

**Rule 7069-1. Execution.**

**(A) Authority.** Procedures in aid of execution of a judgment of this court may be conducted in the same proceeding in which the judgment was entered.

**(B) Registration of Judgment from Another District.** Judgments entered in another district may be registered in this district prior to or at the time a writ of execution or garnishment is sought by filing, with the clerk, a certified copy of the judgment (including any bill of costs entered), accompanied by the miscellaneous proceeding fee and the Local Form “Certification of Judgment for Registration in Another District” or a certified copy of an order allowing the judgment to be registered in this district.

**(C) Writ of Execution.** The party seeking the issuance of a writ of execution shall prepare the Local Form “Writ of Execution to the United States Marshal” for the clerk to issue. The writ shall be accompanied by a motion for writ and a certified copy of the judgment, including any bill of costs entered.

**(D) Writ of Garnishment.** Writs of garnishments shall be issued in accordance with Florida law.

- (1) Filing of Writ.** The party seeking issuance of a writ of garnishment shall file with the clerk a prepared writ accompanied by a certified copy of the judgment and any bill of costs entered, Local Form “Notice Pursuant to Florida Statute 77.041 to Defendant of Right Against Garnishment of Wages, Money and Other Property” with attached “Claim of Exemption and Request for Hearing” (with the caption of the case filled in on the form “Claim of Exemption and Request for Hearing”) and the deposit required pursuant to Florida Statute § 77.28. The writ shall advise the garnishee that the garnishor has deposited into the registry of the court the garnishee’s fee required by Florida law which shall be payable to the garnishee on demand. In addition to service of other garnishment papers, a copy of this rule shall be served on the defendant. If the writ is being sought pursuant to Florida Statute § 77.0305 (continuing writ of garnishment against salary or wages) or Florida Statute § 77.031 (issuance of writ before judgment), the filing of the writ must be accompanied by a motion and a proposed order.
- (2) Objection to Claim of Exemption.** An objection to a defendant’s “Claim of Exemption and Request for Hearing” shall be accompanied by a Local Form “Notice of Hearing” for processing and service in accordance with Local Rule 9073-1(A).
- (3) Dissolution of Writ by Clerk.** The clerk shall automatically dissolve the writ and notify the parties of the dissolution by mail upon failure of the plaintiff to timely contest the defendant’s claim of exemption.
- (4) Deadlines.** Absent further order of the court, the procedures and deadlines set forth in Florida Statute § 77.041 shall apply to writs of garnishments issued in this court.

- (5) **Disposition of Funds Deposited for Garnishee.** The funds deposited by the garnishor for the garnishee pursuant to Florida Statute 77.28 and subdivision (D)(1) of this Rule shall be maintained in the non interest bearing US Treasury Registry account of the court. Upon written demand by the garnishee, the court shall order the release of the funds in the name of the garnishee, or if specifically requested, the attorney for the garnishee. If the garnishee fails to make written demand for the funds within, if pre-judgment writ, 60 days after conclusion of the case (including all appeals), or, if post-judgment writ, 60 days after proceedings on the writ have concluded (including all appeals), the court may, sua sponte, order the funds returned to the depositor.

☞ 2004 Amendment: Amended to provide that funds deposited by garnishor for garnishee shall be deposited in non interest bearing account and provides for process for return of funds to depositor if not timely claimed by garnishee.

(E) **Satisfaction of Judgment.** Satisfactions of judgment shall be filed with the court promptly upon collection of the judgment.

(F) **Effect of Appeal.** The filing of a notice of appeal shall not stay issuance of a writ absent entry of an order granting stay of execution prior to the expiration of the time for appeal of the judgment.