

By the Committees on Fiscal Policy, Judiciary and Senators
Grant and Horne

309-1983-00

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; allocating moneys from the
2 Corporations Trust Fund to the Department of
3 State; amending s. 607.1901, F.S.; providing
4 for the transfer of funds from the Corporations
5 Trust Fund; providing effective dates.

6
7 Be It Enacted by the Legislature of the State of Florida:

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

11 30.17 Sheriff to keep an execution docket.--

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

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

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

23 (4) On October 1, 2001, the sheriff shall cease
24 docketing newly delivered writs of executions. The sheriff
25 shall maintain the existing docket until October 1, 2003. Upon
26 the request of any person or entity who delivered a writ of
27 execution to the sheriff before October 1, 2001, the sheriff
28 shall provide written certification of the date on which the
29 writ was delivered. Except for any certification requested by
30 a state agency or a political subdivision of the state, the
31 sheriff shall charge a fixed nonrefundable fee of \$20 for each

1 certification. Fees collected under this section shall be
2 disbursed in accordance with s. 30.231(5). The sheriff's
3 duties under this section shall cease on October 1, 2003.

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

6 30.231 Sheriffs' fees for service of summons,
7 subpoenas, and executions.--

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

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

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

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

22 (d) Executions:

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

25 2. Fifty dollars for each levy.

26 a. A levy is considered made when any property or any
27 portion of the property listed or unlisted in the instructions
28 for levy is seized, or upon demand of the sheriff the writ is
29 satisfied by the defendant in lieu of seizure. Seizure
30 requires that the sheriff take actual possession, if

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1 practicable, or alternatively, constructive possession of the
2 property by order of the court.

3 b. When the instructions are for levy upon real
4 property, a levy fee is required for each parcel described in
5 the instructions.

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

15 3. Twenty dollars for advertisement of sale under
16 process.

17 4. Twenty dollars for each sale under process.

18 5. Twenty dollars for each deed, bill of sale, or
19 satisfaction of judgment.

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

22 55.10 Judgments, orders, and decrees; lien of all,
23 generally; extension of liens; transfer of liens to other
24 security.--

25 (1) A judgment, order, or decree becomes a lien on
26 real estate in any county when a certified copy of it is
27 recorded in the official records or judgment lien record of
28 the county, whichever is maintained at the time of
29 recordation, and it shall be a lien for a period of 10 ~~7~~ years
30 from the date of the recording provided that the judgment,
31 order, or decree contains the address of the person who has a

1 | lien as a result of such judgment, order, or decree or a
2 | separate affidavit is recorded simultaneously with the
3 | judgment, order, or decree stating the address of the person
4 | who has a lien as a result of such judgment, order, or decree.
5 | A judgment, order, or decree does not become a lien on real
6 | estate unless the address of the person who has a lien as a
7 | result of such judgment, order, or decree is contained in the
8 | judgment, order, or decree or an affidavit with such address
9 | is simultaneously recorded with the judgment, order, or
10 | decree.

11 | (2) The lien provided for in subsection (1) may be
12 | extended for an additional period of 10 7 years, subject to
13 | the limitation in subsection (3), by rerecording a certified
14 | copy of the judgment, order, or decree prior to ~~within the~~
15 | ~~90-day period preceding~~ the expiration of the lien provided
16 | for in subsection (1) and by simultaneously recording an
17 | affidavit with the current address of the person who has a
18 | lien as a result of the judgment, order, or decree. The one
19 | additional period of 10 years shall be effective from the date
20 | the judgment, order, or decree is rerecorded. The lien will
21 | not be extended unless the affidavit with the current address
22 | is simultaneously recorded.

23 | ~~(3) In the event the lien is extended under subsection~~
24 | ~~(2), the lien of the judgment, order, or decree may be further~~
25 | ~~extended by re-recording a certified copy of it within the~~
26 | ~~90-day period preceding the expiration of the lien provided~~
27 | ~~for in subsection (2) and by simultaneously recording an~~
28 | ~~affidavit with the current address of the person who has a~~
29 | ~~lien as a result of such judgment, order, or decree. The lien~~
30 | ~~will not be extended unless the affidavit with the current~~
31 | ~~address is recorded.~~

