

IN THE COURT, EIGHTEENTH JUDICIAL CIRCUIT, BREVARD COUNTY, FLORIDA

DIVISION: CASE NUMBER: 05 - - - - XXXX-XX

PLAINTIFF CLOCK IN

DEFENDANT

GARNISHEE

CONTINUING WRIT OF GARNISHMENT AGAINST SALARY OR WAGES

TO THE STATE OF FLORIDA:

To all and Singular the Sheriffs of the State:

YOU ARE COMMANDED to summon the garnishee, , whose address is , who is required to serve an answer to this writ on , plaintiff/plaintiff's attorney, whose address is , within 20 days after service of this writ, exclusive of the day of service, and to file the original with the Clerk of Court, P.O. Box 219, Titusville, FL 32781-0219 either before service on the attorney or immediately thereafter. The answer shall state whether the garnishee is the employer of the defendant and whether the garnishee is indebted to the defendant by reason of salary or wages. The garnishee's answer shall specify the periods of payment (for example, weekly, bi-weekly, or monthly) and amount of salary or wages and be based on the defendant's earnings for the pay period during which this writ is served on the garnishee.

During each pay period, a portion of the defendant's salary or wages as it becomes due shall be held and not disposed of or transferred until further order of this court. The amount of salary or wages to be withheld for each pay period shall be made in accordance with the following paragraph. This writ shall continue until the Plaintiff's judgment is paid in full or until otherwise provided by court order.

Federal Law (15 U.S.C. Fl. Statute 1671-1673) limits the amount to be withheld from salary or wages to no more than 25% of any individual defendant's disposable earnings (the part of earnings remaining after the deduction of any amounts required by law to be deducted) for any pay period or to no more than the amount by which the individual's disposable earnings for the pay period exceed 30 times the federal minimum hourly wage, whichever is less.

For administrative costs, the garnishee may collect \$5.00 against the salary or wages of the defendant for the first deduction and \$ 1.00 for each deduction thereafter.

The total amount of the final judgment outstanding as set out in the plaintiff's motion is \$.

FAILURE TO FILE AN ANSWER WITHIN THE TIME REQUIRED MAY RESULT IN THE ENTRY OF A JUDGMENT AGAINST THE GARNISHEE FOR THE ABOVE TOTAL AMOUNT OF \$.

ORDERED/WITNESSED my hand on the _____ day of _____, 20 _____, in Brevard County, Florida.

BY _____ DC Judge/Deputy Clerk

BAR CODE LABEL

REQUEST FOR ACCOMMODATIONS BY PERSONS WITH DISABILITIES: If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Court Administration at The Moore Justice Center, 2825 Judge Jamieson Way, 3rd Floor, Viera, FL 32940-8006, (321)633-2171 ext. 2, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

**IMPORTANT NOTICE
Federal Wage Garnishment Law
Effective July 1,1970
(For Attachment to Garnishment Order)**

The garnishment restrictions of Title III of the Consumer Credit Protection Act (15 U.S.C. 1673) provide that no court of the United States or of any State may make, execute, or enforce any order or process which provides for the garnishment of the aggregate disposable earnings of any individual for any workweek in an amount which is in excess of the lesser of the following restrictions:

- (1) 25 percent of the individual's disposable earnings for the workweek, or
- (2) the amount by which his disposable earnings for that week exceed 30 times the minimum wage under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)).

These restrictions do not apply in the case of (1) Court orders for the support of any person, (2) Court orders under Chapter XIII of the Bankruptcy Act, and (3) Any debt due for any State or Federal Tax.

"Disposable earnings" is compensation paid or payable for personal services less any amounts required to be withheld by law.

The law also prohibits an employer from discharging any employee because his earnings have been subjected to garnishment for any one indebtedness. The term "one indebtedness" refers to a single debt, regardless of the number of levies made or creditors seeking satisfaction. Whoever willfully violates the discharge provisions of this law may be prosecuted criminally and fined up to \$1000.00, or imprisoned for not more than one year, or both.

A section or provision of the State law that requires a larger amount to be garnished than the Federal law permits is considered preempted by the Federal law. On the other hand, the State law provision is to be applied if it results in a smaller garnishment amount.

Information regarding the Federal Wage Garnishment Law may be obtained from any office of Wage and Hour Division, U.S. Department of Labor.

Room 14, Romark Building
3521 W. Broward Boulevard
Fort Lauderdale, FL 33312

Room 1527, Federal Office Building
51 S.W. First Avenue
Miami, FL 33130

Room 552, New Federal Building
400 West Bay Street, Box 35047
Jacksonville, FL 32202

Room 505, New Federal Building
500 Zack Street
Tampa, FL 33602

Room 309, Orlando Professional Center
22 West Lake Beauty Drive
P. O. Box 8024-A
Orlando, FL 32806

NOTICE TO THE EMPLOYER:

Pursuant to this Writ of Garnishment you must report to this Court ALL sums due from you to the Defendant. However, you should only retain and withhold 25% of such sums for disposition as the Court may Order. You should pay the other 75% to the employee as you ordinarily would. **For further details, read the above notice carefully.**