

By the Committee on Judiciary; and Senator Simmons

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1                   A bill to be entitled  
2           An act relating to judgments; creating s. 56.0101,  
3           F.S.; providing definitions for purposes of ch. 56,  
4           F.S.; amending s. 56.011, F.S.; revising terminology;  
5           amending s. 56.021, F.S.; providing that an execution  
6           is valid and effective during the life of the order on  
7           which it is issued; amending ss. 56.041, 56.071,  
8           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   Be It Enacted by the Legislature of the State of Florida:

29  
30           Section 1. Section 56.0101, Florida Statutes, is created to  
31   read:

32           56.0101 Definitions.—As used in this chapter, the term:

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

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

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

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

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

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

50       (7) "Relative" means an individual related by consanguinity  
51 within the third degree as determined by the common law, a  
52 spouse, or an individual related to a spouse within the third  
53 degree as determined by the common law, and includes an  
54 individual in an adoptive relationship within the third degree.

55       Section 2. Section 56.011, Florida Statutes, is amended to  
56 read:

57       56.011 Executions; capias ad satisfaciendum abolished. ~~In~~  
58 ~~no case shall~~ A capias ad satisfaciendum may not be issued upon  
59 a judgment, nor may ~~shall~~ the body of any person ~~defendant~~ be  
60 subject to arrest or confinement for the payment of money,  
61 except ~~it be~~ for fines imposed by lawful authority.

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62 Section 3. Section 56.021, Florida Statutes, is amended to  
63 read:

64 56.021 Executions; issuance and return, alias, etc.—When  
65 issued, an execution is valid and effective during the life of  
66 the judgment, order, or decree on which it is issued. When fully  
67 paid, the officer executing it shall make his or her return and  
68 file it in the court which issued the execution. If the  
69 execution is lost or destroyed, the party entitled thereto may  
70 have an alias, pluries or other copies on making proof of such  
71 loss or destruction by affidavit and filing it in the court  
72 issuing the execution.

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

75 56.041 Executions; collection and return.—

76 (1) All executions shall be returnable when satisfied, and  
77 the officers to whom they are delivered shall collect the  
78 amounts thereof as soon as possible and shall furnish the  
79 judgment debtor ~~defendant~~ with a satisfaction of judgment. All  
80 receipts shall be endorsed on the execution.

81 Section 5. Section 56.071, Florida Statutes, is amended to  
82 read:

83 56.071 Executions on equities of redemption; discovery of  
84 value.—On motion made by the person party causing a levy to be  
85 made on an equity of redemption, the court from which the  
86 execution issued shall order the mortgagor, mortgagee, and all  
87 other persons interested in the mortgaged property levied on to  
88 appear and be examined about the amount remaining due on the  
89 mortgage, the amount that has been paid, the person party to  
90 whom that amount has been paid, and the date when that amount

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91 was paid so that the value of the equity of redemption may be  
92 ascertained before the property is sold. The court may appoint a  
93 general or special magistrate to conduct the examination. This  
94 section shall also apply to the interest of and personal  
95 property in possession of a vendee under a retained title  
96 contract or conditional sales contract.

97 Section 6. Section 56.09, Florida Statutes, is amended to  
98 read:

99 56.09 Executions against corporate judgment debtors  
100 ~~corporations~~; generally.—On any judgment against a corporate  
101 judgment debtor, the judgment creditor ~~corporation~~ ~~plaintiff~~ may  
102 have an execution levied on the current money as well as on the  
103 goods and chattels, lands and tenements of the corporate  
104 judgment debtor ~~said corporation~~.

105 Section 7. Section 56.10, Florida Statutes, is amended to  
106 read:

107 56.10 Executions against corporate judgment debtors  
108 ~~corporations~~; receivership.—If an execution cannot be satisfied  
109 in whole or in part for lack of property of the corporate  
110 judgment debtor ~~defendant~~ ~~corporation~~ subject to levy and sale,  
111 on motion of the judgment creditor the circuit court in chancery  
112 within whose circuit such corporate judgment debtor ~~corporation~~  
113 is or has been doing business, or in which any of its effects  
114 are found, may sequester the property, things in action, goods  
115 and chattels of the corporate judgment debtor ~~corporation~~ for  
116 the purpose of enforcing the judgment, and may appoint a  
117 receiver for the corporate judgment debtor ~~corporation~~. A  
118 receiver so appointed is subject to the rules prescribed by law  
119 for receivers of the property of other judgment debtors. His or

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120 her power shall extend throughout the state.

