

26 (12) ~~subsection (5)~~ and ss. 680.303 and 679.4071, and subject to
27 subsection (8), a term in an agreement between an account debtor
28 and an assignor or in a promissory note is ineffective to the
29 extent that it:

30 (a) Prohibits, restricts, or requires the consent of the
31 account debtor or person obligated on the promissory note to the
32 assignment or transfer of, or the creation, attachment,
33 perfection, or enforcement of a security interest in, the
34 account, chattel paper, payment intangible, or promissory note;
35 or

36 (b) Provides that the assignment or transfer or the
37 creation, attachment, perfection, or enforcement of the security
38 interest may give rise to a default, breach, right of
39 recoupment, claim, defense, termination, right of termination,
40 or remedy under the account, chattel paper, payment intangible,
41 or promissory note.

42 (6) Except as otherwise provided in subsection (12) and
43 ss. 680.303 and 679.4071, and subject to subsections (8) and
44 (9), a rule of law, statute, or regulation that prohibits,
45 restricts, or requires the consent of a government, governmental
46 body or official, or account debtor to the assignment or
47 transfer of, or creation of a security interest in, an account
48 or chattel paper is ineffective to the extent that the rule of
49 law, statute, or regulation:

50 (a) Prohibits, restricts, or requires the consent of the

51 government, governmental body or official, or account debtor to
52 the assignment or transfer of, or the creation, attachment,
53 perfection, or enforcement of a security interest in the account
54 or chattel paper; or

55 (b) Provides that the assignment or transfer or the
56 creation, attachment, perfection, or enforcement of the security
57 interest may give rise to a default, breach, right of
58 recoupment, claim, defense, termination, right of termination,
59 or remedy under the account or chattel paper.

60 (12) Subsections (4), (6), and (11) do not apply to a
61 security interest in an ownership interest in a general
62 partnership, a limited partnership, or a limited liability
63 company.

64 Section 2. Subsections (1) and (3) of section 679.4081,
65 Florida Statutes, are amended, and subsection (8) is added to
66 that section, to read:

67 679.4081 Restrictions on assignment of promissory notes,
68 health-care-insurance receivables, and certain general
69 intangibles ineffective.—

70 (1) Except as otherwise provided in subsections (2) and
71 (8) ~~subsection (2)~~, a term in a promissory note or in an
72 agreement between an account debtor and a debtor which relates
73 to a health-care-insurance receivable or a general intangible,
74 including a contract, permit, license, or franchise, and which
75 term prohibits, restricts, or requires the consent of the person

76 | obligated on the promissory note or the account debtor to, the
 77 | assignment or transfer of, or creation, attachment, or
 78 | perfection of a security interest in, the promissory note,
 79 | health-care-insurance receivable, or general intangible, is
 80 | ineffective to the extent that the term:

81 | (a) Would impair the creation, attachment, or perfection
 82 | of a security interest; or

83 | (b) Provides that the assignment or transfer or the
 84 | creation, attachment, or perfection of the security interest may
 85 | give rise to a default, breach, right of recoupment, claim,
 86 | defense, termination, right of termination, or remedy under the
 87 | promissory note, health-care-insurance receivable, or general
 88 | intangible.

89 | (3) Except as otherwise provided in subsection (8), a rule
 90 | of law, statute, or regulation that prohibits, restricts, or
 91 | requires the consent of a government, governmental body or
 92 | official, person obligated on a promissory note, or account
 93 | debtor to the assignment or transfer of, or creation of a
 94 | security interest in, a promissory note, health-care-insurance
 95 | receivable, or general intangible, including a contract, permit,
 96 | license, or franchise between an account debtor and a debtor, is
 97 | ineffective to the extent that the rule of law, statute, or
 98 | regulation:

99 | (a) Would impair the creation, attachment, or perfection
 100 | of a security interest; or

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101 (b) Provides that the assignment or transfer or the
102 creation, attachment, or perfection of the security interest may
103 give rise to a default, breach, right of recoupment, claim,
104 defense, termination, right of termination, or remedy under the
105 promissory note, health-care-insurance receivable, or general
106 intangible.

107 (8) This section does not apply to a security interest in
108 an ownership interest in a general partnership, a limited
109 partnership, or a limited liability company.

110 Section 3. This act shall take effect January 1, 2023.