

By Senator Smith

29-00543-10

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

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

10
11 Section 1. Section 222.11, Florida Statutes, is amended to
12 read:

13 222.11 Exemption of wages from garnishment.—

14 (1) As used in this section, the term:

15 (a) "Earnings" includes compensation paid or payable, in
16 money of a sum certain, for personal services or labor whether
17 denominated as wages, salary, commission, or bonus.

18 (b) "Disposable earnings" means that part of the earnings
19 of any head of family remaining after the deduction from those
20 earnings of any amounts required by law to be withheld.

21 (c) "Head of family" includes any natural person who is
22 providing more than one-half of the support for a child or other
23 dependent.

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

27 (b) Disposable earnings of a head of a family, which are
28 greater than \$750 ~~\$500~~ a week, may not be attached or garnished
29 unless such person has agreed otherwise in writing. The

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30 agreement to waive the protection provided by this paragraph
31 must:

32 1. Be in the same language as the contract or agreement to
33 which the waiver relates;

34 2. Be contained in a separate document attached to the
35 contract or agreement; and

36 3. Be in substantially the following form in at least 14-
37 point type:

38
39 IF YOU PROVIDE MORE THAN ONE-HALF OF THE SUPPORT FOR A
40 CHILD OR OTHER DEPENDENT, ALL OR PART OF YOUR INCOME
41 IS EXEMPT FROM GARNISHMENT UNDER FLORIDA LAW. YOU CAN
42 WAIVE THIS PROTECTION ONLY BY SIGNING THIS DOCUMENT.
43 BY SIGNING BELOW, YOU AGREE TO WAIVE THE PROTECTION
44 FROM GARNISHMENT.

45
46 ...(Consumer's Signature)... ...(Date Signed)...

47
48 I have fully explained this document to the consumer.

49
50 ...(Creditor's Signature)... ...(Date Signed)...

51
52 ~~In no event shall~~ The amount attached or garnished may not
53 exceed the amount allowed under the Consumer Credit Protection
54 Act, 15 U.S.C. s. 1673.

55 (c) Disposable earnings of a person other than a head of
56 family may not be attached or garnished in excess of the amount
57 allowed under the Consumer Credit Protection Act, 15 U.S.C. s.
58 1673.

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59 (3) Earnings that are exempt under subsection (2) and are
60 credited or deposited in any financial institution are exempt
61 from attachment or garnishment for 6 months after the earnings
62 are received by the financial institution if the funds can be
63 traced and properly identified as earnings. Commingling of
64 earnings with other funds does not by itself defeat the ability
65 of a head of family to trace earnings.

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