

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Baxley offered the following:

2
3 **Amendment (with title amendment)**

4 Between lines 247 and 248, insert:

5 Section 17. Subsections (1) and (5), paragraph (b) of
6 subsection (6), and subsection (9) of section 56.29, Florida
7 Statutes, are amended to read:

8 56.29 Proceedings supplementary.—

9 (1) When any person or entity holds an unsatisfied
10 judgment or judgment lien obtained under chapter 55, the
11 judgment holder or judgment lienholder may file a motion and an
12 affidavit so stating, identifying, if applicable, the issuing
13 court, the case number, and the unsatisfied amount of the
14 judgment or judgment lien, including accrued costs and interest,

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15 and stating that the execution is valid and outstanding, and
16 thereupon the judgment holder or judgment lienholder is entitled
17 to these proceedings supplementary to execution.

18 (5) The court judge may order any property of the judgment
19 debtor, not exempt from execution, in the hands of any person,
20 or any property, debt, or other obligation due to the judgment
21 debtor, to be applied toward the satisfaction of the judgment
22 debt. The court may entertain claims concerning the judgment
23 debtor's assets brought under chapter 726 and enter any order or
24 judgment, including a money judgment against any initial or
25 subsequent transferee, in connection therewith, irrespective of
26 whether the transferee has retained the property. Claims under
27 chapter 726 are subject to the provisions of chapter 726 and
28 applicable rules of civil procedure.

29 (6)

30 (b) When any gift, transfer, assignment or other
31 conveyance of personal property has been made or contrived by
32 the judgment debtor defendant to delay, hinder or defraud
33 creditors, the court shall order the gift, transfer, assignment
34 or other conveyance to be void and direct the sheriff to take
35 the property to satisfy the execution. This does not authorize
36 seizure of property exempted from levy and sale under execution
37 or property which has passed to a bona fide purchaser for value
38 and without notice. Any person aggrieved by the levy may proceed
39 under ss. 56.16-56.20.

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40 (9) The court may enter any orders, judgments, or writs
41 required to carry out the purpose of this section, including
42 those orders necessary or proper to subject property or property
43 rights of any judgment debtor defendant to execution, and
44 including entry of money judgments against any impleaded
45 defendant irrespective of whether such defendant has retained
46 the property, subject to ss. 56.18 and 56.19 and applicable
47 principles of equity, and in accordance with chapters 76 and 77
48 and applicable rules of civil procedure.

49 Section 18. The amendments made by this act to s. 56.29,
50 Florida Statutes, are remedial in nature, are intended to
51 clarify existing law, and shall be applied retroactively to the
52 full extent permitted by law.

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

56 Remove line 41 and insert:
57 of the State Constitution; amending s. 56.29, F.S.;
58 authorizing the court to order any property, debt, or
59 other obligation due the judgment debtor to be applied
60 toward the satisfaction of the judgment debt;
61 authorizing the court to entertain specified claims
62 concerning the judgment debtor's assets and enter any
63 order or judgment, including a money judgment;
64 authorizing the court to enter a money judgment
65 against an impleaded defendant under certain

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66 | circumstances; providing applicability of specified
67 | laws and procedures; providing for retroactivity;
68 | repealing s. 57.101, F.S.,

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