

DBFBP MEMOS 1995

DATE

NUMBER

SUBJECT

04/07/95

[95-1](#)

Debt Garnishments

April 7, 1995

In Reply Refer to:
DBFBP 95-1

TO: AGENCIES AND INDIVIDUALS ADDRESSED

SUBJECT: Debt Garnishments

In 1993, the Florida Legislature waived the State's sovereign immunity for the limited purpose of carrying out the garnishment of State employee wages. As a result, employees of State agencies are no longer exempt from garnishment actions for debts incurred on or after October 1, 1993. When a writ of garnishment is served on an agency, the agency is required to file an answer with the court within 20 days and provide a copy of the answer to the plaintiff or the plaintiff's attorney. If the judgement debtor is currently employed by the agency or if the wage payments are owed to the judgement debtor, the agency must notify the Bureau of State Payrolls to begin a deduction of 25 percent of disposable pay. The amount deducted is held until a final judgement of continuing garnishment is issued directing the payment of the funds. The garnishment deduction will show on the employee's earning statement as code 0610.

An initial supply of the forms used in reporting garnishment information to the Bureau of State Payrolls is enclosed. The forms are DBF-BP-54 and [DBF-BP-55](#). Instructions are printed on the back of each form. Please reproduce these forms as needed or obtain an additional supply of forms from the Bureau.

Listed below is a brief summary of the actions required when a writ of garnishment is served on the agency. For additional information, please refer to [Rule 3A-31.801](#), Florida Administrative Code.

- 1) Determine within two (2) working days of service if the judgement debtor (employee) is currently employed by the agency or if any wage amounts are due and owing to the judgment debtor.
- 2) The writ is to be faxed to the Bureau of State Payrolls (904) 922-5181/SUNCOM 292-5181 within two (2) working days of the date it is served on the agency, along with a completed Form [DBF-BP-55](#) indicating the action the Bureau is to take regarding the garnishment.
- 3) The writ is to be forwarded to the agency's legal staff for response. The Bureau of State Payrolls is to be notified immediately if the legal staff determines that the transaction underlying the writ was incurred prior to October 1, 1993.
- 4)
- 5) Form DBF-BP-54 is to be sent to the creditor (or the attorney representing the creditor) along with the answer to the writ. The completed form, when returned by the creditor, is to be faxed to the Bureau of State Payrolls.

- 6) If the employee is no longer employed by the agency, the writ must still be answered by the agency upon which it was served.
- 7) Any additional documents or correspondence received by the agency regarding the garnishment should be faxed to the Bureau of State Payrolls.

Please note that this procedure does not apply to court ordered support and alimony, Internal Revenue Service tax levies or to defaulted student loans collected under Chapter 240, Florida Statutes, or 20 U.S.C. 1095.

We recommend that each agency apprise its legal staff of these new rules and requirements. Should you have any questions concerning this information, please contact our office at 488-7762, SUNCOM 278-7762.

Sincerely,

William J. Schmitt, Chief
Bureau of State Payrolls
Room 1201, The Capitol
Tallahassee, Florida 32399-0350

Enclosure

WJS/kjb

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