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1                   A bill to be entitled  
2           An act relating to fraudulent transfers; amending s.  
3           56.29, F.S.; authorizing the court to order any  
4           property, debt, or other obligation due the judgment  
5           debtor to be applied toward the satisfaction of the  
6           judgment debt; authorizing the court to entertain  
7           specified claims concerning the judgment debtor's  
8           assets and enter any order or judgment, including a  
9           money judgment; authorizing the court to enter a money  
10          judgment against an impleaded defendant under certain  
11          circumstances; providing applicability of specified  
12          laws and procedures; providing for retroactivity;  
13          amending s. 726.109, F.S.; providing that certain  
14          transfers of charitable contributions to charitable or  
15          religious organizations are exempt from s. 726.106(1),  
16          F.S.; providing an effective date.

17  
18   Be It Enacted by the Legislature of the State of Florida:

19  
20           Section 1. Subsections (1) and (5), paragraph (b) of  
21          subsection (6), and subsection (9) of section 56.29, Florida  
22          Statutes, are amended to read:

23           56.29 Proceedings supplementary.—

24           (1) When any person or entity holds an unsatisfied judgment  
25          or judgment lien obtained under chapter 55, the judgment holder  
26          or judgment lienholder may file a motion and an affidavit so  
27          stating, identifying, if applicable, the issuing court, the case  
28          number, and the unsatisfied amount of the judgment or judgment  
29          lien, including accrued costs and interest, and stating that the

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30 execution is valid and outstanding, and thereupon the judgment  
31 holder or judgment lienholder is entitled to these proceedings  
32 supplementary to execution.

33 (5) The court judge may order any property of the judgment  
34 debtor, not exempt from execution, in the hands of any person,  
35 or any property, debt, or other obligation due to the judgment  
36 debtor, to be applied toward the satisfaction of the judgment  
37 debt. The court may entertain claims concerning the judgment  
38 debtor's assets brought under chapter 726 and enter any order or  
39 judgment, including a money judgment against any initial or  
40 subsequent transferee, in connection therewith, irrespective of  
41 whether the transferee has retained the property. Claims under  
42 chapter 726 are subject to the provisions of chapter 726 and  
43 applicable rules of civil procedure.

44 (6)

45 (b) When any gift, transfer, assignment or other conveyance  
46 of personal property has been made or contrived by the judgment  
47 debtor defendant to delay, hinder or defraud creditors, the  
48 court shall order the gift, transfer, assignment or other  
49 conveyance to be void and direct the sheriff to take the  
50 property to satisfy the execution. This does not authorize  
51 seizure of property exempted from levy and sale under execution  
52 or property which has passed to a bona fide purchaser for value  
53 and without notice. Any person aggrieved by the levy may proceed  
54 under ss. 56.16-56.20.

55 (9) The court may enter any orders, judgments, or writs  
56 required to carry out the purpose of this section, including  
57 those orders necessary or proper to subject property or property  
58 rights of any judgment debtor defendant to execution, and

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59 including entry of money judgments against any impleaded  
60 defendant irrespective of whether such defendant has retained  
61 the property, subject to ss. 56.18 and 56.19 and applicable  
62 principles of equity, and in accordance with chapters 76 and 77  
63 and applicable rules of civil procedure.

64 Section 2. The amendments made by this act to s. 56.29,  
65 Florida Statutes, are remedial in nature, are intended to  
66 clarify existing law, and shall be applied retroactively to the  
67 full extent permitted by law.

68 Section 3. Paragraph (a) of subsection (7) of section  
69 726.109, Florida Statutes, is amended to read:

70 726.109 Defenses, liability, and protection of transferee.—

71 (7) (a) The transfer of a charitable contribution that is  
72 received in good faith by a qualified religious or charitable  
73 entity or organization is not a fraudulent transfer under s.  
74 726.105(1) (b) or s. 726.106(1).

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