121 Section 8. Section 56.12, Florida Statutes, is amended to  
122 read:

123 56.12 Executions; levy, forthcoming bond.—If a judgment  
124 debtor ~~defendant in execution~~ wants to retake possession of any  
125 property levied on, the judgment debtor ~~he or she~~ may do so by  
126 executing a bond with surety to be approved by the officer in  
127 favor of the judgment creditor ~~plaintiff~~ in a sum double the  
128 value of the property retaken as fixed by the officer holding  
129 the execution and conditioned that the property will be  
130 forthcoming on the day of sale stated in the bond.

131 Section 9. Section 56.15, Florida Statutes, is amended to  
132 read:

133 56.15 Executions; stay of illegal writs.—If any execution  
134 issues illegally, the judgment debtor ~~defendant in execution~~ may  
135 obtain a stay by making and delivering an affidavit to the  
136 officer having the execution, stating the illegality and whether  
137 any part of the execution is due, with a bond with surety  
138 payable to the judgment creditor ~~plaintiff~~ in double the amount  
139 of the execution or the part of which a stay is sought  
140 conditioned to pay the execution or part claimed to be illegal  
141 and any damages for delay if the affidavit is not well founded.  
142 On receipt of such affidavit and bond the officer shall stay  
143 proceedings on the execution and return the bond and affidavit  
144 to the court from which the execution issued. The court shall  
145 pass on the question of illegality as soon as possible. If the  
146 execution is adjudged illegal in any part, the court shall stay  
147 it as to the part but if it is adjudged legal in whole or in  
148 part, the court shall enter judgment against the principal and

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149 surety on such bond for the amount of so much of the execution  
150 as is adjudged to be legal and execution shall issue thereon.

151 Section 10. Section 56.16, Florida Statutes, is amended to  
152 read:

153 56.16 Executions; claims of third parties to property  
154 levied on.—If any person, including a person to whom a Notice to  
155 Appear has been issued pursuant to s. 56.29(2), other than the  
156 judgment debtor ~~defendant in execution~~ claims any property  
157 levied on, he or she may obtain possession of the property by  
158 filing with the officer having the execution an affidavit by the  
159 claimant, or the claimant's ~~himself or herself, his or her~~ agent  
160 or attorney, that the property claimed belongs to the claimant  
161 ~~him or her~~ and by furnishing the officer a bond with surety to  
162 be approved by the officer in favor of the judgment creditor  
163 ~~plaintiff~~ in double the value of the goods claimed as the value  
164 is fixed by the officer and conditioned to deliver said property  
165 on demand of said officer if it is adjudged to be the property  
166 of the judgment debtor ~~defendant in execution~~ and to pay the  
167 judgment creditor ~~plaintiff~~ all damages found against the  
168 claimant ~~him or her~~ if it appears that the claim was interposed  
169 for the purpose of delay.

170 Section 11. Section 56.18, Florida Statutes, is amended to  
171 read:

172 56.18 Executions; trial of claims of third persons.—As soon  
173 as possible after the return, or after service of a Notice to  
174 Appear pursuant to s. 56.29(2), a jury, if not waived, shall be  
175 impaneled to try the right of property. If the verdict is in  
176 favor of the judgment creditor ~~plaintiff~~ and it appears that the  
177 claim brought pursuant to s. 56.16 was interposed for delay, the

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178 judgment creditor ~~plaintiff~~ may be awarded reasonable damages,  
179 not exceeding 20 percent of the value of the property claimed.  
180 If the claimant denies in writing under oath filed at least 3  
181 days before the trial, the correctness of the appraisal of  
182 the value of the property by the officer levying the execution,  
183 and the verdict is in favor of the judgment creditor ~~plaintiff~~,  
184 the jury if not waived, shall fix the value of each item  
185 thereof, or of the items covered by such denial.

186 Section 12. Section 56.19, Florida Statutes, is amended to  
187 read:

188 56.19 Judgments upon claims of third persons.—Upon the  
189 verdict of the jury, the court shall enter judgment deciding the  
190 right of property, and if the verdict is for the judgment  
191 creditor ~~plaintiff~~, awarding a recovery by the judgment creditor  
192 ~~plaintiff~~ from the claimant ~~defendant~~ and the claimant's ~~his or~~  
193 ~~her~~ sureties, of the value (as fixed by the officer, or as fixed  
194 by the jury if fixed by it) of such parts of the property as the  
195 jury may have found subject to execution that were delivered to  
196 the claimant, and awarding separately such damages as ~~the jury~~  
197 may be ~~have~~ awarded under s. 56.18, and of all costs attending  
198 the presentation and trial of the claim.

