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LEGISLATIVE ACTION

Senate

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House

Floor: 1/AD/2R

04/03/2014 04:58 PM

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Senator Simmons moved the following:

**Senate Amendment (with title amendment)**

Between lines 9 and 10

insert:

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

56.29 Proceedings supplementary.-

(1) When any person or entity holds an unsatisfied judgment or judgment lien obtained under chapter 55, the judgment holder or judgment lienholder may file a motion and an affidavit so



831798

12 stating, identifying, if applicable, the issuing court, the case  
13 number, and the unsatisfied amount of the judgment or judgment  
14 lien, including accrued costs and interest, and stating that the  
15 execution is valid and outstanding, and thereupon the judgment  
16 holder or judgment lienholder is entitled to these proceedings  
17 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 conveyance  
31 of personal property has been made or contrived by the judgment  
32 debtor defendant to delay, hinder or defraud creditors, the  
33 court shall order the gift, transfer, assignment or other  
34 conveyance to be void and direct the sheriff to take the  
35 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.

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 2. 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.

53  
54 ===== T I T L E A M E N D M E N T =====

55 And the title is amended as follows:

56 Delete lines 2 - 3

57 and insert:

58 An act relating to fraudulent transfers; amending s.  
59 56.29, F.S.; authorizing the court to order any  
60 property, debt, or other obligation due the judgment  
61 debtor to be applied toward the satisfaction of the  
62 judgment debt; authorizing the court to entertain  
63 specified claims concerning the judgment debtor's  
64 assets and enter any order or judgment, including a  
65 money judgment; authorizing the court to enter a money  
66 judgment against an impleaded defendant under certain  
67 circumstances; providing applicability of specified  
68 laws and procedures; providing for retroactivity;  
69 amending s. 726.109, F.S.; providing that certain