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

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

12 ~~(5) This section shall be deemed to operate~~
13 ~~prospectively.~~

14 ~~(5)(6)~~ Any lien claimed under this section ~~subsections~~
15 ~~(1), (2), and (3)~~ may be transferred, by any person having an
16 interest in the real property upon which the lien is imposed
17 or the contract under which the lien is claimed, from such
18 real property to other security by either depositing in the
19 clerk's office a sum of money or filing in the clerk's office
20 a bond executed as surety by a surety insurer licensed to do
21 business in this state. Such deposit or bond shall be in an
22 amount equal to the amount demanded in such claim of lien plus
23 interest thereon at the legal rate for 3 years plus \$500 to
24 apply on any court costs which may be taxed in any proceeding
25 to enforce said lien. Such deposit or bond shall be
26 conditioned to pay any judgment, order, or decree which may be
27 rendered for the satisfaction of the lien for which such claim
28 of lien was recorded and costs plus \$500 for court costs. Upon
29 such deposit being made or such bond being filed, the clerk
30 shall make and record a certificate showing the transfer of
31 the lien from the real property to the security and mail a

1 copy thereof by registered or certified mail to the lienor
2 named in the claim of lien so transferred, at the address
3 stated therein. Upon the filing of the certificate of
4 transfer, the real property shall thereupon be released from
5 the lien claimed, and such lien shall be transferred to said
6 security. The clerk shall be entitled to a fee of \$10 for
7 making and serving the certificate. If the transaction
8 involves the transfer of multiple liens, an additional charge
9 of \$5 for each additional lien shall be charged. Any number of
10 liens may be transferred to one such security.

11 (6)~~(7)~~ Any excess of the security over the aggregate
12 amount of any judgments, orders, or decrees rendered, plus
13 costs actually taxed, shall be repaid to the party filing the
14 security or his or her successor in interest. Any deposit of
15 money shall be considered as paid into court and shall be
16 subject to the provisions of law relative to payments of money
17 into court and the disposition of these payments.

18 (7)~~(8)~~ Any party having an interest in such security
19 or the property from which the lien was transferred may at any
20 time, and any number of times, file a complaint in chancery in
21 the circuit court of the county where such security is
22 deposited for an order:

- 23 (a) To require additional security;
24 (b) To require reduction of security;
25 (c) To require change or substitution of sureties;
26 (d) To require payment or discharge thereof; or
27 (e) Relating to any other matter affecting said
28 security.

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

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1 55.201 Central database of judgment liens on personal
2 property.--The Department of State shall maintain a database
3 of judgment lien records established in accordance with ss.
4 55.201-55.209.

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

7 55.202 Judgments, orders, and decrees; lien on
8 personal property.--

9 (1) A judgment lien securing the unpaid amount of any
10 money judgment may be acquired by the holder of a judgment
11 entered by:

12 (a) A court of this state;

13 (b) A court of the United States having jurisdiction
14 in this state;

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

18 (d) A foreign state as defined in the Uniform
19 Out-of-Country Foreign Money-Judgment Recognition Act, ss.
20 55.601-55.607, from the time and to the extent enforceable
21 thereunder;

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

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

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

29 (a) A judgment lien is acquired by recording a
30 judgment lien certificate in accordance with s. 55.203 with
31 the Department of State after the judgment has become final

1 and if no stay of the judgment or its enforcement is in effect
2 at the time the certificate is filed.

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

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

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

13 (3) Except as otherwise provided in s. 55.208, the
14 priority of a judgment lien acquired in accordance with this
15 section or s. 55.204(3) is established at the time the
16 judgment lien is recorded. Such judgment lien is deemed
17 recorded as of its effective date as provided in this section
18 or s. 55.204(3).

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

23 (5) Liens, assessments, or judgments administered by
24 or secured on behalf of any state agency or policy subdivision
25 of the state may be filed directly into the central database
26 by such agency or subdivision through electronic or
27 information data exchange programs approved by the Department
28 of State.

