



486368

LEGISLATIVE ACTION

Senate

House

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Floor: WD/3R

04/16/2010 10:11 AM

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Senator Bennett moved the following:

1           **Senate Substitute for Amendment (817300) (with title**  
2 **amendment)**

3  
4           Delete lines 31 - 56

5 and insert:

6 unless such person has agreed otherwise in writing. ~~In no event~~  
7 ~~shall~~ The amount attached or garnished may not exceed the amount  
8 allowed under the Consumer Credit Protection Act, 15 U.S.C. s.  
9 1673.

10           1. The agreement to waive the protection provided by this  
11 paragraph must:

12           a. Be written in the same language as the contract or  
13 agreement to which the waiver relates;



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14 b. Be contained in a separate document attached to the  
15 contract or agreement; and

16 c. Be in substantially the following form in at least 14-  
17 point type:

18  
19 IF YOU PROVIDE MORE THAN ONE-HALF OF THE SUPPORT FOR A CHILD OR  
20 OTHER DEPENDENT, ALL OR PART OF YOUR INCOME IS EXEMPT FROM  
21 GARNISHMENT UNDER FLORIDA LAW. YOU CAN WAIVE THIS PROTECTION  
22 ONLY BY SIGNING THIS DOCUMENT. BY SIGNING BELOW, YOU AGREE TO  
23 WAIVE THE PROTECTION FROM GARNISHMENT.

24  
25 ...(Consumer's Signature)... ...(Date Signed)...

26  
27 I have fully explained this document to the consumer.

28  
29 ...(Creditor's Signature)... ...(Date Signed)...

30  
31 2. The requirements of subparagraph 1. do not apply to a  
32 personal guarantee for the debt of a business entity.

33  
34 ===== T I T L E A M E N D M E N T =====

35 And the title is amended as follows:

36 Delete line 6

37 and insert:

38 exemption from garnishment; exempting a personal  
39 guarantee for the debt of a business entity from  
40 requirements generally governing the form of waivers  
41 of an exemption of wages from garnishment; amending s.  
42 77.041, F.S.;