

## RESTITUTION ORDER ENFORCEMENT INFORMATION SHEET

(Revised May, 2018)

If a defendant is ordered to pay restitution in a restitution order and the defendant does not make restitution payments, this restitution order may be enforced in the same manner as a civil judgment. If civil enforcement is necessary, the defendant may be liable for costs and attorney fees incurred by the enforcement of the order. More information on the collection of a judgment is available at <https://dos.myflorida.com/sunbiz/forms/judgment-lien/collect-judgment/>.

Some options for pursuing the enforcement of a restitution order as a civil judgment is as follows:

### **Step 1. Recording**

Record a certified copy of your restitution order by bringing or sending it to the Recording Department of the Alachua County Clerk's Office, 201 E University Ave, Gainesville, Florida 32601. The recording fee is \$10.00 for the first page and \$8.50 per additional page. Provide a self-addressed, stamped envelope so that the recorded order can be returned to you. Once recorded, a certified copy can be purchased for enforcement purposes.

### **Step 2. Writ of Execution**

If you are aware of any real property the defendant owns, you may wish to acquire a Writ of Execution from the Clerk's Office. A waiting period of 15 days from the entry date of the Restitution Order must pass before the clerk can issue the Writ of Execution. The Criminal Division is located in the Criminal Courthouse.

### **Step 3. Register with State**

After the writ of execution has been issued, you can register it with the Florida Department of State via the web at [www.sunbiz.org](http://www.sunbiz.org). Registering is **mandatory** if you are attempting to seize personal property. For real property registering is not mandatory but recommended. The Florida Department of State Division of Corporations at 850-245-6000 can provide more information.

### **Step 4. Levy**

If you are ready to levy on property you have determined is owned by the defendant, first contact the Sheriff's Office's Civil Bureau at (352) 384-3051 for procedures and fees for these services, before going in person. The Alachua County Sheriff's Office Civil Bureau is located at 12 SE 1st St, Room 148, Gainesville, Florida 32601. If the defendant owns property in another county in Florida, contact the civil bureau or civil process unit of the sheriff's office in that county. You will need (a) writ of execution, (b) instructions for levy, (c) creditor's affidavit and (d) cost deposit (\$1,000-1,500), (e) proof of ownership—for real property this is a copy of the deed, and (f) for personal property, only, a judgment lien certificate. The Civil Bureau can provide a Levy Packet Handout with forms.

**Upon full payment of** restitution, the attorney for the defendant may require the completion of a "Satisfaction of Judgment on Restitution Order" and to have it recorded to verify that the defendant has fulfilled his/her financial obligation. The recording fee can be included in the payments required for satisfying the restitution judgment.

### **Other Options**

There may be other enforcement options available. Some attorneys' offices specialize in collecting judgments and may be able to provide additional assistance in enforcing your restitution judgment.