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

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1 55.203 Judgment lien certificate; content, recording,
2 and indexing.--

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

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

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

16 (c) The legal name of the judgment creditor and, if a
17 recorded legal entity, the registered name and document filing
18 number as shown in the records of the Department of State, and
19 the name of the judgment creditor's attorney or duly
20 authorized representative, if any;

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

23 (e) The identity of the court which entered the
24 judgment and the case number and the date the written judgment
25 was entered;

26 (f) The amount due on the money judgment and the
27 applicable interest rate;

28 (g) The signature of the judgment creditor or the
29 judgment creditor's attorney or duly authorized
30 representative; and

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

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

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

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

21 (a) For each judgment lien certificate recorded, the
22 department shall:

23 1. Create a record;

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

25 3. Include the date of filing of the judgment lien
26 certificate;

27 4. Maintain the record in a database accessible to the
28 public via the Internet;

29 5. Index the judgment lien certificate according to
30 the name of each judgment debtor; and

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

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

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

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

13 55.204 Duration and continuation of judgment lien;
14 destruction of records.--

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

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

24 (3) At any time within 6 months before the scheduled
25 lapse of a judgment lien under subsection (1), the judgment
26 creditor may acquire a second judgment lien by recording a new
27 judgment lien certificate. The second judgment lien becomes
28 effective on the date of lapse of the original judgment lien
29 or on the date on which the judgment lien certificate is
30 recorded, whichever is later. The second judgment lien is
31 deemed recorded on its effective date. The second judgment

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

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

9 (a) The property had been itemized and its location
10 described with sufficient particularity in the instructions
11 for levy;

12 (b) The levy had been delivered to the sheriff prior
13 to the date of lapse of the lien to permit the sheriff to act;
14 and

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

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

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

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

31 55.205 Effect of judgment lien.--

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

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

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

23 55.206 Amendment of judgment lien record; termination,
24 partial release, assignment, continuation, tolling,
25 correction.--

26 (1) An amendment to a judgment lien acquired under s.
27 55.202 may be recorded by the judgment creditor of record,
28 which may provide for:

29 (a) The termination, partial release, or assignment of
30 the judgment creditor's interest in a judgment lien;
31

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

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

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

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

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

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

28 55.207 Correction of judgment lien record.--

29 (1) A person may file with the Department of State a
30 correction statement with respect to a judgment lien record,
31 as provided in s. 55.203, indexed under the person's name if

1 the person believes that the record is inaccurate or that the
2 judgment lien certificate was wrongfully filed.

3 (2) A correction statement must:

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

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

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

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

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

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

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

22 55.208 Effect of recorded judgment lien on writs of
23 execution previously delivered to a sheriff.--

24 (1) Any lien created by a writ of execution which has
25 been delivered to the sheriff of any county before October 1,
26 2001, remains in effect for 2 years thereafter as to any
27 property of the judgment debtor located in that county before
28 October 1, 2001, and remaining within that county after that
29 date. As to any property of the judgment debtor brought into
30 the county on or after October 1, 2001, such writs create no
31 lien, inchoate or otherwise.

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

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

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

21 55.209 Department of State; processing fees,
22 responsibilities.--

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

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

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

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

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

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

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

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

25 55.604 Recognition and enforcement.--Except as
26 provided in s. 55.605, a foreign judgment meeting the
27 requirements of s. 55.603 is conclusive between the parties to
28 the extent that it grants or denies recovery of a sum of
29 money. Procedures for recognition and enforceability of a
30 foreign judgment shall be as follows:

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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:

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

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

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

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

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

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

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

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

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

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

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

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

- 1 b. I provide more than one half of the
2 support for a child or other dependent, have
3 net earnings of more than \$500 per week, but
4 have not agreed in writing to have my wages
5 garnished.
6 2. Social Security benefits.
7 3. Supplemental Security Income benefits.
8 4. Public assistance (welfare).
9 5. Workers' Compensation.
10 6. Unemployment Compensation.
11 7. Veterans' benefits.
12 8. Retirement or profit-sharing benefits or
13 pension money.
14 9. Life insurance benefits or cash surrender
15 value of a life insurance policy or proceeds
16 of annuity contract.
17 10. Disability income benefits.
18 11. Prepaid College Trust Fund or Medical
19 Savings Account.
20 12. Other exemptions as provided by law.
21 _____(explain)

22
23 I request a hearing to decide the validity of my claim. Notice
24 of the hearing should be given to me at:

25
26 Address: _____

27
28 Telephone number: _____

29
30 The statements made in this request are true to the best of my
31 knowledge and belief.

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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

1 plaintiff shall file in the proceeding a certificate of such
2 service.

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

13 Section 19. Section 77.055, Florida Statutes, is
14 amended to read:

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

1 answer and on any other person disclosed in the garnishee's
2 answer to have any ownership interest in the deposit, account,
3 or property controlled by the garnishee. The plaintiff shall
4 file in the proceeding a certificate of such service.

