

1                   A bill to be entitled  
2           An act relating to judgments; creating s. 56.0101,  
3           F.S.; providing definitions for purposes of chapter  
4           56, F.S.; amending s. 56.011, F.S.; revising  
5           terminology; amending s. 56.021, F.S.; providing that  
6           an execution is valid and effective during the life of  
7           the order on which it is issued; amending ss. 56.041,  
8           56.071, 56.09, 56.10, 56.12, and 56.15, F.S.; revising  
9           terminology; amending s. 56.16, F.S.; specifying that  
10          persons to whom a Notice to Appear has been issued may  
11          obtain possession of property levied on by complying  
12          with certain procedures; revising terminology;  
13          amending s. 56.18, F.S.; specifying that a jury, if  
14          not waived, should be empaneled as soon as possible  
15          after service of a Notice to Appear; revising  
16          terminology; amending ss. 56.19, 56.20, 56.22, 56.26,  
17          56.27, and 56.28, F.S.; revising terminology; amending  
18          s. 56.29, F.S.; revising terminology; providing for  
19          the issuance of a Notice to Appear; providing  
20          requirements for such a notice; providing for service;  
21          providing for requirements for a responding affidavit;  
22          deleting provisions relating to examinations  
23          concerning property; providing for fraudulent transfer  
24          claims; creating s. 56.30, F.S.; providing for  
25          discovery in proceedings supplementary; providing an  
26          effective date.

27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52

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

Section 1. Section 56.0101, Florida Statutes, is created to read:

56.0101 Definitions.—As used in this chapter, the term:

(1) "Claimant" means any person other than the judgment debtor who claims any property levied on.

(2) "Corporate judgment debtor" means any judgment debtor other than an individual, an estate, or a trust that is not a business trust.

(3) "Judgment creditor" means the holder of an unsatisfied judgment, order, or decree for the payment of money, including any transferee or any surety having the right to control and collect the judgment under s. 55.13.

(4) "Judgment debtor" means each person who is liable on a judgment, order, or decree subject to execution under this chapter.

(5) "Levying creditor" means the levying judgment creditor.

(6) "Person" means an individual, partnership, corporation, association, organization, government or governmental subdivision or agency, business trust, estate, trust, or any other legal or commercial entity.

(7) "Relative" means an individual related by consanguinity within the third degree as determined by the

53 common law, a spouse, or an individual related to a spouse  
 54 within the third degree as determined by the common law, and  
 55 includes an individual in an adoptive relationship within the  
 56 third degree.

57 Section 2. Section 56.011, Florida Statutes, is amended to  
 58 read:

59 56.011 Executions; *capias ad satisfaciendum* abolished.—~~In~~  
 60 ~~no case shall~~ A *capias ad satisfaciendum* may not be issued upon  
 61 a judgment, nor may ~~shall~~ the body of any person ~~defendant~~ be  
 62 subject to arrest or confinement for the payment of money,  
 63 except ~~it be~~ for fines imposed by lawful authority.

64 Section 3. Section 56.021, Florida Statutes, is amended to  
 65 read:

66 56.021 Executions; issuance and return, alias, etc.—When  
 67 issued, an execution is valid and effective during the life of  
 68 the judgment, order, or decree on which it is issued. When fully  
 69 paid, the officer executing it shall make his or her return and  
 70 file it in the court which issued the execution. If the  
 71 execution is lost or destroyed, the party entitled thereto may  
 72 have an alias, pluries or other copies on making proof of such  
 73 loss or destruction by affidavit and filing it in the court  
 74 issuing the execution.

75 Section 4. Subsection (1) of section 56.041, Florida  
 76 Statutes, is amended to read:

77 56.041 Executions; collection and return.—

78 (1) All executions shall be returnable when satisfied, and

79 | the officers to whom they are delivered shall collect the  
 80 | amounts thereof as soon as possible and shall furnish the  
 81 | judgment debtor ~~defendant~~ with a satisfaction of judgment. All  
 82 | receipts shall be endorsed on the execution.

83 |       Section 5. Section 56.071, Florida Statutes, is amended to  
 84 | read:

85 |       56.071 Executions on equities of redemption; discovery of  
 86 | value.—On motion made by the person ~~party~~ causing a levy to be  
 87 | made on an equity of redemption, the court from which the  
 88 | execution issued shall order the mortgagor, mortgagee, and all  
 89 | other persons interested in the mortgaged property levied on to  
 90 | appear and be examined about the amount remaining due on the  
 91 | mortgage, the amount that has been paid, the person ~~party~~ to  
 92 | whom that amount has been paid, and the date when that amount  
 93 | was paid so that the value of the equity of redemption may be  
 94 | ascertained before the property is sold. The court may appoint a  
 95 | general or special magistrate to conduct the examination. This  
 96 | section shall also apply to the interest of and personal  
 97 | property in possession of a vendee under a retained title  
 98 | contract or conditional sales contract.

