

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Baxley offered the following:

2
3 **Substitute Amendment for Amendment (737999) (with title**
4 **amendment)**

5 Between lines 247 and 248, insert:

6 Section 17. Subsections (1) and (5), paragraph (b) of
7 subsection (6), and subsection (9) of section 56.29, Florida
8 Statutes, are amended to read:

9 56.29 Proceedings supplementary.—

10 (1) When any person or entity holds an unsatisfied
11 judgment or judgment lien obtained under chapter 55, the
12 judgment holder or judgment lienholder may file a motion and an
13 affidavit so stating, identifying, if applicable, the issuing
14 court, the case number, and the unsatisfied amount of the

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15 judgment or judgment lien, including accrued costs and interest,
16 and stating that the execution is valid and outstanding, and
17 thereupon the judgment holder or judgment lienholder is entitled
18 to these proceedings supplementary to execution.

19 (5) The court judge may order any property of the judgment
20 debtor, not exempt from execution, in the hands of any person,
21 or any property, debt, or other obligation due to the judgment
22 debtor, to be applied toward the satisfaction of the judgment
23 debt. The court may entertain claims concerning the judgment
24 debtor's assets brought under chapter 726 and enter any order or
25 judgment, including a money judgment against any initial or
26 subsequent transferee, in connection therewith, irrespective of
27 whether the transferee has retained the property. Claims under
28 chapter 726 are subject to the provisions of chapter 726 and
29 applicable rules of civil procedure.

30 (6)

31 (b) When any gift, transfer, assignment or other
32 conveyance of personal property has been made or contrived by
33 the judgment debtor defendant to delay, hinder or defraud
34 creditors, the court shall order the gift, transfer, assignment
35 or other conveyance to be void and direct the sheriff to take
36 the property to satisfy the execution. This does not authorize
37 seizure of property exempted from levy and sale under execution
38 or property which has passed to a bona fide purchaser for value
39 and without notice. Any person aggrieved by the levy may proceed
40 under ss. 56.16-56.20.

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41 (9) The court may enter any orders, judgments, or writs
 42 required to carry out the purpose of this section, including
 43 those orders necessary or proper to subject property or property
 44 rights of any judgment debtor defendant to execution, and
 45 including entry of money judgments against any impleaded
 46 defendant irrespective of whether such defendant has retained
 47 the property, subject to ss. 56.18 and 56.19 and applicable
 48 principles of equity, and in accordance with chapters 76 and 77
 49 and applicable rules of civil procedure.

50 Section 18. The amendments made by this act to s. 56.29,
 51 Florida Statutes, are remedial in nature, are intended to
 52 clarify existing law, and shall be applied retroactively to the
 53 full extent permitted by law.

54 Section 19. Paragraph (a) of subsection (7) of section
 55 726.109, Florida Statutes, is amended to read:

56 726.109 Defenses, liability, and protection of
 57 transferee.-

58 (7) (a) The transfer of a charitable contribution that is
 59 received in good faith by a qualified religious or charitable
 60 entity or organization is not a fraudulent transfer under s.
 61 726.105(1) (b) or s. 726.106(1).

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64 **T I T L E A M E N D M E N T**

65 Remove line 41 and insert:

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66 of the State Constitution; amending s. 56.29, F.S.;

67 authorizing the court to order any property, debt, or

68 other obligation due the judgment debtor to be applied

69 toward the satisfaction of the judgment debt;

70 authorizing the court to entertain specified claims

71 concerning the judgment debtor's assets and enter any

72 order or judgment, including a money judgment;

73 authorizing the court to enter a money judgment

74 against an impleaded defendant under certain

75 circumstances; providing applicability of specified

76 laws and procedures; providing for retroactivity;

77 amending s. 726.109, F.S.; providing that certain

78 transfers of charitable contributions to charitable or

79 religious organizations are exempt from s. 726.106(1),

80 F.S.; repealing s. 57.101, F.S.,

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