113630

LEGISLATIVE ACTION

Senate		House
Comm: RCS		
03/18/2013		
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The Committee on Commerce and Tourism (Bean) recommended the following:

Senate Amendment (with title amendment)

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Delete lines 54 - 142
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and insert:

1 2 3

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5 6

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11 12 OR THE PLAINTIFF'S ATTORNEY AND THE GARNISHEE OR THE GARNISHEE'S ATTORNEY AT THE ADDRESSES LISTED ON THE WRIT OF GARNISHMENT. NOTE THAT THE FORM REQUIRES YOU TO COMPLETE A CERTIFICATION THAT YOU MAILED OR HAND DELIVERED COPIES TO THE PLAINTIFF OR THE PLAINTIFF'S ATTORNEY AND THE GARNISHEE OR THE GARNISHEE'S ATTORNEY.

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13 If you request a hearing, it will be held as soon as 14 possible after your request is received by the court. The 15 plaintiff or the plaintiff's attorney must file any objection within 8 3 business days if you hand delivered to the plaintiff 16 17 or the plaintiff's attorney a copy of the form for Claim of 18 Exemption and Request for Hearing or, alternatively, 14 & 19 business days if you mailed a copy of the form for claim and request to the plaintiff or the plaintiff's attorney. If the 20 21 plaintiff or the plaintiff's attorney files an objection to your 22 Claim of Exemption and Request for Hearing, the clerk will 23 notify you and the other parties of the time and date of the 24 hearing. You may attend the hearing with or without an attorney. If the plaintiff or the plaintiff's attorney fails to file an 25 26 objection, no hearing is required, the writ of garnishment will 27 be dissolved and your wages, money, or property will be 28 released.

29 IF YOU HAVE A VALID EXEMPTION, YOU SHOULD FILE THE FORM FOR CLAIM OF EXEMPTION IMMEDIATELY TO KEEP YOUR 30 31 WAGES, MONEY, OR PROPERTY FROM BEING APPLIED TO THE COURT JUDGMENT. THE CLERK CANNOT GIVE YOU LEGAL 32 ADVICE. IF YOU NEED LEGAL ASSISTANCE YOU SHOULD SEE A 33 34 LAWYER. IF YOU CANNOT AFFORD A PRIVATE LAWYER, LEGAL 35 SERVICES MAY BE AVAILABLE. CONTACT YOUR LOCAL BAR 36 ASSOCIATION OR ASK THE CLERK'S OFFICE ABOUT ANY LEGAL 37 SERVICES PROGRAM IN YOUR AREA.

> CLAIM OF EXEMPTION AND REQUEST FOR HEARING

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	and from accord the stall or in a
_	ons from garnishment under the following
43 categories as c	
	f family wages. ( <u>Check either</u> <del>You must check</del> a. or
b. below <u>,</u>	if applicable.)
44	
a. I provi	ide more than one-half of the support for a child
or other o	dependent and have net earnings of \$750 or less
per week.	
45	
b. I provi	ide more than one-half of the support for a child
_	dependent, have net earnings of more than \$750 per
	have not agreed in writing to have my wages
garnished	
46	
	Security benefits.
47	
	mental Security Income benefits.
48	
4. Public	assistance (welfare).
49	
5. Workers	s' Compensation.
50	
6. Reemplo	oyment assistance or unemployment compensation.
51	
7. Veteran	ns' benefits.
52	
	ment or profit-sharing benefits or pension money.
53	wene of profile bharing benefice of penoton money.
	auronae benefite on each surrender welve of
9. Life 1	nsurance benefits or cash surrender value of a
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	life insurance policy or proceeds of annuity contract.
54	
	10. Disability income benefits.
55	
	11. Prepaid College Trust Fund or Medical Savings Account.
56	
	12. Other exemptions as provided by law.
	(explain)
57	
58	
59	Turment a beauing to deside the welidity of my alaim. Nation
60 (1	I request a hearing to decide the validity of my claim. Notice
61 62	of the hearing should be given to me at:
63	Address:
64	Telephone number:
65	
66	I CERTIFY UNDER OATH AND PENALTY OF PERJURY that a copy of this
67	CLAIM OF EXEMPTION AND REQUEST FOR HEARING has been furnished by
68	(circle one) United States mail or hand delivery on(insert
69	date), to:(insert names and addresses of Plaintiff or
70	Plaintiff's attorney and of Garnishee or Garnishee's attorney to
71	whom this document was furnished)
72	
73	I FURTHER CERTIFY UNDER OATH AND PENALTY OF PERJURY that the
74	statements made in this request are true to the best of my
75	knowledge and belief.
76	
77	•••••

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78	Defendant's signature
79	Date
80	
81	STATE OF FLORIDA
82	COUNTY OF
83	
84	Sworn and subscribed to before me this day of(month
85	and year), by(name of person making statement)
86	Notary Public/Deputy Clerk
87	Personally KnownOR Produced Identification
88	Type of Identification Produced
89	
90	(3) Upon the filing by a defendant of a <u>sworn</u> claim of
91	exemption and request for hearing, a hearing will be held as
92	soon as is practicable to determine the validity of the claimed
93	exemptions. If the plaintiff or the plaintiff's attorney does
94	not file a sworn written statement that <u>answers</u> <del>contests</del> the
95	defendant's claim of exemption within <u>8</u> $\frac{3}{2}$ business days after
96	hand delivering the claim and request or, alternatively, $\underline{14}$ &
97	business days $_{ au}$ if the claim and request were served by mail, no
98	hearing is required and the clerk must automatically dissolve
99	the writ and notify the parties of the dissolution by mail.
100	
101	======================================
102	And the title is amended as follows:
103	Delete lines 6 - 12
104	and insert:
105	notice of a garnishment exemption and request for
106	hearing to the plaintiff's or the garnishee's
l.	

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COMMITTEE AMENDMENT

Florida Senate - 2013 Bill No. SB 592



107 attorney; extending the time allowed for the plaintiff or the plaintiff's attorney to respond to the 108 109 defendant's claim of exemption and request for 110 hearing; providing response procedures of the clerk of 111 court and the plaintiff's attorney when the 112 plaintiff's attorney is served with a notice of 113 garnishment exemption and request for hearing; 114 requiring the defendant to certify under oath and 115 penalty of perjury that he or she provided notice of the garnishment exemption claim and request for 116 117 hearing to the plaintiff, the garnishee, or their 118 respective attorneys in order to obtain a hearing;