99 |       Section 6. Section 56.09, Florida Statutes, is amended to  
 100 | read:

101 |       56.09 Executions against corporate judgment debtors  
 102 | ~~corporations~~; generally.—On any judgment against a corporate  
 103 | judgment debtor, the judgment creditor ~~corporation~~ ~~plaintiff~~ may  
 104 | have an execution levied on the current money as well as on the

105 goods and chattels, lands and tenements of the corporate  
 106 judgment debtor ~~said corporation~~.

107 Section 7. Section 56.10, Florida Statutes, is amended to  
 108 read:

109 56.10 Executions against corporate judgment debtors  
 110 ~~corporations~~; receivership.—If an execution cannot be satisfied  
 111 in whole or in part for lack of property of the corporate  
 112 judgment debtor ~~defendant corporation~~ subject to levy and sale,  
 113 on motion of the judgment creditor the circuit court in chancery  
 114 within whose circuit such corporate judgment debtor ~~corporation~~  
 115 is or has been doing business, or in which any of its effects  
 116 are found, may sequester the property, things in action, goods  
 117 and chattels of the corporate judgment debtor ~~corporation~~ for  
 118 the purpose of enforcing the judgment, and may appoint a  
 119 receiver for the corporate judgment debtor ~~corporation~~. A  
 120 receiver so appointed is subject to the rules prescribed by law  
 121 for receivers of the property of other judgment debtors. His or  
 122 her power shall extend throughout the state.

123 Section 8. Section 56.12, Florida Statutes, is amended to  
 124 read:

125 56.12 Executions; levy, forthcoming bond.—If a judgment  
 126 debtor ~~defendant~~ in execution wants to retake possession of any  
 127 property levied on, the judgment debtor ~~he or she~~ may do so by  
 128 executing a bond with surety to be approved by the officer in  
 129 favor of the judgment creditor ~~plaintiff~~ in a sum double the  
 130 value of the property retaken as fixed by the officer holding

131 the execution and conditioned that the property will be  
 132 forthcoming on the day of sale stated in the bond.

133 Section 9. Section 56.15, Florida Statutes, is amended to  
 134 read:

135 56.15 Executions; stay of illegal writs.—If any execution  
 136 issues illegally, the judgment debtor ~~defendant~~ in execution may  
 137 obtain a stay by making and delivering an affidavit to the  
 138 officer having the execution, stating the illegality and whether  
 139 any part of the execution is due, with a bond with surety  
 140 payable to the judgment creditor ~~plaintiff~~ in double the amount  
 141 of the execution or the part of which a stay is sought  
 142 conditioned to pay the execution or part claimed to be illegal  
 143 and any damages for delay if the affidavit is not well founded.  
 144 On receipt of such affidavit and bond the officer shall stay  
 145 proceedings on the execution and return the bond and affidavit  
 146 to the court from which the execution issued. The court shall  
 147 pass on the question of illegality as soon as possible. If the  
 148 execution is adjudged illegal in any part, the court shall stay  
 149 it as to the part but if it is adjudged legal in whole or in  
 150 part, the court shall enter judgment against the principal and  
 151 surety on such bond for the amount of so much of the execution  
 152 as is adjudged to be legal and execution shall issue thereon.

153 Section 10. Section 56.16, Florida Statutes, is amended to  
 154 read:

155 56.16 Executions; claims of third parties to property  
 156 levied on.—If any person, including a person to whom a Notice to

HB 503

2016

157 Appear has been issued, other than the judgment debtor ~~defendant~~  
158 ~~in execution~~ claims any property levied on, he or she may obtain  
159 possession of the property by filing with the officer having the  
160 execution an affidavit by the claimant, or the claimant's  
161 ~~himself or herself, his or her~~ agent or attorney, that the  
162 property claimed belongs to the claimant ~~him or her~~ and by  
163 furnishing the officer a bond with surety to be approved by the  
164 officer in favor of the judgment creditor ~~plaintiff~~ in double  
165 the value of the goods claimed as the value is fixed by the  
166 officer and conditioned to deliver said property on demand of  
167 said officer if it is adjudged to be the property of the  
168 judgment debtor ~~defendant in execution~~ and to pay the judgment  
169 creditor ~~plaintiff~~ all damages found against the claimant ~~him or~~  
170 ~~her~~ if it appears that the claim was interposed for the purpose  
171 of delay.

