

1                                   A bill to be entitled  
 2           An act relating to postjudgment execution proceedings  
 3           relating to terrorism; amending s. 772.13, F.S.;  
 4           providing additional requirements for postjudgment  
 5           execution proceedings to enforce judgments entered  
 6           against terrorist parties under specified provisions;  
 7           providing retroactive application of specified  
 8           provisions; providing an effective date.

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 10 Be It Enacted by the Legislature of the State of Florida:

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 12           **Section 1. Subsection (6) of section 772.13, Florida**  
 13 **Statutes, is amended to read:**

14           772.13 Civil remedy for terrorism or facilitating or  
 15 furthering terrorism.—

16           (6) (a) In any postjudgment execution proceedings to  
 17 enforce a judgment entered against a terrorist party under this  
 18 section or under 18 U.S.C. s. 2333 or a substantially similar  
 19 law of the United States or of any state or territory of the  
 20 United States, including postjudgment execution proceedings  
 21 against any agency or instrumentality of the terrorist party not  
 22 named in the judgment pursuant to s. 201(a) of the Terrorism  
 23 Risk Insurance Act, 28 U.S.C. s. 1610:

24           1. There is no right to a jury trial under s. 56.18 or s.  
 25 77.08; ~~and~~

26           2. A defendant or a person may not use the resources of  
27 the courts of this state in furtherance of a defense or an  
28 objection to postjudgment collection proceedings if the  
29 defendant or person purposely leaves the jurisdiction of this  
30 state or the United States, declines to enter or reenter this  
31 state or the United States to submit to its jurisdiction, or  
32 otherwise evades the jurisdiction of the court in which a  
33 criminal case is pending against the defendant or person. This  
34 subparagraph applies to any entity that is owned or controlled  
35 by a person to whom this paragraph applies;

36           3. Creditor process issued under chapter 56 or chapter 77  
37 may be served upon any person or entity over whom the court has  
38 personal jurisdiction. Writs of garnishment issued under s.  
39 77.01 and proceedings supplementary under s. 56.29 apply to  
40 intangible assets wherever located, without territorial  
41 limitation, including bank accounts as defined in s.  
42 674.104(1)(a), financial assets as defined in s. 678.1021(1), or  
43 other intangible property as defined in s. 717.101. The situs of  
44 any intangible assets held or maintained by or in the  
45 possession, custody, or control of a person or entity so served  
46 shall be deemed to be in this state for the purposes of a  
47 proceeding under chapter 56 or chapter 77. Service of a writ or  
48 notice to appear under this section shall provide the court with  
49 in rem jurisdiction over any intangible assets regardless of the  
50 location of the assets;

51 4. Notwithstanding s. 678.1121, the interest of a debtor  
52 in a financial asset or security entitlement may be reached by a  
53 creditor by legal process upon the securities intermediary with  
54 whom the debtor's securities account is maintained, or, if that  
55 is a foreign entity, legal process under chapter 56 or chapter  
56 77 may be served upon the United States securities custodian or  
57 intermediary that has reported holding, maintaining, possessing,  
58 or controlling the blocked financial assets or security  
59 entitlements to the Office of Foreign Assets Control of the  
60 United States Department of the Treasury, and such financial  
61 assets or security entitlements shall be subject to execution,  
62 garnishment, and turnover by the United States securities  
63 custodian or intermediary; and

64 5. Notwithstanding s. 670.502(4), when an electronic funds  
65 transfer is not completed within 5 banking days and is canceled  
66 pursuant to s. 670.211(4) because a United States intermediary  
67 financial institution has blocked the transaction in compliance  
68 with a United States sanctions program, and a terrorist party or  
69 any agency or instrumentality thereof was either the originator  
70 or the intended beneficiary, then the blocked funds shall be  
71 deemed owned by the terrorist party or its agency or  
72 instrumentality and shall be subject to execution and  
73 garnishment.

74 (b) Paragraph (a) applies to any postjudgment execution  
75 proceedings, including creditor process under chapter 56 or

76 | chapter 77 served, judgment collectible under state law and to  
77 | any civil action pending, or filed before, on, or after the  
78 | effective date of this act ~~June 20, 2023.~~

79 |       **Section 2.** This act shall take effect upon becoming a law.