

**IN THE THIRTEENTH JUDICIAL CIRCUIT COURT
FOR HILLSBOROUGH COUNTY, FLORIDA**

ADMINISTRATIVE ORDER NO. S-29-90-020

**IN RE: ESTABLISHING INCOME DEDUCTION ORDER FORM AND FORM
SETTING OUT RIGHTS, REMEDIES AND DUTIES WITH REGARD TO
IMPOSITION OF INCOME DEDUCTION ORDER**

WHEREAS Section 775.089(12)(a), Florida Statutes (1989), requires that upon the entry of an order for restitution, the court shall enter a separate order for income deduction; and

WHEREAS Section 775.089(12)(a)(4) states that when the court orders the income deduction, the court shall furnish to the defendant a statement of his rights, remedies, and duties in regard to the income deduction order; and

WHEREAS Section 775.089(12)(a)(4) "a" through "f" sets forth the items this statement shall include; it is therefore

ORDERED:

The attached Income Deduction Order and the Statement of Rights, Remedies, and Duties with Regard to Imposition of an Income Deduction Order are adopted for use in the Thirteenth Judicial Circuit.

DONE AND ORDERED in Chambers in Tampa, Hillsborough County, Florida,
this 8th day of February, 1990.

/S/ F. Dennis Alvarez
F. Dennis Alvarez, Chief Judge

cc: All Circuit and County Court Judges
Bill James, State Attorney
Judge C. Luckey, Jr., Public Defender
Richard Ake, Clerk of the Circuit Court
Walter Heinrich, Sheriff
Troy Surrency, Chief of Police, Plant City
A.C. McLane, Chief of Police, Tampa
Thomas Mathews, Chief of Police, Temple Terrace
Probation and Parole
Kathy T. Baker, Court Administrator
Larry Brown, County Administrator
Hillsborough County Bar Association
The Salvation Army

CIRCUIT/COUNTY COURT, HILLSBOROUGH COUNTY, FLORIDA
CRIMINAL DIVISION
CASE NO. _____

STATE OF FLORIDA

vs

INCOME DEDUCTION ORDER

You have been named as a payor of income, as per the terms of Florida Statute 775.089, to the defendant, _____, in this case.

Pursuant to Section 775.089(12)(a)(2), any funds due from you to the above-named defendant are required to be withheld by you and paid to the Clerk of the Circuit Court of Hillsborough County, Florida, in accordance with the terms of this Order.

IT IS HEREBY ORDERED AND ADJUDGED

Commencing no later than the first payment date occurring two (2) weeks from the date of the service of this Order, you are hereby directed to withhold from any income due from you to _____, restitution payments in the amount of \$____per _____, plus a Clerk's fee in the amount of \$2.00 per payment in accordance with Florida Statute 28.24(31), a one-time Clerk's fee in the amount of \$3.00 as per 28.24(32), and any other applicable fees subject to the limitations that the amount withheld cannot exceed the applicable percentage of the disposable funds due to the named party as defined and pursuant to the garnishment provisions of the Consumer Credit Protection Act, 15 U.S.C. Section 1673.

The reverse side of this Order shall constitute the Notice to Payor [Editor's Note: The "Notice to Payor" is reproduced herein as a separate page] as required by law. Reference to this Notice will advise you of methods and directions for proper compliance with this Order. Payor's rights, remedies, and duties in relation to this Order are contained in the Notice to Payor on the reverse of this Order.

In addition to the above withholding amounts, you may also deduct and retain as reimbursement for costs reasonably incurred by you in order to comply with this Order up to \$5.00 for the initial pay period and up to \$1.00 for each pay period thereafter, per Florida Statute 775.089(12)(b)4e.

Payment of income pursuant to this Order, to the extent thereof, shall fulfill the obligation of the employer, former employer, or other person or agency under any contract with the responsible party for remuneration and no liability shall be incurred as a result of such payment.

DONE AND ORDERED at Hillsborough County, Florida, this __day of __, 19__.

