

HOW TO COLLECT A JUDGMENT IN FLORIDA

*****NOTICE*****

This information is designed to help persons seeking to represent themselves in court without the assistance of an attorney. It is meant to serve as a guide only.

We do not guarantee that any of these instructions will achieve the result desired by the parties or ensure that any individual judge will follow the procedure exactly or accept each and every form drafted by the plaintiff.

Please note that Florida law prevents our staff from providing legal advice.

THE CLERK'S OFFICE DOES NOT PROVIDE ANY FORMS RELATED TO ANY OF THESE PROCEDURES AND THIS DOCUMENT IS FOR INFORMATIONAL PURPOSES ONLY.

How do I collect a judgment?

If you win a lawsuit for money, you will get a copy of the Court's Judgment stating the amount of money the losing party must pay to you. The losing party is called the *judgment debtor*, and you the winner are called the *judgment creditor*.

Judgment lien Against Real Property (F.S. Chapters 55 and 222)

The judgment creditor may obtain a judgment lien against real property (land and buildings) owned by the judgment debtor by having a certified copy of the judgment recorded in the official records of the county where the property is located. [F.S. 55.10](#)

- Record a **certified copy of the judgment** with the Recording Department (room 101) of the Bay County Courthouse. The recording fee is \$10 for the first page, \$8.50 for each additional.

Judgment liens on real property last for ten (10) years and may be recorded a second time for an additional ten (10) years one time, not to exceed twenty (20) years from the date of the initial judgment

Judgment Lien against Personal Property (F.S. Chapters 55 and 222)

The judgment creditor may obtain a judgment lien against personal property (movable things, like cars, horses, boats, furniture, and jewelry) owned by the judgment debtor by recording a Judgment Lien Certificate with the Florida Department of State. This is required before the Sheriff's Office can levy and such personal property.

A judgment lien may be acquired on a judgment debtor's interest in all personal property in this state subject to execution under [F.S. 56.061](#) other than fixtures, money, negotiable instruments and mortgages.

All of the judgment debtor's personal property located in Florida may be subject to such lien.

[F.S. 222](#) provides that certain property and wages of a judgment debtor may be exempt from forced sales and garnishment to pay a valid judgment.

- Information, instructions and forms are available from the Florida Department of State at www.sunbiz.org by selecting Forms, then Judgment Lien Forms, then Judgment Lien Information.

Sheriff's Levy (F.S. Chapters 30, 55, 56 and 222)

Once the judgment creditor has registered a judgment lien certificate against the judgment debtor's personal property with the Florida Department of State, he or she may request that the Sheriff's Office "levy" (or seize) said property.

- **Levy is a very technical and complicated procedure and as such, you may wish to consult with an attorney and thoroughly review F.S. 30, 55, 56 and 222.**
- The judgment creditor may apply for a Writ of Execution with the Clerk's Office
- Follow the procedure set out in F.S. 55.203 or access Sunbiz.org for information on how to collect a judgment.
- Contact the Bay County Sheriff's Office at 850-747-4700 and ask for the Civil Section for information and costs and required paperwork.

Garnishment of Wages, Money or Property (F.S. Chapters 77 and 223)

The judgment creditor may have the judgment debtor's property garnished. Garnishment involves the taking of tangible and/or intangible property of the judgment debtor that is in the possession of a third party and may include wages and bank accounts.

GARNISHMENT IS A VERY TECHNICAL AND COMPLICATED PROCEDURE, AND AS SUCH, YOU MAY WISH TO CONSULT WITH AN ATTORNEY AND THOROUGHLY REVIEW F.S. 77 AND 222 AND THE FLORIDA RULES OF PROCEDURE BEFORE PROCEEDING.

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Please keep in mind that any legal questions you have should be addressed to an attorney or you may contact Legal Services of Northwest Florida at 850-769-3581 for further assistance.