199 Section 13. Section 56.20, Florida Statutes, is amended to  
200 read:

201 56.20 Executions on judgments against third person  
202 claimants.—If the execution issued on the judgment is not paid,  
203 it shall be satisfied in the usual manner unless on demand of  
204 the officer holding it, the principal and surety in the claim  
205 bond deliver the property released under the claim bond to the  
206 officer and pay him or her the damages and costs awarded to the

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

214 Section 14. Section 56.22, Florida Statutes, is amended to  
215 read:

216 56.22 Execution sales; ~~time, date, and place of sale.~~

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

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

235 Section 15. Section 56.26, Florida Statutes, is amended to

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236 read:

237       56.26 Executions; mandamus to force levy and sale.—When an  
238 officer holds an unsatisfied execution and refuses to levy on  
239 property liable thereunder and on which it is his or her duty to  
240 levy or having levied, refuses to advertise and sell the  
241 property levied on, the judgment creditor ~~plaintiff in execution~~  
242 is entitled to an alternative writ of mandamus requiring the  
243 officer to levy such execution or advertise and sell the  
244 property levied on, or both, as the case may be.

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

247       56.27 Executions; payment of money collected.—

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

262       (4) Before the date of the first publication or posting of  
263 the notice of sale provided for under s. 56.21, at the time of  
264 the levy request to the sheriff, the levying creditor shall

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265 deliver to the sheriff an affidavit setting forth all of the  
266 following as to the judgment debtor:

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

283 Section 17. Section 56.28, Florida Statutes, is amended to  
284 read:

285 56.28 Executions; failure of officer to pay over moneys  
286 collected.—If any officer collecting money under execution fails  
287 or refuses to pay it over within 30 days after it has been  
288 received by him or her, or within 10 days after demand by the  
289 levying creditor or the levying creditor's ~~plaintiff or his or~~  
290 ~~her~~ attorney of record made in writing and delivered during  
291 regular business hours to the civil process bureau, the officer  
292 is liable to pay the same and 20 percent damages, to be  
293 recovered by motion in court.

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294 Section 18. Section 56.29, Florida Statutes, is amended to  
295 read:

296 56.29 Proceedings supplementary.-

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

307 (2) The judgment creditor shall, in the motion described in  
308 subsection (1) or in a supplemental affidavit, describe any  
309 property of the judgment debtor not exempt from execution in the  
310 hands of any person or any property, debt, or other obligation  
311 due to the judgment debtor which may be applied toward the  
312 satisfaction of the judgment. Upon filing of the motion and  
313 affidavits that property of the judgment debtor, or any debt, or  
314 other obligation due to the judgment debtor in the custody or  
315 control of any other person may be applied to satisfy the  
316 judgment, then the court shall issue a Notice to Appear. The  
317 Notice to Appear shall direct such person to file an affidavit,  
318 as provided in s. 56.16, with the court by a date certain, which  
319 date shall not be less than 7 business days from the date of  
320 service of the Notice to Appear, stating why the property, debt,  
321 or other obligation should not be applied to satisfy the  
322 judgment. For good cause shown, the court may shorten the time

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323 for serving an affidavit. The Notice to Appear must describe  
324 with reasonable particularity the property, debt, or other  
325 obligation that may be available to satisfy the judgment, must  
326 provide such person with the opportunity to present defenses,  
327 and must indicate that discovery as provided under the rules of  
328 civil procedure is available and that there is a right to a jury  
329 trial as provided in s. 56.18. The Notice to Appear must be  
330 served as provided for in chapter 48. A responding affidavit  
331 must raise any fact or defense opposing application of the  
332 property described in the Notice to Appear to satisfy the  
333 judgment, including legal defenses, such as lack of personal  
334 jurisdiction. Legal defenses need not be filed under oath but  
335 must be served contemporaneously with the affidavit ~~On such~~  
336 ~~plaintiff's motion the court shall require the defendant in~~  
337 ~~execution to appear before it or a general or special magistrate~~  
338 ~~at a time and place specified by the order in the county of the~~  
339 ~~defendant's residence to be examined concerning his or her~~  
340 ~~property.~~

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

346 ~~(4) Testimony shall be under oath, shall be comprehensive~~  
347 ~~and cover all matters and things pertaining to the business and~~  
348 ~~financial interests of defendant which may tend to show what~~  
349 ~~property he or she has and its location. Any testimony tending~~  
350 ~~directly or indirectly to aid in satisfying the execution is~~  
351 ~~admissible. A corporation must attend and answer by an officer~~

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352 ~~who may be specified in the order. Examination of witnesses~~  
353 ~~shall be as at trial and any party may call other witnesses.~~

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

365 ~~(3)(6)~~(a) When, within 1 year before the service of process  
366 on the judgment debtor in the original proceeding or action ~~him~~  
367 ~~or her~~, the judgment debtor ~~defendant~~ has had title to, or paid  
368 the purchase price of, any personal property to which the  
369 judgment debtor's ~~defendant's~~ spouse, any relative, or any  
370 person on confidential terms with the judgment debtor ~~defendant~~  
371 claims title and right of possession ~~at the time of examination,~~  
372 the judgment debtor ~~defendant~~ has the burden of proof to  
373 establish that such transfer or gift ~~from him or her~~ was not  
374 made to delay, hinder, or defraud creditors.

