

By Senator Rouson

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1 A bill to be entitled
2 An act relating to judgment liens; amending s. 55.202,
3 F.S.; authorizing a judgment lien to be acquired on
4 specified personal property and in all payment
5 intangibles and accounts of a judgment debtor whose
6 location is in this state; defining terms; providing
7 that the filing of a noncompliant judgment lien
8 certificate does not preclude the filing of a new
9 certificate that complies with specified requirements;
10 specifying the provisions that must be used to
11 determine the priority of conflicting rights between a
12 judgment lienholder and a secured party; amending s.
13 55.205, F.S.; specifying that the rights of certain
14 judgment creditors to proceed against a judgment
15 debtor's property are subject to certain provisions;
16 providing that an account debtor may discharge certain
17 obligations through a settlement agreement; amending
18 s. 55.208, F.S.; prohibiting security interests and
19 liens on payment intangibles or accounts and the
20 proceeds thereof from taking priority over payment
21 intangibles or accounts by a judgment lien certificate
22 filed before a specified date; providing an effective
23 date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Subsections (2) and (3) of section 55.202,
28 Florida Statutes, are amended to read:
29 55.202 Judgments, orders, and decrees; lien on personal

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30 property.—

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

41 (a) For payment intangibles and accounts and the proceeds
42 thereof:

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

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

54 (b) A judgment lien is acquired by filing a judgment lien
55 certificate in accordance with s. 55.203 with the Department of
56 State after the judgment has become final and if the time to
57 move for rehearing has lapsed, no motion for rehearing is
58 pending, and no stay of the judgment or its enforcement is then

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59 in effect. A court may authorize, for cause shown, the filing of
60 a judgment lien certificate before a judgment has become final
61 when the court has authorized the issuance of a writ of
62 execution in the same matter. A judgment lien certificate not
63 filed in compliance with this subsection is permanently void and
64 of no effect but does not preclude the filing of a judgment lien
65 certificate that is in compliance with this subsection.

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

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

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

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

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

91 55.205 Effect of judgment lien.—

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

100 (5) (a) If the judgment debtor's personal property, to the
101 extent not exempt from execution, includes a motor vehicle or a
102 vessel for which a Florida certificate of title has been issued,
103 a judgment lien acquired under this section on such property not
104 yet noted on the certificate of title is valid and enforceable
105 against the judgment debtor. However, enforceability under this
106 chapter of such judgment lien against creditors or subsequent
107 purchasers is determined as provided under s. 319.27(2), ~~or~~ s.
108 328.14, or chapter 679, as applicable.

109 (7) Notwithstanding the attachment of a judgment lien
110 acquired under s. 55.202 to payment intangibles or accounts and
111 the proceeds thereof, the account debtor may, absent receipt of
112 notice under s. 679.607(1)(a) from a secured party, discharge
113 the account debtor's obligation to pay payment intangibles or
114 accounts or the proceeds thereof by paying the judgment debtor
115 until, but not after, the account debtor is served by process
116 with a complaint or petition by the judgment creditor seeking

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117 judicial relief with respect to the payment intangibles or
118 accounts. Thereafter, the account debtor may discharge the
119 account debtor's obligation to pay payment intangibles or
120 accounts or the proceeds thereof under this section only in
121 accordance with a settlement agreement, final order, or judgment
122 issued in such judicial process that complies with this section.

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

125 55.208 Effect of prior liens on payment intangibles and
126 accounts; effect of filed judgment lien on writs of execution
127 previously delivered to a sheriff.—

128 (1) A judgment lien under s. 55.202 existing before October
129 1, 2023, becomes enforceable and perfected as of October 1,
130 2023, as to payment intangibles and accounts and the proceeds
131 thereof of a judgment debtor under s. 55.202(2). Any security
132 interest or lien on payment intangibles or accounts and the
133 proceeds thereof of a judgment debtor which is enforceable and
134 perfected before October 1, 2023, continues to have the same
135 rights and priority as existed before October 1, 2023, and may
136 not take priority over ~~be primed as to~~ payment intangibles or
137 accounts by a judgment lien certificate filed before October 1,
138 2023.

139 Section 4. This act shall take effect July 1, 2024.