

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Insurance & Banking
2 Subcommittee

3 Representative Spano offered the following:

Amendment (with title amendment)

6 Remove lines 55-121 and insert:

7 plaintiff or the plaintiff's attorney must file any objection
8 within 8 ~~3~~ business days if you hand delivered to the plaintiff
9 or the plaintiff's attorney a copy of the form for Claim of
10 Exemption and Request for Hearing or, alternatively, 14 ~~8~~
11 business days if you mailed a copy of the form for claim and
12 request to the plaintiff or the plaintiff's attorney. If the
13 plaintiff or the plaintiff's attorney files an objection to your
14 Claim of Exemption and Request for Hearing, the clerk will
15 notify you and the other parties of the time and date of the
16 hearing. You may attend the hearing with or without an attorney.
17 If the plaintiff or the plaintiff's attorney fails to file an
18 objection, no hearing is required, the writ of garnishment will

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19 be dissolved and your wages, money, or property will be
20 released.

21 IF YOU HAVE A VALID EXEMPTION, YOU SHOULD FILE THE
22 FORM FOR CLAIM OF EXEMPTION IMMEDIATELY TO KEEP YOUR
23 WAGES, MONEY, OR PROPERTY FROM BEING APPLIED TO THE
24 COURT JUDGMENT. THE CLERK CANNOT GIVE YOU LEGAL
25 ADVICE. IF YOU NEED LEGAL ASSISTANCE YOU SHOULD SEE A
26 LAWYER. IF YOU CANNOT AFFORD A PRIVATE LAWYER, LEGAL
27 SERVICES MAY BE AVAILABLE. CONTACT YOUR LOCAL BAR
28 ASSOCIATION OR ASK THE CLERK'S OFFICE ABOUT ANY LEGAL
29 SERVICES PROGRAM IN YOUR AREA.

30
31 CLAIM OF EXEMPTION AND
32 REQUEST FOR HEARING
33

34 I claim exemptions from garnishment under the following
35 categories as checked:

.... 1. Head of family wages. (Check either ~~You must check~~ a.
or b. below, if applicable.)

36
.... a. I provide more than one-half of the support for a child
or other dependent and have net earnings of \$750 or less
per week.

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.... b. I provide more than one-half of the support for a child
or other dependent, have net earnings of more than \$750 per
week, but have not agreed in writing to have my wages
garnished.

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- 2. Social Security benefits.
- 3. Supplemental Security Income benefits.
- 4. Public assistance (welfare).
- 5. Workers' Compensation.
- 6. Reemployment assistance or unemployment compensation.
- 7. Veterans' benefits.
- 8. Retirement or profit-sharing benefits or pension money.
- 9. Life insurance benefits or cash surrender value of a life insurance policy or proceeds of annuity contract.
- 10. Disability income benefits.
- 11. Prepaid College Trust Fund or Medical Savings Account.
- 12. Other exemptions as provided by law.
.....(explain)

I request a hearing to decide the validity of my claim. Notice

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53 of the hearing should be given to me at:

54

55 Address:

56 Telephone number:.....

57

58 I CERTIFY UNDER OATH AND PENALTY OF PERJURY that a copy of this
59 CLAIM OF EXEMPTION AND REQUEST FOR HEARING has been furnished by
60 (circle one) United States mail or hand delivery on ...(insert
61 date)...., to: ...(insert names and addresses of Plaintiff or
62 Plaintiff's attorney and of Garnishee or Garnishee's attorney to
63 whom this document was furnished)....

64

65 I FURTHER CERTIFY UNDER OATH AND PENALTY OF PERJURY that the
66 statements made in this request are true to the best of my
67 knowledge and belief.

68

69

70 Defendant's signature

71 Date.....

72

73 STATE OF FLORIDA

74 COUNTY OF

75

76 Sworn and subscribed to before me this day of ...(month
77 and year)...., by ...(name of person making statement)...

78 Notary Public/Deputy Clerk

79 Personally KnownOR Produced Identification....

80 Type of Identification Produced.....

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81 (3) Upon the filing by a defendant of a sworn claim of
82 exemption and request for hearing, a hearing will be held as
83 soon as is practicable to determine the validity of the claimed
84 exemptions. If the plaintiff or the plaintiff's attorney does
85 not file a sworn written
86

87 -----
88 **T I T L E A M E N D M E N T**

89 Remove everything before the enacting clause and insert:

90 A bill to be entitled

91 An act relating to garnishment; amending s. 77.041, F.S.;
92 revising "Notice to Defendant" provided by clerk of court in a
93 garnishment proceeding; providing that a defendant in a
94 garnishment proceeding may provide notice of a garnishment
95 exemption and request for hearing to the plaintiff's or the
96 garnishee's attorney; extending the time allowed for the
97 plaintiff or the plaintiff's attorney to respond to the
98 defendant's claim of exemption and request for hearing;
99 providing response procedures of the clerk of court and the
100 plaintiff's attorney when the plaintiff's attorney is served
101 with a notice of garnishment exemption and request for hearing;
102 requiring the defendant to certify under oath and penalty of
103 perjury that he or she provided notice of the garnishment
104 exemption claim and request for hearing to the plaintiff, the
105 garnishee, or their respective attorneys in order to obtain a
106 hearing; repealing s. 222.12, F.S., relating to proceedings for
107 exemption; providing an effective date.
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