

LEGISLATIVE ACTION

Senate House

Comm: RCS 03/18/2013

The Committee on Commerce and Tourism (Bean) recommended the following:

Senate Amendment (with title amendment)

Delete lines 54 - 142 and insert:

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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.



If you request a hearing, it will be held as soon as possible after your request is received by the court. The plaintiff or the plaintiff's attorney must file any objection within 8 $\frac{3}{2}$ business days if you hand delivered to the plaintiff or the plaintiff's attorney a copy of the form for Claim of Exemption and Request for Hearing or, alternatively, 14 & business days if you mailed a copy of the form for claim and request to the plaintiff or the plaintiff's attorney. If the plaintiff or the plaintiff's attorney files an objection to your Claim of Exemption and Request for Hearing, the clerk will notify you and the other parties of the time and date of the hearing. You may attend the hearing with or without an attorney. If the plaintiff or the plaintiff's attorney fails to file an objection, no hearing is required, the writ of garnishment will be dissolved and your wages, money, or property will be released.

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

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CLAIM OF EXEMPTION AND REQUEST FOR HEARING

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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
	b. below, if applicable.)
44	
	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.
45	
	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.
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	3. Supplemental Security Income benefits.
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	4. Public assistance (welfare).
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	5. Workers' Compensation.
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	6. Reemployment assistance or unemployment compensation.
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	7. Veterans' benefits.
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	8. Retirement or profit-sharing benefits or pension money.
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	9. Life insurance benefits or cash surrender value of a
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E 4	life insurance policy or proceeds of annuity contract.
54	10. Disability income benefits.
55	IO. DISABILITY INCOME Deficites.
	11. Prepaid College Trust Fund or Medical Savings Account.
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	12. Other exemptions as provided by law.
	(explain)
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59	I request a bearing to decide the realidity of my alaim. Notice
60	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:
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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.
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78 Defendant's signature 79 Date...... 80 STATE OF FLORIDA 81 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 (3) Upon the filing by a defendant of a sworn claim of 90 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 defendant's claim of exemption within 8 3 business days after 95 hand delivering the claim and request or, alternatively, 14 & 96 97 business days $_{T}$ if the claim and request were served by mail, no hearing is required and the clerk must automatically dissolve 98 99 the writ and notify the parties of the dissolution by mail. 100 101 ======= T I T L E A M E N D M E N T ========= 102 And the title is amended as follows: Delete lines 6 - 12 103 104 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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attorney; extending the time allowed for the plaintiff or the plaintiff's attorney to respond to the defendant's claim of exemption and request for hearing; providing response procedures of the clerk of court and the plaintiff's attorney when the plaintiff's attorney is served with a notice of garnishment exemption and request for hearing; requiring the defendant to certify under oath and penalty of perjury that he or she provided notice of the garnishment exemption claim and request for hearing to the plaintiff, the garnishee, or their respective attorneys in order to obtain a hearing;