

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Schwartz offered the following:

2
3 **Amendment (with title amendment)**

4 Remove lines 130-176 and insert:

5
6 9. Life insurance benefits or cash surrender value of a
life insurance policy or proceeds of annuity contract or
long-term care insurance benefits.

7 10. Disability income benefits.

8 11. Prepaid College Trust Fund or Medical Savings Account.

9 12. Other exemptions as provided by law.
.....(explain)

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10 I request a hearing to decide the validity of my claim. Notice
11 of the hearing should be given to me at:

12

13 Address:

14 Telephone number:.....

15

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

22

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

26

27

28 Defendant's signature

29 Date.....

30

31 STATE OF FLORIDA

32 COUNTY OF

33

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

36 Notary Public/Deputy Clerk

37 Personally KnownOR Produced Identification....

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38 Type of Identification Produced.....

39

40 (3) Upon the filing by a defendant of a sworn claim of
41 exemption and request for hearing, a hearing will be held as
42 soon as is practicable to determine the validity of the claimed
43 exemptions. If the plaintiff or the plaintiff's attorney does
44 not file a sworn written statement that answers ~~contests~~ the
45 defendant's claim of exemption within 8 ~~3~~ business days after
46 hand delivering the claim and request or, alternatively, 14 ~~8~~
47 business days, if the claim and request were served by mail, no
48 hearing is required and the clerk must automatically dissolve
49 the writ and notify the parties of the dissolution by mail.

50 Section 3. Section 222.12, Florida Statutes, is repealed.

51 Section 4. Subsection (5) is added to section 222.25,
52 Florida Statutes, to read:

53 222.25 Other individual property of natural persons exempt
54 from legal process.—The following property is exempt from
55 attachment, garnishment, or other legal process:

56 (5) A debtor's interest in a long-term care insurance
57 policy as defined in s. 627.9404.

58

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60 **T I T L E A M E N D M E N T**

61 Remove lines 17-23 and insert:

62 hearing; providing for notice of a claim of exemption
63 from garnishment of long-term care insurance benefits;
64 requiring the defendant to certify under oath and
65 penalty of perjury that he or she provided notice of

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66 the garnishment exemption claim and request for
67 hearing to the plaintiff, the garnishee, or their
68 respective attorneys in order to obtain a hearing;
69 repealing s. 222.12, F.S., relating to proceedings for
70 exemption; amending s. 222.25, F.S.; providing an
71 exemption from attachment, garnishment, or other legal
72 process for a debtor's interest in a long-term care
73 insurance policy; providing an effective date.