

26 | property.—

27 | (2) A judgment lien may be acquired on a judgment debtor's
 28 | interest in all personal property in this state subject to
 29 | execution under s. 56.061 and in all,~~including~~ payment
 30 | intangibles and accounts of a judgment debtor whose location is
 31 | in this state as established by s. 679.3071, ~~as those terms are~~
 32 | ~~defined in s. 679.1021(1),~~ and the proceeds thereof, but
 33 | excluding fixtures, money, negotiable instruments, and
 34 | mortgages. As used in this subsection, the terms "account,"
 35 | "payment intangible," and "proceeds" have the same meanings as
 36 | in s. 679.1021(1).

37 | (a) For payment intangibles and accounts and the proceeds
 38 | thereof:

39 | 1. The rights of a judgment lienholder under this section
 40 | are subject to the rights under chapter 679 of a secured party,
 41 | as defined in s. 679.1021(1), who has a prior filed financing
 42 | statement encumbering such payment intangibles or accounts and
 43 | the proceeds thereof.

44 | 2. This section does not affect the obligation under s.
 45 | 679.607(1) of an account debtor, as defined in s. 679.1021(1),
 46 | except as the rights and obligations under this paragraph are
 47 | otherwise adjudicated under applicable law in a legal proceeding
 48 | to which the secured party and account debtor are joined as
 49 | parties.

50 | (b) A judgment lien is acquired by filing a judgment lien

51 certificate in accordance with s. 55.203 with the Department of
52 State after the judgment has become final and if the time to
53 move for rehearing has lapsed, no motion for rehearing is
54 pending, and no stay of the judgment or its enforcement is then
55 in effect. A court may authorize, for cause shown, the filing of
56 a judgment lien certificate before a judgment has become final
57 when the court has authorized the issuance of a writ of
58 execution in the same matter. A judgment lien certificate not
59 filed in compliance with this subsection is permanently void and
60 of no effect but does not preclude the filing of a judgment lien
61 certificate that complies with this subsection.

62 (c) For any lien, warrant, assessment, or judgment
63 collected by the Department of Revenue, a judgment lien may be
64 acquired by filing the judgment lien certificate information or
65 warrant with the Department of State in accordance with
66 subsection (5).

67 (d) Except as provided in s. 55.208, the effective date of
68 a judgment lien is the date, including the time of day, of
69 filing. Although no lien attaches to property, and a creditor
70 does not become a lien creditor as to liens under chapter 679,
71 until the debtor acquires an interest in the property, priority
72 among competing judgment liens is determined in order of filing
73 date and time.

74 (e) Except as provided in s. 55.204(3), a judgment
75 creditor may file only one effective judgment lien certificate

76 based upon a particular judgment.

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

84 Section 2. Subsection (1), paragraph (a) of subsection
85 (5), and subsection (7) of section 55.205, Florida Statutes, are
86 amended to read:

87 55.205 Effect of judgment lien.—

88 (1) A judgment creditor who has not acquired a judgment
89 lien as provided in s. 55.202 or whose lien has lapsed may
90 nevertheless proceed against the judgment debtor's property
91 through any appropriate judicial process, subject to the
92 priority of conflicting rights under chapter 679 of a secured
93 party, as defined in s. 679.1021(1)(ttt). Such judgment creditor
94 proceeding by writ of execution acquires a lien as of the time
95 of levy and only on the property levied upon.

96 (5)(a) If the judgment debtor's personal property, to the
97 extent not exempt from execution, includes a motor vehicle or a
98 vessel for which a Florida certificate of title has been issued,
99 a judgment lien acquired under this section on such property not
100 yet noted on the certificate of title is valid and enforceable

101 against the judgment debtor. However, enforceability under this
 102 chapter of such judgment lien against creditors or subsequent
 103 purchasers is determined as provided under s. 319.27(2), ~~or~~ s.
 104 328.14, or chapter 679, as applicable.

105 (7) Notwithstanding the attachment of a judgment lien
 106 acquired under s. 55.202 to payment intangibles or accounts and
 107 the proceeds thereof, the account debtor may, absent receipt of
 108 notice under s. 679.607(1)(a) from a secured party, discharge
 109 the account debtor's obligation to pay payment intangibles or
 110 accounts or the proceeds thereof by paying the judgment debtor
 111 until, but not after, the account debtor is served by process
 112 with a complaint or petition by the judgment creditor seeking
 113 judicial relief with respect to the payment intangibles or
 114 accounts. Thereafter, the account debtor may discharge the
 115 account debtor's obligation to pay payment intangibles or
 116 accounts or the proceeds thereof under this section only in
 117 accordance with a settlement agreement, final order, or judgment
 118 issued in such judicial process that complies with this section.

119 Section 3. Subsection (1) of section 55.208, Florida
 120 Statutes, is amended to read:

121 55.208 Effect of prior liens on payment intangibles and
 122 accounts; effect of filed judgment lien on writs of execution
 123 previously delivered to a sheriff.—

124 (1) A judgment lien under s. 55.202 existing before
 125 October 1, 2023, becomes enforceable and perfected as of October

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126 | 1, 2023, as to payment intangibles and accounts and the proceeds
127 | thereof of a judgment debtor under s. 55.202(2). Any security
128 | interest or lien on payment intangibles or accounts and the
129 | proceeds thereof of a judgment debtor which is enforceable and
130 | perfected before October 1, 2023, continues to have the same
131 | rights and priority as existed before October 1, 2023, and may
132 | not take priority over ~~be primed as to~~ payment intangibles or
133 | accounts by a judgment lien certificate filed before October 1,
134 | 2023.

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