

Committee on Judiciary

CS/SB 1042 — Judgments

by Judiciary Committee and Senator Simmons

This bill revises chapter 56, Final Process, which regulates how a creditor may collect a judgment against a debtor. The bill makes organizational changes to the chapter while updating and clarifying several definitions for uniformity.

The bill amends chapter 56, F.S., by:

- Providing a new definitions section at the beginning of the chapter to establish uniform usage throughout the chapter;
- Moving the discovery provisions in current law into a single section and providing that the discovery provisions are in addition to the discovery provisions found in the rules of civil procedure;
- Establishing a procedure for bringing non-parties to the original action into proceedings supplementary by a notice to appear that describes the property at issue, notifies the third-party of the right to a jury trial, and requires the third-party to serve an answer within a time set by the court;
- Providing that a claim under the Uniform Fraudulent Transfer Act which is raised during proceedings supplementary must be initiated by a supplemental complaint and that those claims are governed by the Uniform Fraudulent Transfer Act and the rules of civil procedure; and
- Providing that a person who asserts a claim to defense in proceedings supplementary for the purpose of delay maybe subject to penalties imposed by the court.

If approved by the Governor, these provisions take effect July 1, 2016.

Vote: Senate 36-0; House 114-0