

Florida Judgments

Exemptions from Collections and Garnishment

In Florida, certain income and assets, or property, cannot be taken by a creditor to satisfy or pay a judgment. When a person has no income or assets that a creditor can take, that person is said to be “collection proof.”

You cannot go to jail for failing to pay a debt or a judgment. If a judgment is entered against you, it will be enforceable for 20 years. So, even if you are collection proof now, if your circumstances change, the creditor may attempt to collect at some time in the future.

When you receive a copy of the judgment, it may have a Fact Information Sheet attached. The Fact Information Sheet provides the creditor with your financial information to assist in the collection process, or advise the creditor that there is no reason to try and collect. You must send this Sheet in to the Clerk of the Court within the time allowed. If you have trouble filling out the form, Three Rivers will be happy to help you.

A creditor **cannot** take the following items to satisfy or pay a debt or judgment:

Your home. If you own or are buying the home you live in, it is protected from all creditors **except** the company or person who holds the mortgage.

Pensions. Social security, retirement benefits, veteran’s benefits, and public assistance are exempt from attachment or garnishment.

Vehicle. You can exempt \$1,000 of your interest in a vehicle. This means that your vehicle cannot be taken to satisfy a judgment **unless** the value of the car, less all debts for which the vehicle is collateral, is greater than \$1,000.

Personal Property. You can exempt up to \$1,000 in personal property from attachment by a creditor. This can be furniture, household goods, clothing, etc., as well as cash in the bank.

Wages. If you are the head of a family and provide more than one-half of the support for a child or other dependent, your wages are exempt from garnishment.

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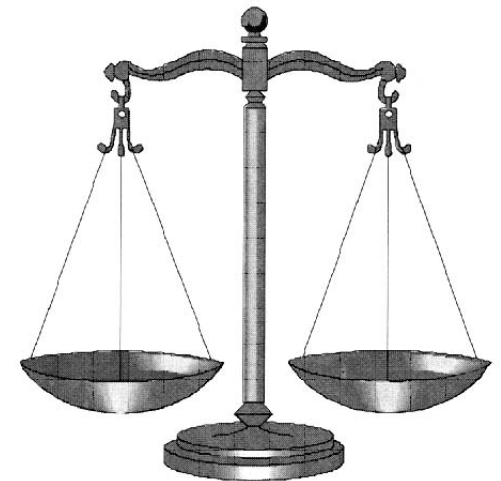
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If you have questions about other property or income, please contact us.

If a creditor tries to collect the judgment by taking property or garnishing income, you can file a Claim of Exemption (attached), ask the Court to stop the garnishment or execution and return any money or property that may have been seized. Unfortunately, you cannot file this form before the creditor tries to collect. If collection efforts are started, you can contact Three Rivers Legal Services for assistance.

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Information provided by
Three Rivers Legal Services, Inc.