

222.11 Exemption of wages from garnishment.—

(1) As used in this section, the term:

(a) "Earnings" includes compensation paid or payable, in money of a sum certain, for personal services or labor whether denominated as wages, salary, commission, or bonus.

(b) "Disposable earnings" means that part of the earnings of any head of family remaining after the deduction from those earnings of any amounts required by law to be withheld.

(c) "Head of family" includes any natural person who is providing more than one-half of the support for a child or other dependent.

(2)(a) All of the disposable earnings of a head of family whose disposable earnings are less than or equal to \$750 a week are exempt from attachment or garnishment.

(b) Disposable earnings of a head of a family, which are greater than \$750 a week, may not be attached or garnished unless such person has agreed otherwise in writing. The agreement to waive the protection provided by this paragraph must:

1. Be written in the same language as the contract or agreement to which the waiver relates;

2. Be contained in a separate document attached to the contract or agreement; and

3. Be in substantially the following form in at least 14-point type:

WARNING - BY SIGNING THIS DOCUMENT YOU ARE WAIVING YOUR RIGHT TO PROTECT YOUR EXEMPT EARNINGS FROM GARNISHMENT - SIGNING THIS DOCUMENT WILL CAUSE YOU TO FORFEIT YOUR STATUTORY RIGHTS. PLEASE CONSULT YOUR ATTORNEY BEFORE SIGNING THIS FORM.

IF YOU PROVIDE MORE THAN ONE-HALF OF THE SUPPORT FOR A CHILD OR OTHER DEPENDENT ALL OR PART OF YOUR ~~INCOME~~ EARNINGS IS EXEMPT FROM GARNISHMENT UNDER FLORIDA LAW. YOU CAN WAIVE THIS PROTECTION ONLY BY SIGNING THIS DOCUMENT. WAIVING YOUR PROTECTION FROM GARNISHMENT MEANS THAT YOUR CREDITORS CAN TAKE YOUR EARNINGS AND APPLY YOUR EARNINGS TO PAY YOUR DEBT. BY SIGNING BELOW, YOU AGREE TO WAIVE THE PROTECTION FROM GARNISHMENT.

(Consumer/Obligor's Signature) _____ (Date Signed) _____

I have ~~fully explained this document to the consumer obligor and have given~~
~~a copy of this signed document to the consumer obligor, and have requested~~
~~that the obligor review it before signing it.~~

(Creditor's Signature) (Date Signed)

The amount attached or garnished may not exceed the amount allowed under the Consumer Credit Protection Act, 15 U.S.C. s. 1673.

(c) Disposable earnings of a person other than a head of family may not be attached or garnished in excess of the amount allowed under the Consumer Credit Protection Act, 15 U.S.C. s. 1673.

(3) Earnings that are exempt under subsection (2) and are credited or deposited in any financial institution are exempt from attachment or garnishment for 6 months after the earnings are received by the financial institution if the funds can be traced and properly identified as earnings. Commingling of earnings with other funds does not by itself defeat the ability of a head of family to trace earnings.

History.—s. 1, ch. 2065, 1875; RS 2008; GS 2530; RGS 3885; CGL 5792; s. 1, ch. 81-301; s. 6, ch. 85-272; s. 2, ch. 93-256; s. 1, ch. 2010-97.