

1 The Writ of Garnishment delivered to you with this
2 Notice means that wages, money, and other property belonging
3 to you have been garnished to pay a court judgment against
4 you. HOWEVER, YOU MAY BE ABLE TO KEEP OR RECOVER YOUR WAGES,
5 MONEY, OR PROPERTY. READ THIS NOTICE CAREFULLY.

6 State and federal laws provide that certain wages,
7 money, and property, even if deposited in a bank, savings and
8 loan, or credit union, may not be taken to pay certain types
9 of court judgments. Such wages, money, and property are exempt
10 from garnishment. The major exemptions are listed below on the
11 form for Claim of Exemption and Request for Hearing. This list
12 does not include all possible exemptions. You should consult a
13 lawyer for specific advice.

14 TO KEEP YOUR WAGES, MONEY, AND OTHER PROPERTY
15 FROM BEING GARNISHED, OR TO GET BACK ANYTHING
16 ALREADY TAKEN, YOU MUST COMPLETE A FORM FOR
17 CLAIM OF EXEMPTION AND REQUEST FOR HEARING AS
18 SET FORTH BELOW AND HAVE THE FORM NOTARIZED.
19 YOU MUST FILE THE FORM WITH THE CLERK'S OFFICE
20 WITHIN 20 DAYS AFTER THE DATE YOU RECEIVE THIS
21 NOTICE OR YOU MAY LOSE IMPORTANT RIGHTS.
22 IMMEDIATELY UPON FILING THIS FORM YOU MUST ~~ALSO~~
23 MAIL OR ~~HAND~~ DELIVER A COPY OF THIS FORM TO THE
24 PLAINTIFF AND THE GARNISHEE AT THE ADDRESSES
25 LISTED ON THE WRIT OF GARNISHMENT. IMMEDIATELY
26 UPON MAILING OR DELIVERY, YOU MUST ALSO FILE
27 WITH THE CLERK'S OFFICE A CERTIFICATE OF
28 SERVICE FORM CERTIFYING THAT YOU HAVE MAILED OR
29 DELIVERED COPIES OF THE FORM FOR CLAIM OF
30 EXEMPTION AND REQUEST FOR HEARING TO THE
31 PLAINTIFF AND THE GARNISHEE.

1 If you request a hearing, it will be held as soon as
2 possible after your request is received by the court. The
3 plaintiff must file any objection within 3 business days if
4 you hand delivered to the plaintiff a copy of the form for
5 Claim of Exemption and Request for Hearing or, alternatively,
6 8 business days if you mailed a copy of the form for claim and
7 request to the plaintiff. If the plaintiff files an objection
8 to your Claim of Exemption and Request for Hearing, the clerk
9 will notify you and the other parties of the time and date of
10 the hearing. You may attend the hearing with or without an
11 attorney. If the plaintiff fails to file an objection, no
12 hearing is required, the writ of garnishment will be dissolved
13 and your wages, money, or property will be released.

14 YOU SHOULD FILE THE FORM FOR CLAIM OF EXEMPTION
15 IMMEDIATELY TO KEEP YOUR WAGES, MONEY, OR
16 PROPERTY FROM BEING APPLIED TO THE COURT
17 JUDGMENT. IMMEDIATELY UPON FILING SUCH FORM,
18 YOU MUST ALSO FILE THE CERTIFICATE OF SERVICE
19 FORM CERTIFYING THAT YOU HAVE HAND DELIVERED OR
20 MAILED THE FORM FOR CLAIM OF EXEMPTION TO THE
21 PLAINTIFF AND THE GARNISHEE. THE CLERK CANNOT
22 GIVE YOU LEGAL ADVICE. IF YOU NEED LEGAL
23 ASSISTANCE YOU SHOULD SEE A LAWYER. IF YOU
24 CANNOT AFFORD A PRIVATE LAWYER, LEGAL SERVICES
25 MAY BE AVAILABLE. CONTACT YOUR LOCAL BAR
26 ASSOCIATION OR ASK THE CLERK'S OFFICE ABOUT ANY
27 LEGAL SERVICES PROGRAM IN YOUR AREA.

