

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>      </u>	

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee  
 2 Representative Benjamin offered the following:

**Amendment (with directory and title amendments)**

Between lines 20 and 21, insert:

6 (2) A judgment lien may be acquired on a judgment debtor's  
 7 interest in all personal property in this state subject to  
 8 execution under s. 56.061 and in all,~~including~~ payment  
 9 intangibles and accounts of a judgment debtor whose location is  
 10 in this state as established by s. 679.3071, ~~as those terms are~~  
 11 ~~defined in s. 679.1021(1),~~ and the proceeds thereof, but  
 12 excluding fixtures, money, negotiable instruments, and  
 13 mortgages. As used in this subsection, the terms "payment  
 14 intangibles," "account," and "proceeds" have the same meaning as  
 15 in s. 679.1021(1).

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16 (a) For payment intangibles and accounts and the proceeds  
17 thereof:

18 1. The rights of a judgment lienholder under this section  
19 are subject to the rights under chapter 679 of a secured party,  
20 as defined in s. 679.1021(1), who has a prior filed financing  
21 statement encumbering such payment intangibles or accounts and  
22 the proceeds thereof.

23 2. This section does not affect the obligation under s.  
24 679.607(1) of an account debtor, as defined in s. 679.1021(1),  
25 except as the rights and obligations under this paragraph are  
26 otherwise adjudicated under applicable law in a legal proceeding  
27 to which the secured party and account debtor are joined as  
28 parties.

29 (b) A judgment lien is acquired by filing a judgment lien  
30 certificate in accordance with s. 55.203 with the Department of  
31 State after the judgment has become final and if the time to  
32 move for rehearing has lapsed, no motion for rehearing is  
33 pending, and no stay of the judgment or its enforcement is then  
34 in effect. A court may authorize, for cause shown, the filing of  
35 a judgment lien certificate before a judgment has become final  
36 when the court has authorized the issuance of a writ of  
37 execution in the same matter. A judgment lien certificate not  
38 filed in compliance with this subsection is permanently void and  
39 of no effect but does not preclude the filing of a judgment lien  
40 certificate that is in compliance with this subsection.

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41 (c) For any lien, warrant, assessment, or judgment  
42 collected by the Department of Revenue, a judgment lien may be  
43 acquired by filing the judgment lien certificate information or  
44 warrant with the Department of State in accordance with  
45 subsection (5).

46 (d) Except as provided in s. 55.208, the effective date of  
47 a judgment lien is the date, including the time of day, of  
48 filing. Although no lien attaches to property, and a creditor  
49 does not become a lien creditor as to liens under chapter 679,  
50 until the debtor acquires an interest in the property, priority  
51 among competing judgment liens is determined in order of filing  
52 date and time.

53 (e) Except as provided in s. 55.204(3), a judgment  
54 creditor may file only one effective judgment lien certificate  
55 based upon a particular judgment.

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58 **D I R E C T O R Y A M E N D M E N T**

59 Remove lines 17-18 and insert:

60 Section 1. Subsections (2) and (3) of section 55.202,  
61 Florida Statutes, are amended to read:

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

65 Remove line 3 and insert:

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66 F.S.; authorizing a judgment lien to attach to specified  
67 personal property and all payment intangibles and accounts of a  
68 judgment debtor located in this state; providing definitions;  
69 specifying that the filing of a noncompliant judgment lien  
70 certificate does not preclude the subsequent filing of a  
71 compliant judgment lien certificate; specifying the provisions  
72 to be used in