375 (b) When any gift, transfer, assignment or other conveyance  
376 of personal property has been made or contrived by the judgment  
377 debtor to delay, hinder, or defraud creditors, the court shall  
378 order the gift, transfer, assignment or other conveyance to be  
379 void and direct the sheriff to take the property to satisfy the  
380 execution. This does not authorize seizure of property exempted

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381 from levy and sale under execution or property which has passed  
382 to a bona fide purchaser for value and without notice. Any  
383 person aggrieved by the levy or Notice to Appear may proceed  
384 under ss. 56.16-56.20.

385 (4)~~(7)~~ At any time the court may refer the proceeding to a  
386 general or special magistrate who may be directed to report  
387 findings of law or fact, or both. The general or special  
388 magistrate has all the powers thereof, including the power to  
389 issue subpoena, and shall be paid the fees provided by the court  
390 law.

391 (5)~~(8)~~ A party or a witness examined under these provisions  
392 is not excused from answering a question on the ground that the  
393 answer will tend to show him or her guilty of the commission of  
394 a fraud, or prove that he or she has been a party or privy to,  
395 or knowing of a conveyance, assignment, transfer, or other  
396 disposition of property for any purpose, or that the party or  
397 witness or another person claims to have title as against the  
398 judgment debtor ~~defendant~~ or to hold property derived from or  
399 through the judgment debtor ~~defendant~~, or to be discharged from  
400 the payment of a debt which was due to the judgment debtor  
401 ~~defendant~~ or to a person on ~~in his or her~~ behalf of the judgment  
402 debtor. An answer cannot be used as evidence against the person  
403 so answering in any criminal proceeding.

404 (6)~~(9)~~ The court may order any property of the judgment  
405 debtor, not exempt from execution, or any property, debt, or  
406 other obligation due to the judgment debtor, in the hands of or  
407 under the control of any person subject to the Notice to Appear,  
408 to be levied upon and applied toward the satisfaction of the  
409 judgment debt. The court may enter any orders, judgments, or

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410 writs required to carry out the purpose of this section,  
411 including those orders necessary or proper to subject property  
412 or property rights of any judgment debtor to execution, and  
413 including entry of money judgments as provided in ss. 56.16-  
414 56.19 against any person to whom a Notice to Appear has been  
415 directed and over whom the court obtained personal jurisdiction  
416 ~~impleaded defendant~~ irrespective of whether such person  
417 ~~defendant~~ has retained the property, subject to ~~ss. 56.18 and~~  
418 ~~56.19 and~~ applicable principles of equity, and in accordance  
419 with chapters 76 and 77 and all applicable rules of civil  
420 procedure. Sections 56.16-56.20 apply to any order issued under  
421 this subsection.

422 (7) ~~(10)~~ Any person failing to obey any order issued under  
423 this section by a judge or general or special magistrate or  
424 failing to attend in response to a subpoena served on him or her  
425 may be held in contempt.

426 (8) ~~(11)~~ Costs for proceedings supplementary shall be taxed  
427 against the judgment debtor ~~defendant~~ as well as all other  
428 incidental costs determined to be reasonable and just by the  
429 court including, but not limited to, docketing the execution,  
430 sheriff's service fees, and court reporter's fees. Reasonable  
431 attorney ~~attorney's~~ fees may be taxed against the judgment  
432 debtor ~~defendant~~.

433 (9) The court may entertain claims concerning the judgment  
434 debtor's assets brought under chapter 726 and enter any order or  
435 judgment, including a money judgment against any initial or  
436 subsequent transferee, in connection therewith, irrespective of  
437 whether the transferee has retained the property. Claims under  
438 chapter 726 brought under this section shall be initiated by a

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439 supplemental complaint and served as provided by the rules of  
440 civil procedure, and the claims under the supplemental complaint  
441 are subject to chapter 726 and the rules of civil procedure. The  
442 clerk of the court shall docket a supplemental proceeding under  
443 the same case number assigned to the original complaint filed by  
444 the judgment creditor or the case number assigned to a judgment  
445 domesticated pursuant to s. 55.01, shall assign a separate  
446 supplemental proceeding number, and shall assign such  
447 supplemental proceeding to the same division and judge assigned  
448 to the main case or domesticated judgment.

449 Section 19. Section 56.30, Florida Statutes, is created to  
450 read:

451 56.30 Discovery in proceedings supplementary.—

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

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

465 (3) Testimony shall be under oath, shall be comprehensive,  
466 and cover all matters and things pertaining to the business and  
467 financial interests of the judgment debtor which may tend to

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

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