



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)**

Delete lines 54 - 142  
and insert:

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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- 42 I claim exemptions from garnishment under the following  
43 categories as checked:
- .... 1. Head of family wages. (Check either ~~You must check~~ a. or  
44 b. below, if applicable.)
    - .... a. I provide more than one-half of the support for a child  
45 or other dependent and have net earnings of \$750 or less  
per week.
    - .... b. I provide more than one-half of the support for a child  
46 or other dependent, have net earnings of more than \$750 per  
week, but have not agreed in writing to have my wages  
garnished.
  - .... 2. Social Security benefits.
  - 47 .... 3. Supplemental Security Income benefits.
  - 48 .... 4. Public assistance (welfare).
  - 49 .... 5. Workers' Compensation.
  - 50 .... 6. Reemployment assistance or unemployment compensation.
  - 51 .... 7. Veterans' benefits.
  - 52 .... 8. Retirement or profit-sharing benefits or pension money.
  - 53 .... 9. Life insurance benefits or cash surrender value of a



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life insurance policy or proceeds of annuity contract.

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.... 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 of the hearing should be given to me at:

Address: .....

Telephone number:.....

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

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

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78 Defendant's signature  
79 Date.....

81 STATE OF FLORIDA

82 COUNTY OF

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 Known .....OR Produced Identification....

88 Type of Identification Produced.....

90 (3) Upon the filing by a defendant of a sworn 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 answers ~~contests~~ the  
95 defendant's claim of exemption within 8 ~~3~~ business days after  
96 hand delivering the claim and request or, alternatively, 14 ~~8~~  
97 business days~~7~~ 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.

101 ===== T I T L E A M E N D M E N T =====

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



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107 attorney; extending the time allowed for the plaintiff  
108 or the plaintiff's attorney to respond to the  
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  
116 the garnishment exemption claim and request for  
117 hearing to the plaintiff, the garnishee, or their  
118 respective attorneys in order to obtain a hearing;