28
29 CLAIM OF EXEMPTION AND
30 REQUEST FOR HEARING
31

1 I claim exemptions from garnishment under the following
2 categories as checked:
3 1. Head of family wages. (You must check a.
4 or b. below.)
5 a. I provide more than one-half of the
6 support for a child or other dependent and
7 have net earnings of \$500 or less per week.
8 b. I provide more than one-half of the
9 support for a child or other dependent, have
10 net earnings of more than \$500 per week, but
11 have not agreed in writing to have my wages
12 garnished.
13 2. Social Security benefits.
14 3. Supplemental Security Income benefits.
15 4. Public assistance (welfare).
16 5. Workers' Compensation.
17 6. Unemployment Compensation.
18 7. Veterans' benefits.
19 8. Retirement or profit-sharing benefits or
20 pension money.
21 9. Life insurance benefits or cash surrender
22 value of a life insurance policy or proceeds
23 of annuity contract.
24 10. Disability income benefits.
25 11. Prepaid College Trust Fund or Medical
26 Savings Account.
27 12. Other exemptions as provided by law.
28(explain)
29
30 I request a hearing to decide the validity of my claim. Notice
31 of the hearing should be given to me at:

1
2 Address:
3 Telephone number:.....
4
5 The statements made in this request are true to the best of my
6 knowledge and belief.
7
8
9 Defendant's signature
10 Date.....
11
12 STATE OF FLORIDA
13 COUNTY OF
14
15 Sworn and subscribed to before me this day of
16 ...(month and year)..., by ...(name of person making
17 statement)..
18 Notary Public/Deputy Clerk
19 Personally KnownOR Produced Identification....
20 Type of Identification Produced.....
21
22 CERTIFICATE OF SERVICE
23
24 I,, hereby certify that I have (check one.)
25 1. Hand delivered a copy of the form for Claim of
26 Exemption and Request for Hearing to the plaintiff or the
27 attorney for the plaintiff as listed on the writ of
28 garnishment. Delivery was made at the following time, date,
29 and place:
30
31

1 2. Mailed a copy of the form for Claim of Exemption and
2 Request for Hearing by first class mail to the plaintiff or
3 the attorney for the plaintiff as listed on the writ of
4 garnishment at the following address:

5

6
7 I further certify that I have (check one):

8 1. Hand delivered a copy of the form for Claim of
9 Exemption and Request for Hearing to the garnishee. Delivery
10 was made at the following time, date, and place:

11

12 2. Mailed a copy of the form for Claim of Exemption and
13 Request for Hearing by first class mail to the garnishee at
14 the following address:

15

16 (2) The plaintiff must mail, by first class, a copy of
17 the writ of garnishment, a copy of the motion for writ of
18 garnishment, and, if the defendant is an individual, the
19 "Notice to Defendant" to the defendant's last known address
20 within 5 business days after the writ is issued or 3 business
21 days after the writ is served on the garnishee, whichever is
22 later. However, if such documents are returned as
23 undeliverable by the post office, or if the last known address
24 is not discoverable after diligent search, the plaintiff must
25 mail, by first class, the documents to the defendant at the
26 defendant's place of employment. The plaintiff shall file in
27 the proceeding a certificate of such service.

28 (3) An individual defendant may file a claim of
29 exemption and request for hearing, with a certificate of
30 service certifying that the defendant has delivered or mailed
31 copies of the form for Claim of Exemption and Request for

1 Hearing to the plaintiff and the garnishee as provided in
2 subsection (1). The claim and certificate of service must be
3 filed within 20 days after the defendant receives a copy of
4 the writ of garnishment, a copy of the motion for writ of
5 garnishment, and the "Notice to Defendant." Upon the filing by
6 a defendant of a claim of exemption and request for hearing, a
7 hearing will be held as soon as is practicable to determine
8 the validity of the claimed exemptions. If the plaintiff does
9 not file a sworn written statement that contests the
10 defendant's claim of exemption within 3 business days after
11 hand delivering the claim and request or, alternatively, 8
12 business days, if the claim and request were served by mail,
13 no hearing is required and the clerk must automatically inform
14 the court and request that the court issue an order to
15 dissolve the writ. Immediately after the court issues the
16 order, the clerk shall ~~and~~ notify the parties of the
17 dissolution by mail.

18 Section 2. Subsection (6) is added to section 77.07,
19 Florida Statutes, to read:

20 77.07 Dissolution of writ.--

21 (6) The plaintiff may voluntarily dissolve a writ by
22 filing a motion for dissolution, with a proposed order
23 dissolving the writ. The plaintiff must immediately serve the
24 motion on the defendant and the garnishee. The clerk must
25 automatically inform the court of the filing and request that
26 the court issue an order to dissolve the writ. Immediately
27 after the court issues the order, the clerk must notify the
28 parties of the dissolution by mail.

29 Section 3. Section 222.12, Florida Statutes, is
30 repealed.

31 Section 4. This act shall take effect July 1, 2007.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

SENATE SUMMARY

Revises provisions relating to garnishment. Requires a defendant claiming exemption from garnishment to certify that notice of the exemption claim was provided to the plaintiff and the garnishee. Prescribes a certificate of notice form. Establishes timeframes for filing a claim of exemption. Establishes procedures by which a plaintiff may voluntarily dissolve a writ of garnishment. Prescribes duties of the clerk related to voluntary dissolution of a writ. Repeals s. 222.12, F.S., relating to proceedings for exemption of wages from garnishment.