

1 A bill to be entitled
 2 An act relating to judgment liens; amending s. 55.202,
 3 F.S.; specifying the provisions to be used in
 4 resolving the priority of conflicting rights between a
 5 judgment lienholder and a secured party; amending s.
 6 55.205, F.S.; specifying that the rights of certain
 7 judgment debtors to proceed against the judgment
 8 debtor's property are subject to certain provisions;
 9 providing that an account debtor may discharge certain
 10 obligations through a settlement agreement; amending
 11 s. 55.208, F.S.; revising provisions concerning the
 12 priority of certain judgment liens; providing an
 13 effective date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

16
 17 Section 1. Subsection (3) of section 55.202, Florida
 18 Statutes, is amended to read:

19 55.202 Judgments, orders, and decrees; lien on personal
 20 property.—

21 (3) Except as otherwise provided in s. 55.208, the
 22 priority of a judgment lien acquired in accordance with this
 23 section or s. 55.204(3) is established at the date and time the
 24 judgment lien certificate is filed. The priority of conflicting
 25 rights between a judgment lienholder under this section and a

26 | secured party, as defined in s. 679.1021(1)(ttt), must be
 27 | determined as provided under chapter 679.

28 | Section 2. Subsection (1), paragraph (a) of subsection
 29 | (5), and subsection (7) of section 55.205, Florida Statutes, are
 30 | amended to read:

31 | 55.205 Effect of judgment lien.—

32 | (1) A judgment creditor who has not acquired a judgment
 33 | lien as provided in s. 55.202 or whose lien has lapsed may
 34 | nevertheless proceed against the judgment debtor's property
 35 | through any appropriate judicial process, subject to the
 36 | priority of conflicting rights under chapter 679 of a secured
 37 | party, as defined in s. 679.1021(1)(ttt). Such judgment creditor
 38 | proceeding by writ of execution acquires a lien as of the time
 39 | of levy and only on the property levied upon.

40 | (5)(a) If the judgment debtor's personal property, to the
 41 | extent not exempt from execution, includes a motor vehicle or a
 42 | vessel for which a Florida certificate of title has been issued,
 43 | a judgment lien acquired under this section on such property not
 44 | yet noted on the certificate of title is valid and enforceable
 45 | against the judgment debtor. However, enforceability under this
 46 | chapter of such judgment lien against creditors or subsequent
 47 | purchasers is determined as provided under s. 319.27(2), ~~or~~ s.
 48 | 328.14, or chapter 679, as applicable.

49 | (7) Notwithstanding the attachment of a judgment lien
 50 | acquired under s. 55.202 to payment intangibles or accounts and

51 | the proceeds thereof, the account debtor may, absent receipt of
52 | notice under s. 679.607(1)(a) from a secured party, discharge
53 | the account debtor's obligation to pay payment intangibles or
54 | accounts or the proceeds thereof by paying the judgment debtor
55 | until, but not after, the account debtor is served by process
56 | with a complaint or petition by the judgment creditor seeking
57 | judicial relief with respect to the payment intangibles or
58 | accounts. Thereafter, the account debtor may discharge the
59 | account debtor's obligation to pay payment intangibles or
60 | accounts or the proceeds thereof under this section only in
61 | accordance with a settlement agreement, final order, or judgment
62 | issued in such judicial process that complies with this section.

63 | Section 3. Subsection (1) of section 55.208, Florida
64 | Statutes, is amended to read:

65 | 55.208 Effect of prior liens on payment intangibles and
66 | accounts; effect of filed judgment lien on writs of execution
67 | previously delivered to a sheriff.—

68 | (1) A judgment lien under s. 55.202 existing before
69 | October 1, 2023, becomes enforceable and perfected as of October
70 | 1, 2023, as to payment intangibles and accounts and the proceeds
71 | thereof of a judgment debtor under s. 55.202(2). Any security
72 | interest or lien on payment intangibles or accounts and the
73 | proceeds thereof of a judgment debtor which is enforceable and
74 | perfected before October 1, 2023, continues to have the same
75 | rights and priority as existed before October 1, 2023, and may

HB 175

2024

76 | not take priority over ~~be primed as to~~ payment intangibles or
77 | accounts by a judgment lien certificate filed before October 1,
78 | 2023.

79 | Section 4. This act shall take effect upon becoming a law.