

1 A bill to be entitled
 2 An act relating to postjudgment execution proceedings
 3 relating to terrorism; amending s. 772.13, F.S.;
 4 providing additional requirements for postjudgment
 5 execution proceedings to enforce judgments entered
 6 against terrorist parties under specified provisions;
 7 providing retroactive application of specified
 8 provisions; providing an effective date.

9
 10 Be It Enacted by the Legislature of the State of Florida:

11
 12 **Section 1. Subsection (6) of section 772.13, Florida**
 13 **Statutes, is amended to read:**

14 772.13 Civil remedy for terrorism or facilitating or
 15 furthering terrorism.—

16 (6) (a) In any postjudgment execution proceedings to
 17 enforce a judgment entered against a terrorist party under this
 18 section or under 18 U.S.C. s. 2333 or a substantially similar
 19 law of the United States or of any state or territory of the
 20 United States, including postjudgment execution proceedings
 21 against any agency or instrumentality of the terrorist party not
 22 named in the judgment pursuant to s. 201(a) of the Terrorism
 23 Risk Insurance Act, 28 U.S.C. s. 1610:

24 1. There is no right to a jury trial under s. 56.18 or s.
 25 77.08; ~~and~~

26 2. A defendant or a person may not use the resources of
27 the courts of this state in furtherance of a defense or an
28 objection to postjudgment collection proceedings if the
29 defendant or person purposely leaves the jurisdiction of this
30 state or the United States, declines to enter or reenter this
31 state or the United States to submit to its jurisdiction, or
32 otherwise evades the jurisdiction of the court in which a
33 criminal case is pending against the defendant or person. This
34 subparagraph applies to any entity that is owned or controlled
35 by a person to whom this paragraph applies;

36 3. Creditor process issued under chapter 56 or chapter 77
37 may be served upon any person or entity over whom the court has
38 personal jurisdiction. Writs of garnishment issued under s.
39 77.01 and proceedings supplementary under s. 56.29 apply to
40 intangible assets wherever located, without territorial
41 limitation, including bank accounts as defined in s.
42 674.104(1)(a), financial assets as defined in s. 678.1021(1), or
43 other intangible property as defined in s. 717.101. The situs of
44 any intangible assets held or maintained by or in the
45 possession, custody, or control of a person or entity so served
46 shall be deemed to be in this state for the purposes of a
47 proceeding under chapter 56 or chapter 77. Service of a writ or
48 notice to appear under this section shall provide the court with
49 in rem jurisdiction over any intangible assets regardless of the
50 location of the assets;

51 4. Notwithstanding s. 678.1121, the interest of a debtor
52 in a financial asset or security entitlement may be reached by a
53 creditor by legal process upon the securities intermediary with
54 whom the debtor's securities account is maintained, or, if that
55 is a foreign entity, legal process under chapter 56 or chapter
56 77 may be served upon the United States securities custodian or
57 intermediary that has reported holding, maintaining, possessing,
58 or controlling the blocked financial assets or security
59 entitlements to the Office of Foreign Assets Control of the
60 United States Department of the Treasury, and such financial
61 assets or security entitlements shall be subject to execution,
62 garnishment, and turnover by the United States securities
63 custodian or intermediary; and

64 5. Notwithstanding s. 670.502(4), when an electronic funds
65 transfer is not completed within 5 banking days and is canceled
66 pursuant to s. 670.211(4) because a United States intermediary
67 financial institution has blocked the transaction in compliance
68 with a United States sanctions program, and a terrorist party or
69 any agency or instrumentality thereof was either the originator
70 or the intended beneficiary, then the blocked funds shall be
71 deemed owned by the terrorist party or its agency or
72 instrumentality and shall be subject to execution and
73 garnishment.

74 (b) Paragraph (a) applies to any postjudgment execution
75 proceedings, including creditor process under chapter 56 or

76 | chapter 77 served, judgment collectible under state law and to
77 | any civil action pending, or filed before, on, or after the
78 | effective date of this act ~~June 20, 2023.~~

79 | Section 2. This act shall take effect upon becoming a law.