172 Section 11. Section 56.18, Florida Statutes, is amended to  
173 read:

174 56.18 Executions; trial of claims of third persons.—As  
175 soon as possible after the return, or after service of a Notice  
176 to Appear, a jury, if not waived, shall be impaneled to try the  
177 right of property. If the verdict is in favor of the judgment  
178 creditor ~~plaintiff~~ and it appears that the claim brought  
179 pursuant to s. 56.16 was interposed for delay, the judgment  
180 creditor ~~plaintiff~~ may be awarded reasonable damages, not  
181 exceeding 20 percent of the value of the property claimed. If  
182 the claimant denies in writing under oath filed at least 3 days

183 before the trial, the correctness of the appraisal of the  
 184 value of the property by the officer levying the execution, and  
 185 the verdict is in favor of the judgment creditor ~~plaintiff~~, the  
 186 jury if not waived, shall fix the value of each item thereof, or  
 187 of the items covered by such denial.

188 Section 12. Section 56.19, Florida Statutes, is amended to  
 189 read:

190 56.19 Judgments upon claims of third persons.—Upon the  
 191 verdict of the jury, the court shall enter judgment deciding the  
 192 right of property, and if the verdict is for the judgment  
 193 creditor ~~plaintiff~~, awarding a recovery by the judgment creditor  
 194 ~~plaintiff~~ from the claimant ~~defendant~~ and the claimant's ~~his or~~  
 195 ~~her~~ sureties, of the value (as fixed by the officer, or as fixed  
 196 by the jury if fixed by it) of such parts of the property as the  
 197 jury may have found subject to execution that were delivered to  
 198 the claimant, and awarding separately such damages as ~~the jury~~  
 199 may be ~~have~~ awarded under s. 56.18, and of all costs attending  
 200 the presentation and trial of the claim.

201 Section 13. Section 56.20, Florida Statutes, is amended to  
 202 read:

203 56.20 Executions on judgments against third person  
 204 claimants.—If the execution issued on the judgment is not paid,  
 205 it shall be satisfied in the usual manner unless on demand of  
 206 the officer holding it, the principal and surety in the claim  
 207 bond deliver the property released under the claim bond to the  
 208 officer and pay him or her the damages and costs awarded to the



209 judgment creditor ~~plaintiff~~. If the property is returned to the  
 210 officer but damages and costs are not paid, execution shall be  
 211 enforced for the damages and costs. If part of the property is  
 212 returned to the officer, the execution shall be enforced for the  
 213 value, fixed as aforesaid, of that not returned. All property  
 214 returned shall be sold under the original execution against the  
 215 judgment debtor ~~original defendant~~.

216 Section 14. Section 56.22, Florida Statutes, is amended to  
 217 read:

218 56.22 Execution sales; ~~time, date, and place of sale.~~

219 (1) All sales of property under legal process shall take  
 220 place at the time, date, and place advertised in the notice of  
 221 the sheriff's sale on any day of the week except Saturday and  
 222 Sunday and shall continue from day to day until such property is  
 223 disposed of.

224 (2) Property not effectively disposed of at the initial  
 225 sheriff's sale may be readvertised, as provided in s. 56.21,  
 226 upon receipt of an additional deposit to cover costs incurred in  
 227 connection with the maintenance of the property under legal  
 228 process. If ~~In the event~~ no additional deposit is received by  
 229 the sheriff, the property may be returned to the judgment debtor  
 230 ~~defendant~~; if the judgment debtor ~~defendant~~ refuses to accept  
 231 such property, the property may be returned to a third party,  
 232 such as a lienholder, upon presentation of a proper court order  
 233 directing such return. If the property cannot be returned as  
 234 described in this subsection ~~none of the above can be~~

235 ~~accomplished~~, such property shall be disposed of as unclaimed or  
 236 abandoned.

237 Section 15. Section 56.26, Florida Statutes, is amended to  
 238 read:

239 56.26 Executions; mandamus to force levy and sale.—When an  
 240 officer holds an unsatisfied execution and refuses to levy on  
 241 property liable thereunder and on which it is his or her duty to  
 242 levy or having levied, refuses to advertise and sell the  
 243 property levied on, the judgment creditor ~~plaintiff in execution~~  
 244 is entitled to an alternative writ of mandamus requiring the  
 245 officer to levy such execution or advertise and sell the  
 246 property levied on, or both, as the case may be.

