

1 A bill to be entitled
 2 An act relating to garnishment; amending s. 222.11, F.S.;
 3 increasing the amount of wages of a head of family that is
 4 exempt from garnishment; providing a form that must be
 5 used for an agreement to waive the exemption from
 6 garnishment; providing an effective date.

7
 8 Be It Enacted by the Legislature of the State of Florida:
 9

10 Section 1. Subsection (2) of section 222.11, Florida
 11 Statutes, is amended to read:

12 222.11 Exemption of wages from garnishment.—

13 (2) (a) All of the disposable earnings of a head of family
 14 whose disposable earnings are less than or equal to \$750 ~~\$500~~ a
 15 week are exempt from attachment or garnishment.

16 (b) Disposable earnings of a head of a family, which are
 17 greater than \$750 ~~\$500~~ a week, may not be attached or garnished
 18 unless such person has agreed otherwise in writing. The
 19 agreement to waive the protection provided by this paragraph
 20 must:

21 1. Be in the same language as the contract or agreement to
 22 which the waiver relates.

23 2. Be contained in a separate document attached to the
 24 contract or agreement.

25 3. Be in substantially the following form in at least 14-
 26 point type:

27
 28 IF YOU PROVIDE MORE THAN ONE-HALF OF THE SUPPORT FOR A

29 | CHILD OR OTHER DEPENDENT, ALL OR PART OF YOUR INCOME IS
 30 | EXEMPT FROM GARNISHMENT UNDER FLORIDA LAW. YOU CAN WAIVE
 31 | THIS PROTECTION ONLY BY SIGNING THIS DOCUMENT. BY SIGNING
 32 | BELOW, YOU AGREE TO WAIVE THE PROTECTION FROM
 33 | GARNISHMENT.

34 |
 35 | ...(Consumer's Signature)... ...(Date Signed)...
 36 |

37 | I have fully explained this document to the consumer.
 38 |

39 | ...(Creditor's Signature)... ...(Date Signed)...
 40 |

41 | ~~In no event shall~~ The amount attached or garnished may not
 42 | exceed the amount allowed under the Consumer Credit Protection
 43 | Act, 15 U.S.C. s. 1673.

44 | (c) Disposable earnings of a person other than a head of
 45 | family may not be attached or garnished in excess of the amount
 46 | allowed under the Consumer Credit Protection Act, 15 U.S.C. s.
 47 | 1673.

48 | Section 2. This act shall take effect July 1, 2010.