A bill to be entitled

An act relating to judgment liens; amending s. 55.202, F.S.; clarifying that priority disputes among judgment lienholders and secured parties shall be determined under chapter 679; amending 55.205, F.S.; clarifying that a judgment creditor is subject to the priority of conflicting rights of a secured party under Chapter 679; clarifying that an account debtor to a judgment debtor may discharge the account debtor's obligation to pay payment intangibles or accounts by settlement, final order or judgment; amending s. 55.208, F.S.; replacing undefined terminology with words commonly used in chapter 679; amending s. 319.27, F.S.; providing that notice of a judgment lien on a motor vehicle or motor home certificate of title shall be effective as constructive notice when notated by the department on the certificate of title; providing an effective date.

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

**Section 1. This act may be cited as the “Judgement Lien Clarification Act.”**

**Section 2. Subsection (3) of section 55.202, Florida Statutes, is amended to read:**

55.202 Judgments, orders, and decrees; lien on personal property.–

(3) Except as otherwise provided in s. 55.208, the priority of a judgment lien acquired in accordance with this section or s. 55.204(3) is established at the date and time the judgment lien certificate is filed. The priority of conflicting rights between a judgment lienholder under this section and a secured party, as defined in s. 679.1021(1), shall be determined as provided under chapter 679.

**Section 3. Subsections (1), (5), and (7) of section 55.205, Florida Statutes, are amended to read:**

55.205 Effect of judgment lien.–

(1) A judgment creditor who has not acquired a judgment lien as provided in s. 55.202 or whose lien has lapsed may nevertheless proceed against the judgment debtor's property through any appropriate judicial process, subject to the priority of conflicting rights of a secured party, as defined in s. 679.1021(1), under chapter 679. Such judgment creditor proceeding by writ of execution acquires a lien as of the time of levy and only on the property levied upon.

(5)(a) If the judgment debtor's personal property, to the extent not exempt from execution, includes a motor vehicle or a vessel for which a Florida certificate of title has been issued, a judgment lien acquired under this section on such property not yet noted on the certificate of title is valid and enforceable against the judgment debtor. However, enforceability under this chapter of such judgment lien against creditors or subsequent purchasers is determined as provided under s. 319.27(2) or s. 328.14 or chapter 679, as applicable.

(7) Notwithstanding the attachment of a judgment lien acquired under s. 55.202 to payment intangibles or accounts and the proceeds thereof, ~~the~~ an account debtor may, absent receipt of notice under s. 679.607(1)(a) from a secured party, discharge the account debtor's obligation to pay payment intangibles or accounts or the proceeds thereof by paying the judgment debtor until, but not after, the account debtor is served by process with a complaint or petition by the judgment creditor seeking judicial relief with respect to the payment intangibles or accounts. Thereafter, the account debtor may discharge the account debtor's obligation to pay payment intangibles or accounts or the proceeds thereof under this section only in accordance with a settlement agreement, final order or judgment issued in such judicial process that complies with this section.

**Section 4. Subsection (1) of section 55.208, Florida Statutes, is amended to read:**

55.208 Effect of prior liens on payment intangibles and accounts; effect of filed judgment lien on writs of execution previously delivered to a sheriff.–

(1) A judgment lien under s. 55.202 existing before October 1, 2023, becomes enforceable and perfected as of October 1, 2023, as to payment intangibles and accounts and the proceeds thereof of a judgment debtor under s. 55.202(2). Any security interest or lien on payment intangibles or accounts and the proceeds thereof of a judgment debtor which is enforceable and perfected before October 1, 2023, continues to have the same rights and priority as existed before October 1, 2023, and may not ~~be primed as to~~ take priority over payment intangibles or accounts by a judgment lien certificate filed before October 1, 2023.

**Section 5. Subsection (2) of section 319.27, Florida Statutes, is amended to read:**

319.27 Notice of lien on motor vehicles or mobile homes; notation on certificate; recording of lien.—

(2) No lien for purchase money or as security for a debt in the form of a security agreement, retain title contract, conditional bill of sale, chattel mortgage, or other similar instrument or any other nonpossessory lien, including a lien for child support, upon a motor vehicle or mobile home upon which a Florida certificate of title has been issued shall be enforceable in any of the courts of this state against creditors or subsequent purchasers for a valuable consideration and without notice, unless a sworn notice of such lien has been filed in the department and such lien has been noted upon the certificate of title of the motor vehicle or mobile home. Such notice shall be effective as constructive notice when ~~filed~~ notated by the department on the certificate of title. The interest of a statutory nonpossessory lienor; the interest of a nonpossessory execution, attachment, or equitable lienor; or the interest of a lien creditor as defined in s. 679.1021(1)(zz), if nonpossessory, shall not be enforceable against creditors or subsequent purchasers for a valuable consideration unless such interest becomes a possessory lien or is noted upon the certificate of title for the subject motor vehicle or mobile home prior to the occurrence of the subsequent transaction. Provided the provisions of this subsection relating to a nonpossessory statutory lienor; a nonpossessory execution, attachment, or equitable lienor; or the interest of a lien creditor as defined in s. 679.1021(1)(zz) shall not apply to liens validly perfected prior to October 1, 1988. The notice of lien shall provide the following information:

(a) The date of the lien if a security agreement, retain title contract, conditional bill of sale, chattel mortgage, or other similar instrument was executed prior to the filing of the notice of lien;

(b) The name and address of the registered owner;

(c) A description of the motor vehicle or mobile home, showing the make, type, and vehicle identification number; and

(d) The name and address of the lienholder.

**Section 6. This act shall take effect July 1, 2024.**

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