

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

ORDER FOR CONTINUING WRIT OF GARNISHMENT AFTER JUDGMENT

DIVISION: CIVIL

CASE NUMBER 05 - - - - XXXX-XX

PLAINTIFF

CLOCK IN

DEFENDANT

GARNISHEE

This cause having come on to be heard upon the Plaintiff's Ex Parte Motion for a Continuing Writ of Garnishment, and the court having considered the evidence and being duly advised in the premises it is:

Adjudged that the Clerk of the Court shall issue a standard continuing Writ of Garnishment directed to:

DONE AND ORDERED, this day _____ of _____, 20____, in Brevard County, Florida

JUDGE

PLAINTIFF

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HEARING INFORMATION

Table with 2 columns: Label (DATE, TIME, PLACE, JUDGE) and empty space for input.

If you are a person with 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 the Disability Coordinator at 2825 Judge Fran Jamieson Way; Melbourne, FL 32940; 321-633-2171; within 2 working days of your receipt of this writ; if you are hearing impaired, call 1-800-955-8771; if you are voice impaired, call 1-800-955-8770. For other information, please call 321-633-1950.

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.