247 Section 16. Subsection (1) and paragraph (a) of subsection  
 248 (4) of section 56.27, Florida Statutes, are amended to read:

249 56.27 Executions; payment of money collected.—

250 (1) All money received under executions shall be paid, in  
 251 the order prescribed, to the following: the sheriff, for costs;  
 252 the levying creditor in the amount of \$500 as liquidated  
 253 expenses; and the priority lienholder under s. 55.10(1) and (2),  
 254 s. 55.202, s. 55.204(3), or s. 55.208(2), as set forth in an  
 255 affidavit required by subsection (4), or the levying creditor's  
 256 ~~his or her~~ attorney, in satisfaction of the judgment lien, if  
 257 the judgment lien has not lapsed at the time of the levy. The  
 258 receipt of the attorney shall be a release of the officer paying  
 259 the money to him or her. If the name of more than one attorney  
 260 appears in the court file, the money shall be paid to the

261 attorney who originally commenced the action or who made the  
262 original defense unless the file shows that another attorney has  
263 been substituted.

264 (4) Before the date of the first publication or posting of  
265 the notice of sale provided for under s. 56.21, at the time of  
266 the levy request to the sheriff, the levying creditor shall  
267 deliver to the sheriff an affidavit setting forth all of the  
268 following as to the judgment debtor:

269 (a) For a personal property levy, an attestation by the  
270 levying creditor or the levying creditor's attorney of record  
271 that he or she has reviewed the database or judgment lien  
272 records established in accordance with ss. 55.201-55.209 and  
273 that the information contained in the affidavit based on that  
274 review is true and correct. For a real property levy in  
275 accordance with s. 55.10(1) and (2), an attestation by the  
276 levying creditor or the levying creditor's ~~his or her~~ attorney  
277 of record that he or she has reviewed the records of the clerk  
278 of the court of the county where the property is situated, or  
279 that he or she has performed or reviewed a title search, and  
280 that the information contained in the affidavit, including a  
281 disclosure of all judgment liens, mortgages, financing  
282 statements, tax warrants, and other liens against the real  
283 property, based on that review or title search is true and  
284 correct.

285 Section 17. Section 56.28, Florida Statutes, is amended to  
286 read:

287           56.28 Executions; failure of officer to pay over moneys  
 288 collected.—If any officer collecting money under execution fails  
 289 or refuses to pay it over within 30 days after it has been  
 290 received by him or her, or within 10 days after demand by the  
 291 levying creditor or the levying creditor's ~~plaintiff or his or~~  
 292 ~~her~~ attorney of record made in writing and delivered during  
 293 regular business hours to the civil process bureau, the officer  
 294 is liable to pay the same and 20 percent damages, to be  
 295 recovered by motion in court.

296           Section 18. Section 56.29, Florida Statutes, is amended to  
 297 read:

298           56.29 Proceedings supplementary.—

299           (1) When any judgment creditor ~~person or entity~~ holds an  
 300 unsatisfied judgment or judgment lien obtained under chapter 55,  
 301 the judgment creditor ~~holder or judgment lienholder~~ may file a  
 302 motion and an affidavit so stating, identifying, if applicable,  
 303 the issuing court, the case number, and the unsatisfied amount  
 304 of the judgment or judgment lien, including accrued costs and  
 305 interest, and stating that the execution is valid and  
 306 outstanding, and thereupon the judgment creditor ~~holder or~~  
 307 ~~judgment lienholder~~ is entitled to these proceedings  
 308 supplementary to execution.

309           (2) The judgment creditor shall, in the motion described  
 310 in subsection (1) or in a supplemental affidavit, describe any  
 311 property of the judgment debtor not exempt from execution in the  
 312 hands of any person or any property, debt, or other obligation

