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LEGISLATIVE ACTION

Senate

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House

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Floor: 1/RS/3R

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04/25/2014 02:00 PM

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Senator Bradley moved the following:

Senate Amendment (with title amendment)

Between lines 244 and 245

insert:

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

56.29 Proceedings supplementary.-

(1) When any person or entity holds an unsatisfied judgment or judgment lien obtained under chapter 55, the judgment holder or judgment lienholder may file a motion and an affidavit so



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12 stating, identifying, if applicable, the issuing court, the case
13 number, and the unsatisfied amount of the judgment or judgment
14 lien, including accrued costs and interest, and stating that the
15 execution is valid and outstanding, and thereupon the judgment
16 holder or judgment lienholder is entitled to these proceedings
17 supplementary to execution.

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

29 (6)

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

40 (9) The court may enter any orders, judgments, or writs



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

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

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

55 726.109 Defenses, liability, and protection of transferee.-
56 (7) (a) The transfer of a charitable contribution that is
57 received in good faith by a qualified religious or charitable
58 entity or organization is not a fraudulent transfer under s.
59 726.105(1) (b) or s. 726.106(1).

60
61 ===== T I T L E A M E N D M E N T =====

62 And the title is amended as follows:

63 Delete line 41

64 and insert:

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

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

67 other obligation due the judgment debtor to be applied

68 toward the satisfaction of the judgment debt;

69 authorizing the court to entertain specified claims



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70 concerning the judgment debtor's assets and enter any
71 order or judgment, including a money judgment;
72 authorizing the court to enter a money judgment
73 against an impleaded defendant under certain
74 circumstances; providing applicability of specified
75 laws and procedures; providing for retroactivity;
76 amending s. 726.109, F.S.; providing that certain
77 transfers of charitable contributions to charitable or
78 religious organizations are exempt from s. 726.106(1),
79 F.S.; repealing s. 57.101, F.S.,