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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/20/2023	.	
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The Committee on Rules (Rouson) recommended the following:

Senate Amendment (with directory and title amendments)

Delete lines 98 - 170

and insert:

(3) Except as otherwise provided in s. 55.208, the priority of a judgment lien acquired in accordance with this section or s. 55.204(3) is established at the date and time the judgment lien certificate is filed. The priority of conflicting rights between a judgment lienholder under this section and a secured party as defined in s. 679.1021(1) must be determined as provided under chapter 679.



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12 (5) Liens, assessments, warrants, or judgments filed
13 pursuant to paragraph (2)(c) ~~(2)(b)~~ may be filed directly into
14 the central database by the Department of Revenue, or its
15 designee as determined by its executive director, through
16 electronic or information data exchange programs approved by the
17 Department of State. Such filings must contain the information
18 set forth in s. 55.203(1).

19 Section 3. Subsection (1) of section 55.205, Florida
20 Statutes, is amended, and subsections (5), (6), and (7) are
21 added to that section, to read:

22 55.205 Effect of judgment lien.—

23 (1) A judgment creditor who has not acquired a judgment
24 lien as provided in s. 55.202 or whose lien has lapsed may
25 nevertheless proceed against the judgment debtor's property
26 through any appropriate judicial process, subject to the
27 priority of conflicting rights under chapter 679 of a secured
28 party as defined in s. 679.1021(1). Such judgment creditor
29 proceeding by writ of execution acquires a lien as of the time
30 of levy and only on the property levied upon. ~~Except as provided~~
31 ~~in s. 55.208, such judgment creditor takes subject to the claims~~
32 ~~and interest of priority judgment creditors.~~

33 (5)(a) If the judgment debtor's personal property, to the
34 extent not exempt from execution, includes a motor vehicle or a
35 vessel for which a Florida certificate of title has been issued,
36 a judgment lien acquired under this section on such property not
37 yet noted on the certificate of title is valid and enforceable
38 against the judgment debtor. However, enforceability under this
39 chapter of such judgment lien against creditors or subsequent
40 purchasers is determined as provided under s. 319.27(2) or s.



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41 328.14 or chapter 679, as applicable.

42 (b) A judgment lienholder may obtain an order instructing
43 the Department of Highway Safety and Motor Vehicles to note the
44 lien on the certificate of title through a court of competent
45 jurisdiction conducting proceedings supplementary to execution
46 under s. 56.29(6) (b) .

47 (6) A judgment lien acquired under s. 55.202 may be
48 enforced only through judicial process, including attachment
49 under chapter 76; execution under chapter 56; garnishment under
50 chapter 77; a charging order under s. 605.0503, s. 620.1703, or
51 s. 620.8504; or proceedings supplementary to execution under s.
52 56.29. A holder of a judgment lien acquired under s. 55.202, who
53 is not enforcing separate lien rights in a judgment debtor's
54 property, may not enforce his or her rights under this section
55 through self-help repossession or replevin without a court order
56 or without the express consent of the judgment debtor contained
57 in a record authenticated in accordance with s. 668.50 or s.
58 679.1021(1)(g) after the judgment lien attaches.

59 (7) Notwithstanding the attachment of a judgment lien
60 acquired under s. 55.202 to payment intangibles or accounts and
61 the proceeds thereof, the account debtor may, absent receipt of
62 notice under s. 679.607(1)(a) from a secured party, discharge
63 the account debtor's obligation to pay payment intangibles or
64 accounts or the proceeds thereof by paying the judgment debtor
65 until, but not after, the account debtor is served by process
66 with a complaint or petition by the judgment creditor seeking
67 judicial relief with respect to the payment intangibles or
68 accounts. Thereafter, the account debtor may discharge the
69 account debtor's obligation to pay payment intangibles or



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70 accounts or the proceeds thereof under this section only in
71 accordance with a settlement agreement, final order, or judgment
72 issued in such judicial process which complies with this
73 section.

74 Section 4. Section 55.208, Florida Statutes, is amended to
75 read:

76 55.208 Effect of prior liens on payment intangibles and
77 accounts; effect of filed judgment lien on writs of execution
78 previously delivered to a sheriff.—

79 (1) A judgment lien under s. 55.202 existing before October
80 1, 2023, becomes enforceable and perfected as of October 1,
81 2023, as to payment intangibles and accounts and the proceeds
82 thereof of a judgment debtor under s. 55.202(2). Any security
83 interest or lien on payment intangibles or accounts and the
84 proceeds thereof of a judgment debtor which is enforceable and
85 perfected before October 1, 2023, continues to have the same
86 rights and priority as existed before October 1, 2023, and may
87 not take priority over payment intangibles or accounts by a

88
89 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

90 And the directory clause is amended as follows:

91 Delete line 49

92 and insert:

93 Section 2. Subsections (2), (3), and (5) of section 55.202,

94
95 ===== T I T L E A M E N D M E N T =====

96 And the title is amended as follows:

97 Delete line 6

98 and insert:



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99 construction; requiring that priority of conflicting
100 rights be determined in a specified manner; amending
101 s. 55.205, F.S.; providing that certain judgment
102 creditors are subject to specified priority of
103 conflicting rights of a secured party; deleting a