Judge

NOTE: Information regarding the Federal Wage Garnishment Law can be obtained from:
U.S. Department of Labor, Wage and Hour Division, 1211 N. Westshore Blvd.,
Room 402, Tampa, Florida 33607, (813)228-2751.

cc: Probation and Parole Services

NOTICE TO PAYOR
PURSUANT TO SECTION 775.089(12)(B)(4), FLORIDA STATUTES

1. You have been directed by the Circuit Court to deduct the amounts listed on the Order of the Court on the reverse of this form.
2. You shall implement the Income Deduction Order no later than the first payment date which occurs more than the fourteen days after receipt of this Order and Notice. Payments shall be mailed to the Clerk of the Circuit Court at the address below by business check or in person by cash. Any payment by check must contain the Circuit/County Criminal Case No. on the Order on the reverse of this form.
3. You are to forward, within 2 days after each payment date, to the Clerk of the Circuit Court the amount deducted from the income along with a statement as to whether the amount totally or partially satisfies the periodic amount specified in the Income Deduction Order.
4. Should you fail to deduct the proper amount due you shall be liable for same amount, plus costs, interest, and reasonable attorney's fees.
5. You are entitled to collect up to \$5.00 against the employee's income to be reimbursed for administrative costs for the first income deduction and up to \$1.00 for each deduction thereafter as per the Order on the reverse of this Notice.
6. The Income Deduction Order and Notice to you as payor is binding until further notice by the Court or you no longer provide income to the Defendant.
7. When you no longer provide income to the Defendant, you shall notify the Clerk of the Circuit Court and provide the Defendant's last known address and the name and address of the Defendant's new payor, if known. Failure to give such notice will subject you to a civil penalty not to exceed \$250.00 for the first violation or \$500.00 for any subsequent violation.
8. You shall not discharge, refuse to employ, or take disciplinary action against the Defendant because you have been required to comply with an Income Deduction Order. Such action would subject you to a civil penalty not to exceed \$250.00 for the first violation or \$500.00 for any subsequent violation.
9. Should you receive Income Deduction Orders requiring that the income of two or more Defendants be deducted and sent to the same Clerk of Court, you may combine the amounts that are to be paid in a single payment as long as the portion of the payment attributable to each Defendant is identified.
10. Should you receive more than one Income Deduction Order for the Same Defendant, you are to contact the Court for further instructions.

Richard Ake, Clerk of the Circuit Court
Hillsborough County, Florida
Criminal Court Cashiers
801 Twiggs Street, Room 119
P.O. Box 1110
Tampa, Florida

CIRCUIT/COUNTY COURT, HILLSBOROUGH COUNTY, FLORIDA
CRIMINAL DIVISION
CASE NO. _____

STATE OF FLORIDA

vs

STATEMENT OF RIGHTS, REMEDIES, AND DUTIES
WITH REGARD TO IMPOSITION OF INCOME DEDUCTION ORDER
PURSUANT TO SECTION 775.089(12), FLORIDA STATUTES

The Court has imposed upon you an Income Deduction Order in the amount of _____ which sum represents the total amount of restitution owed to the victim in this case. You will be assessed an initial fee from your payor in the amount of \$5.00 and the Clerk of the Circuit Court in the amount of \$3.00. Also, a Clerk's fee of \$2.00 per payment and a payor's fee of \$1.00.

The total amount of income to be deducted for each pay period will be _____, plus fees.

You are advised of the following:

- a. The Income Deduction Order entered applies to current and subsequent payors and periods of employment.
- b. A copy of the Income Deduction Order will be served on your payor or payors.
- c. Enforcement of said Order may only be contested on the ground of mistake of fact regarding the amount of restitution owed.
- d. You are required to notify the Clerk of Court within seven days of any changes in your address as well as any changes in payors, or their addresses.
- e. You are herein further advised that within 15 days from the date of entry of the Income Deduction Order, you may apply for a hearing to contest the enforcement of said order on the sole ground of mistake of fact regarding the amount of restitution owed. A timely request for a hearing shall stay the service of the Order on all payors until a hearing is held and a determination is made as to whether the enforcement of the Order is proper.

I have read and understand the rights and remedies outlined above.

Date

Defendant

Judge

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