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

7 77.06 Writ; effect.--

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

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

19 222.01 Designation of homestead by owner before
20 levy.--

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

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

9
10 NOTICE OF HOMESTEAD

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

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

22
23 ...(Legal description)...

24
25 The undersigned certifies, under oath, that he
26 or she has applied for and received the
27 homestead tax exemption as to the
28 above-described property, that is the tax
29 identification parcel number of this property,
30 and that the undersigned has resided on this
31 property continuously and uninterruptedly from

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

1 ASSIGNS, UNDER THE ABOVE-DESCRIBED CONTRACT OF
2 SALE OR LOAN COMMITMENT TO TAKE FREE AND CLEAR
3 OF ANY JUDGMENT LIEN YOU MAY HAVE ON THE
4 PROPERTY.

5
6 This day of, 2.....

7
8
9 ...(Signature of Owner)...

10
11
12 ...(Printed Name of Owner)...

13
14
15 ...(Owner's Address)...

16
17 Sworn to and subscribed before me by
18 who is personally
19 known to me or produced
20 as identification,
21 this day of, 2.....

22
23
24 Notary Public

25
26 (3) The clerk shall mail a copy of the notice of
27 homestead to the judgment lienor, by certified mail, return
28 receipt requested, at the address shown in the most recent
29 recorded judgment or accompanying affidavit, and to any other
30 person designated in the most recent recorded judgment or
31 accompanying affidavit to receive the notice of homestead, and

1 shall certify to such service on the face of such notice and
2 record the notice. Notwithstanding the use of certified mail,
3 return receipt requested, service shall be deemed complete
4 upon mailing.

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

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

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

26 (b) Liens and judgments for obligations contracted for
27 the purchase of real property.

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

30
31

1 (d) Liens and judgments for other obligations
2 contracted for house, field, or other labor performed on real
3 property.

4 Section 22. Section 222.12, Florida Statutes, is
5 amended to read:

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

26 Section 23. Subsections (2) and (3) of section
27 679.301, Florida Statutes, are amended to read:

28 679.301 Persons who take priority over unperfected
29 security interests; right of "lien creditor."--

30 (2) If the secured party files with respect to a
31 purchase money security interest before or within 15 days

1 after the debtor receives possession of the collateral, the
2 secured party ~~he or she~~ takes priority over the rights of a
3 transferee in bulk or of a lien creditor ~~which arise between~~
4 ~~the time the security interest attaches and the time of~~
5 filing.

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

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

16 (1) Effective July 1, 2000, four full-time equivalent
17 positions and \$274,858 in annual salaries and benefits,
18 \$200,000 in recurring expense, and \$442,753 in operating
19 capital outlay; and

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

23 Section 25. Effective October 1, 2001, subsection (2)
24 of section 607.1901, Florida Statutes, is amended to read:

25 607.1901 Corporations Trust Fund creation; transfer of
26 funds.--

27 (2)(a) The Legislature shall appropriate from the fund
28 such amounts as it deems necessary for the operation of the
29 division.

30 (b) An amount equal to 2.9 percent of all moneys
31 deposited each month in the fund is transferred to the

1 Corporation Tax Administration Trust Fund created pursuant to
2 s. 213.31.

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

6 (d) The division shall transfer from the trust fund to
7 the Cultural Institutions Trust Fund, quarterly, the amount of
8 \$10 from each corporate annual report fee collected by the
9 division and prorations transferring not more than \$10~~\$8~~
10 million each fiscal year, to be used as provided in s.
11 265.2861.

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

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

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

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

28 (i) The division shall transfer from the trust fund to
29 the department's Grants and Donations Trust Fund quarterly
30 prorations equaling not more than \$1.6 million each fiscal
31

1 year, to be used in the provision of services under s.
2 288.816.

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

5

6 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
7 COMMITTEE SUBSTITUTE FOR
8 CS/SB 392

8

9 Eliminates the provision relating to designation and
10 reappointment of process servers by the sheriff.

11 Eliminates the provision to allow writs of execution against a
12 person's money in excess of \$1,000.

13 Eliminates the provision to expand the liability of a person
14 subject to a writ of bodily attachment in connection with
15 court-ordered child support.

16 Provides an effective date of October 1, 2001, for the
17 transfers from the Corporations Trust Fund to the Cultural
18 Institutions Trust Fund and to the Grants and Donations Trust
19 Fund.

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