313 due to the judgment debtor that may be applied toward the  
314 satisfaction of the judgment. Upon filing of the motion and  
315 affidavits that property of the judgment debtor, or any debt, or  
316 other obligation due to the judgment debtor in the custody or  
317 control of any other person may be applied to satisfy the  
318 judgment, then the court shall issue a Notice to Appear. The  
319 Notice to Appear shall direct such person to file an affidavit,  
320 as provided in s. 56.16, with the court by a date certain, which  
321 date shall not be less than 7 business days from the date of  
322 service of the Notice to Appear, stating why the property, debt,  
323 or other obligation should not be applied to satisfy the  
324 judgment. For good cause shown, the court may shorten the time  
325 for serving an affidavit. The Notice to Appear shall describe  
326 with reasonable particularity the property, debt, or other  
327 obligation that may be available to satisfy the judgment, shall  
328 provide such person with the opportunity to present defenses,  
329 and shall indicate that discovery as provided under the rules of  
330 civil procedure is available and that there is a right to a jury  
331 trial as provided in s. 56.18. The Notice to Appear shall be  
332 served as provided for in chapter 48. A responding affidavit  
333 shall raise any fact or defense opposing application of the  
334 property described in the Notice to Appear to satisfy the  
335 judgment, including legal defenses, such as lack of personal  
336 jurisdiction. Legal defenses need not be filed under oath but  
337 must be served contemporaneously with the affidavit ~~On such~~  
338 ~~plaintiff's motion the court shall require the defendant in~~

339 ~~execution to appear before it or a general or special magistrate~~  
340 ~~at a time and place specified by the order in the county of the~~  
341 ~~defendant's residence to be examined concerning his or her~~  
342 ~~property.~~

343 ~~(3) The order shall be served in a reasonable time before~~  
344 ~~the date of the examination in the manner provided for service~~  
345 ~~of summons or may be served on such defendant or his or her~~  
346 ~~attorney as provided for service of papers in the rules of civil~~  
347 ~~procedure.~~

348 ~~(4) Testimony shall be under oath, shall be comprehensive~~  
349 ~~and cover all matters and things pertaining to the business and~~  
350 ~~financial interests of defendant which may tend to show what~~  
351 ~~property he or she has and its location. Any testimony tending~~  
352 ~~directly or indirectly to aid in satisfying the execution is~~  
353 ~~admissible. A corporation must attend and answer by an officer~~  
354 ~~who may be specified in the order. Examination of witnesses~~  
355 ~~shall be as at trial and any party may call other witnesses.~~

356 ~~(5) The court may order any property of the judgment~~  
357 ~~debtor, not exempt from execution, in the hands of any person,~~  
358 ~~or any property, debt, or other obligation due to the judgment~~  
359 ~~debtor, to be applied toward the satisfaction of the judgment~~  
360 ~~debt. The court may entertain claims concerning the judgment~~  
361 ~~debtor's assets brought under chapter 726 and enter any order or~~  
362 ~~judgment, including a money judgment against any initial or~~  
363 ~~subsequent transferee, in connection therewith, irrespective of~~  
364 ~~whether the transferee has retained the property. Claims under~~

365 ~~chapter 726 are subject to the provisions of chapter 726 and~~  
366 ~~applicable rules of civil procedure.~~

367 (3)~~(6)~~(a) When, within 1 year before the service of  
368 process on the judgment debtor in the original proceeding or  
369 action ~~him or her~~, the judgment debtor ~~defendant~~ has had title  
370 to, or paid the purchase price of, any personal property to  
371 which the judgment debtor's ~~defendant's~~ spouse, any relative, or  
372 any person on confidential terms with the judgment debtor  
373 ~~defendant~~ claims title and right of possession ~~at the time of~~  
374 ~~examination~~, the judgment debtor ~~defendant~~ has the burden of  
375 proof to establish that such transfer or gift ~~from him or her~~  
376 was not made to delay, hinder, or defraud creditors.

377 (b) When any gift, transfer, assignment or other  
378 conveyance of personal property has been made or contrived by  
379 the judgment debtor to delay, hinder, or defraud creditors, the  
380 court shall order the gift, transfer, assignment or other  
381 conveyance to be void and direct the sheriff to take the  
382 property to satisfy the execution. This does not authorize  
383 seizure of property exempted from levy and sale under execution  
384 or property which has passed to a bona fide purchaser for value  
385 and without notice. Any person aggrieved by the levy or Notice  
386 to Appear may proceed under ss. 56.16-56.20.

387 (4)~~(7)~~ At any time the court may refer the proceeding to a  
388 general or special magistrate who may be directed to report  
389 findings of law or fact, or both. The general or special  
390 magistrate has all the powers thereof, including the power to

391 issue subpoena, and shall be paid the fees provided by the court  
 392 ~~law~~.

