

RULE 67.1 | COURT REGISTRY AND WRITS OF GARNISHMENT

(a) Upon the issuance of any Order of Disbursement on the Court registry, the concerned party shall provide a copy of such Order to the Clerk of the Court's Financial Administrator or other designated deputy.

(b) In any case where an Order of Court directs the Clerk of the Court to handle a specific investment in a different manner than specified by Internal Operating Procedures, the interested party shall serve a copy of the Order upon the Clerk of the Court personally or a deputy clerk specifically designated in accordance with the wording of Federal Rule of Civil Procedure 67, to-wit:

"The party making the deposit shall serve the Order permitting deposit on the Clerk of this Court."

(c) A party applying for the issuance of a writ of garnishment shall pay the amount prescribed by applicable Florida law to the garnishee. The payment is for the attorneys' fees of the garnishee. Monies previously required to be deposited in the non-interest-bearing registry of the Court shall be disbursed as follows:

(1) The Clerk of the Court shall pay such deposit to the garnishee (or garnishee's counsel, if so requested) for the payment or partial payment of attorney's fees which the garnishee expends or agrees to expend in obtaining representation in response to the writ. Such payment shall be made upon the garnishee's demand, in writing, at any time after the service of the writ, unless otherwise directed by the Court.

(2) In cases of a pre-judgment writ of garnishment, if the garnishee fails to make written demand within sixty (60) days of the conclusion of the case, including all appeals, the Clerk of the Court shall return such deposit to the depositing party (or their counsel) without further order or request, unless otherwise directed by the Court.

(3) In cases of a post-judgment writ of attachment, if the garnishee fails to make written demand within sixty (60) days after post-judgment proceedings on the writ have concluded, including all appeals concerning the writ, the Clerk of the Court shall return such deposit



to the depositing party (or their counsel) without further order or request, unless otherwise directed by the Court.

(4) If garnishment cost deposit monies remain on deposit with the Clerk of the Court more than five (5) years after the conclusion of a case or post-judgment proceedings, including all appeals, and if the Clerk of the Court has made reasonable attempts to provide notice to the depositing party or to distribute those monies without success, those unclaimed monies shall be moved into the appropriate U.S. Treasury Unclaimed Funds account pursuant to Title 28, United States Code, Section 2042, without further order of Court. Any monies deposited with the U.S. Treasury under these provisions as unclaimed are available for immediate disbursement to any party by the Clerk of the Court upon application and further Court order.

Effective December 1, 1994. Amended effective April 15, 2002; April 15, 2007; April 15, 2010; December 1, 2011; December 1, 2014; December 1, 2015.

Authority

(1993) Former Local Rule 24. Renumbered per Model Rules project.

(2002) Federal Rule of Civil Procedure 69, Florida Statute Section 77.28, and Administrative Orders 90–104, 98–51 and 2001–69.

