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LEGISLATIVE ACTION

Senate

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House

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04/25/2014 02:00 PM

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Senator Simmons moved the following:

1 **Senate Substitute for Amendment (254464) (with title**
2 **amendment)**

3
4 Between lines 244 and 245
5 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 judgment
11 or judgment lien obtained under chapter 55, the judgment holder



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12 or judgment lienholder may file a motion and an affidavit so
13 stating, identifying, if applicable, the issuing court, the case
14 number, and the unsatisfied amount of the judgment or judgment
15 lien, including accrued costs and interest, and stating that the
16 execution is valid and outstanding, and thereupon the judgment
17 holder or judgment lienholder is entitled to these proceedings
18 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 conveyance
32 of personal property has been made or contrived by the judgment
33 debtor defendant to delay, hinder or defraud creditors, the
34 court shall order the gift, transfer, assignment or other
35 conveyance to be void and direct the sheriff to take the
36 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.



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
55 ===== T I T L E A M E N D M E N T =====

56 And the title is amended as follows:

57 Delete line 41

58 and insert:

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

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

61 other obligation due the judgment debtor to be applied

62 toward the satisfaction of the judgment debt;

63 authorizing the court to entertain specified claims

64 concerning the judgment debtor's assets and enter any

65 order or judgment, including a money judgment;

66 authorizing the court to enter a money judgment

67 against an impleaded defendant under certain

68 circumstances; providing applicability of specified

69 laws and procedures; providing for retroactivity;



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repealing s. 57.101, F.S.,