393 ~~(5)-(8)~~ A party or a witness examined under these  
 394 provisions is not excused from answering a question on the  
 395 ground that the answer will tend to show him or her guilty of  
 396 the commission of a fraud, or prove that he or she has been a  
 397 party or privy to, or knowing of a conveyance, assignment,  
 398 transfer, or other disposition of property for any purpose, or  
 399 that the party or witness or another person claims to have title  
 400 as against the judgment debtor ~~defendant~~ or to hold property  
 401 derived from or through the judgment debtor ~~defendant~~, or to be  
 402 discharged from the payment of a debt which was due to the  
 403 judgment debtor ~~defendant~~ or to a person on ~~in his or her~~ behalf  
 404 of the judgment debtor. An answer cannot be used as evidence  
 405 against the person so answering in any criminal proceeding.

406 ~~(6)-(9)~~ The court may order any property of the judgment  
 407 debtor, not exempt from execution, or any property, debt, or  
 408 other obligation due to the judgment debtor, in the hands of or  
 409 under the control of any person subject to the Notice to Appear,  
 410 to be levied upon and applied toward the satisfaction of the  
 411 judgment debt. The court may enter any orders, judgments, or  
 412 writs required to carry out the purpose of this section,  
 413 including those orders necessary or proper to subject property  
 414 or property rights of any judgment debtor to execution, and  
 415 including entry of money judgments as provided in ss. 56.16-  
 416 56.19 against any person to whom a Notice to Appear has been



417 directed and over whom the court obtained personal jurisdiction  
418 ~~impleaded defendant~~ irrespective of whether such person  
419 ~~defendant~~ has retained the property, subject to ~~ss. 56.18 and~~  
420 ~~56.19 and~~ applicable principles of equity, and in accordance  
421 with chapters 76 and 77 and all applicable rules of civil  
422 procedure. Sections 56.16-56.20 apply to any order issued under  
423 this subsection.

424 (7)~~(10)~~ Any person failing to obey any order issued under  
425 this section by a judge or general or special magistrate or  
426 failing to attend in response to a subpoena served on him or her  
427 may be held in contempt.

428 (8)~~(11)~~ Costs for proceedings supplementary shall be taxed  
429 against the judgment debtor ~~defendant~~ as well as all other  
430 incidental costs determined to be reasonable and just by the  
431 court including, but not limited to, docketing the execution,  
432 sheriff's service fees, and court reporter's fees. Reasonable  
433 attorney ~~attorney's~~ fees may be taxed against the judgment  
434 debtor ~~defendant~~.

435 (9) The court may entertain claims concerning the judgment  
436 debtor's assets brought under chapter 726 and enter any order or  
437 judgment, including a money judgment against any initial or  
438 subsequent transferee, in connection therewith, irrespective of  
439 whether the transferee has retained the property. Claims under  
440 chapter 726 brought under this section shall be initiated by a  
441 supplemental complaint and served as provided by the rules of  
442 civil procedure, and the claims under the supplemental complaint

443 are subject to chapter 726 and the rules of civil procedure. The  
444 clerk of the court shall docket a supplemental proceeding under  
445 both the same case number assigned to the original complaint  
446 filed by the judgment creditor or the case number assigned to a  
447 judgment domesticated per s. 55.01, a separate supplemental  
448 proceeding number, and shall assign such supplemental proceeding  
449 to the same division and judge assigned to the main case or  
450 domesticated judgment.

451 Section 19. Section 56.30, Florida Statutes, is created to  
452 read:

453 56.30 Discovery in proceedings supplementary.—

454 (1) In addition to any other discovery permitted under the  
455 rules of civil procedure, on the judgment creditor's motion the  
456 court shall require the judgment debtor to appear before it or a  
457 general or special magistrate at a time and place specified by  
458 the order in the county of the judgment debtor's residence or  
459 principal place of business to be examined concerning property  
460 subject to execution. This examination may occur before issuance  
461 of a Notice to Appear.

462 (2) The order shall be served in a reasonable time before  
463 the date of the examination in the manner provided for service  
464 of summons or may be served on the judgment debtor or the  
465 judgment debtor's attorney of record as provided for service of  
466 papers in the rules of civil procedure.

467 (3) Testimony shall be under oath, shall be comprehensive,  
468 and cover all matters and things pertaining to the business and

HB 503

2016

469 financial interests of the judgment debtor which may tend to  
470 show what property the judgment debtor has and its location. Any  
471 testimony tending directly or indirectly to aid in satisfying  
472 the execution is admissible. A corporate judgment debtor must  
473 attend and answer by a designee with knowledge or an identified  
474 officer or manager who may be specified in the order.  
475 Examination of witnesses shall be as at trial and any party may  
476 call other witnesses to be examined concerning property that may  
477 be subject to execution.

478 Section 20. This act shall take effect July 1, 2016.