, tolling,
5 correction.--

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

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

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

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

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

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

1 attorney's fees, caused by such failure to the judgment
2 debtor.

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

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

7 55.207 Correction of judgment lien record.--

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

13 (2) A correction statement must:

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

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

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

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

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

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

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

1 55.208 Effect of recorded judgment lien on writs of
2 execution previously delivered to a sheriff.--

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

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

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

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

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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 13. 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 14. 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 15. 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

1 commenced the action or who made the original defense unless
2 the file shows that another attorney has been substituted.

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

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

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

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

29 (b) The information required under s. 55.203(1) and
30 (2) for each judgment lien certificate indexed under the name
31 of the judgment debtor as to each judgment creditor; the file

1 number assigned to the record of the original and, if any, the
2 second judgment lien; and the date of filing for each judgment
3 lien certificate under s. 55.202 or s. 55.204(3); and

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

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

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

15 56.29 Proceedings supplementary.--

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

22 Section 17. Section 77.01, Florida Statutes, is
23 amended to read:

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

1 a third person. The officers, agents, and employees of any
2 companies or corporations are third persons in regard to the
3 companies or corporations, and as such are subject to
4 garnishment after judgment against the companies or
5 corporations.

6 Section 18. Section 77.041, Florida Statutes, is
7 created to read:

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

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

13

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

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

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

29 TO KEEP YOUR WAGES, MONEY, AND OTHER PROPERTY
30 FROM BEING GARNISHED, OR TO GET BACK ANYTHING
31 ALREADY TAKEN, YOU MUST COMPLETE A FORM FOR

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

1 CLAIM OF EXEMPTION AND REQUEST FOR HEARING
2 I claim exemptions from garnishment under the following
3 categories as checked:
4 ___ 1. Head of family wages. (You must check a
5 or b below.)
6 ___ a. I provide more than one-half of the
7 support for a child or other dependent and
8 have net earnings of \$500 or less per week.
9 ___ b. I provide more than one-half of the
10 support for a child or other dependent, have
11 net earnings of more than \$500 per week, but
12 have not agreed in writing to have my wages
13 garnished.
14 ___ 2. Social Security benefits.
15 ___ 3. Supplemental Security Income benefits.
16 ___ 4. Public assistance (welfare).
17 ___ 5. Workers' Compensation.
18 ___ 6. Unemployment Compensation.
19 ___ 7. Veterans' benefits.
20 ___ 8. Retirement or profit-sharing benefits or
21 pension money.
22 ___ 9. Life insurance benefits or cash surrender
23 value of a life insurance policy or proceeds
24 of annuity contract.
25 ___ 10. Disability income benefits.
26 ___ 11. Prepaid College Trust Fund or Medical
27 Savings Account.
28 ___ 12. Other exemptions as provided by law.
29 _____ (explain)
30
31

1 I request a hearing to decide the validity of my claim. Notice
2 of the hearing should be given to me at:
3
4 Address: _____
5
6 Telephone number: _____
7
8 The statements made in this request are true to the best of my
9 knowledge and belief.
10
11 _____
12
13 Defendant's signature
14
15 Date _____
16
17 STATE OF FLORIDA
18
19 COUNTY OF
20
21 Sworn and subscribed to before me this day of
22(month and year), by (name of person making
23 statement).....
24
25 Notary Public/Deputy Clerk
26
27 Personally KnownOR Produced Identification....
28
29 Type of Identification Produced.....
30 (2) The plaintiff must mail, by first class, a copy of
31 the writ of garnishment, a copy of the motion for writ of

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

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

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

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

1 within 20 days after the date indicated on the certificate of
2 service in the notice if any allegation in the plaintiff's
3 motion for writ of garnishment is untrue ~~within the time~~
4 ~~period set forth in s. 77.07(2) or be defaulted and that he or~~
5 ~~she may have exemptions from the garnishment which must be~~
6 ~~asserted as a defense.~~ The plaintiff shall serve these
7 documents on the defendant at the defendant's last known
8 address and any other address disclosed by the garnishee's
9 answer and on any other person disclosed in the garnishee's
10 answer to have any ownership interest in the deposit, account,
11 or property controlled by the garnishee. The plaintiff shall
12 file in the proceeding a certificate of such service.

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

15 77.06 Writ; effect.--

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

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

27 222.01 Designation of homestead by owner before
28 levy.--

29 (1) Whenever any natural person residing in this state
30 desires to avail himself or herself of the benefit of the
31 provisions of the constitution and laws exempting property as

1 a homestead from forced sale under any process of law, he or
2 she may make a statement, in writing, containing a description
3 of the real property, mobile home, or modular home claimed to
4 be exempt and declaring that the real property, mobile home,
5 or modular home is the homestead of the party in whose behalf
6 such claim is being made. Such statement shall be signed by
7 the person making it and shall be recorded in the circuit
8 court.

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

17
18 NOTICE OF HOMESTEAD

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

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

30
31 ...(Legal description)...

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

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

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

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

Notary Public

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

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

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

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

3 (b) Liens and judgments for obligations contracted for
4 the purchase of real property.

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

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

10 Section 22. Section 222.12, Florida Statutes, is
11 amended to read:

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

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

3 679.301 Persons who take priority over unperfected
4 security interests; right of "lien creditor."--

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

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

19 Section 24. There is hereby appropriated from the
20 Corporations Trust Fund to the Department of State the
21 following positions and funds to administer this act:

22 (1) Effective July 1, 2000, four full-time equivalent
23 positions and \$274,858 in recurring salaries and benefits,
24 \$200,000 in recurring expense, and \$442,753 in nonrecurring
25 operating capital outlay; and

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

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

31

1 607.1901 Corporations Trust Fund creation; transfer of
2 funds.--

3 (2)(a) The Legislature shall appropriate from the fund
4 such amounts as it deems necessary for the operation of the
5 division.

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

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

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

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

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

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

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

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

16 Section 26. Except as otherwise provided herein, this
17 act shall take effect October 1, 2000.

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