

INCOME DEDUCTION ORDER AND NOTICE TO PAYOR

Upon entry of an order establishing, enforcing, or modifying an alimony and/or child support obligation, other than a temporary order, the court must enter a separate order for income deduction. This order must comply with §61.1301, Florida Statutes.

This form instructs the person, company, or organization providing income to the obligor to deduct a certain amount of income as instructed in the order each time the obligor is paid.

You must complete this form and present it to the judge. After the order is signed, you should mail the order to the person or business paying income to the obligor, by pre-paid certified mail, return receipt requested.

Contesting an Income Deduction Order

Within 15 days after having an income deduction order entered against you, you may apply for a hearing to contest the enforcement of the income deduction order on grounds of mistake of fact regarding the amount of support owed under the court's support order, mistake of fact regarding the amount of arrearages (payments that are past due) of support, or identity of the obligor.

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT, IN
AND FOR _____ COUNTY, FLORIDA**

REF: _____
UCN: _____
Division: _____

_____,
Petitioner,

and

_____,
Respondent.

**INCOME DEDUCTION ORDER-STATE OF FLORIDA DISBURSEMENT UNIT
(Section 61.1301, Florida Statutes)**

BE ADVISED:

You have been named as a payor of income, as defined by Section 61.046(13), Florida Statutes, to the Obligor,
_____, in this case.

Pursuant to Florida Statute Section 61.1301, any funds due from you to the above-named party are required to be withheld by you and paid to the State of Florida Disbursement Unit (FLSDU), P.O. Box 8500, Tallahassee, FL 32314-8500 in accordance with the terms of this Order.

This Order applies to funds due from or payable by you to the named party based upon, but not limited to, compensation due for present or past employment, commissions, bonuses, retirement benefits, pensions, worker's compensation benefits, dividends, royalties or trust accounts, or other income as defined by Florida Statute 61.046(7).

IT IS HEREBY ORDERED AND ADJUDGED

Effective _____, you are hereby directed to withhold from any monies due from you to _____, domestic support payments in the amount of \$ _____ per _____, plus an extra \$ _____ per _____ to be applied to arrears of \$ _____ as of the _____ day of _____, plus a service charge of \$ _____ which does not exceed either 4% of the total payment or \$5.25, and is not less than \$1.00 per payment, pursuant to Section 61.181(2)(b)1, Florida Statutes, and any other applicable fees subject to the limitation that the amount withheld cannot exceed the applicable percentage of the disposable funds due to the named party pursuant to the Consumer Credit Protection Act, 15 U.S.C. Section 1673(b).

It is further ordered that you shall deduct _____ % of any income paid in the form of a bonus or other similar one-time payment, up to the amount of arrearage reported in the income deduction notice or the remaining balance thereof and forward the payment to the court depository.

The reverse side of this Order shall constitute the Notice to Payor 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 the sum of \$5.00 for the initial pay period and \$2.00 for each pay period thereafter.

Payment of monies 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 in Chambers at _____, Florida,
this _____ day of _____.

Circuit Judge

NOTICE TO PAYOR
PURSUANT TO SECTION 61.1301, 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 notice.
2. You shall implement this Order no later than the first payment date occurring more than fourteen days after the day this Order and Notice was served on you, the payor. Payments shall be mailed to the State of Florida Disbursement Unit (FLSDU) at the address below by check or money order. Any payment by check must contain the Circuit Civil No. shown on the order on the reverse of this notice, and county identification number (51 for Pasco; 52 for Pinellas). The county ID number may be reflected at the end of the case number.).
3. Within two days of each of the Obligor's regular payment dates, you must forward the deducted funds pursuant to the Income Deduction Order. You must also notify the Obligee/Obligor/D.O.R. of the payment date, the amount deducted from the Obligor's payment, and a statement as to whether this amount totally or partially fulfills the amount specified in the Order and the specific date each deduction is made.
4. If you, as payor, fail to deduct the proper amount, you may be liable for the amount you should have deducted plus costs, interest, and reasonable attorney's fees.
5. You may collect and retain administrative costs as listed in the Order on the reverse of this Notice.
6. This Notice, the Order on the reverse, and the Notice of Delinquency, if one, is binding upon you until notified by the Court, Department of Revenue, the Obligee, or until you no longer provide income to the payor.
7. When you no longer provide income to the Obligor, you must notify the Obligee and/or Department of Revenue of the Obligor's last known address and the name and address of the Obligor's new payor, if known. Failure to give such notice may result in the imposition of a civil penalty up to \$250.00 for the first violation or \$500.00 for any subsequent violation.
8. You may not discharge, refuse to employ, or take any disciplinary action on Obligor because you have been or will be required to comply with an Order for Income Deduction. Such action may result in the imposition of a civil penalty of up to \$250.00 for the first violation or \$500.00 for any subsequent violations. The obligor may also institute a civil suit against you for any such prohibited actions and may seek as recovery reinstatement, lost wages and benefits plus reasonable attorney's fees and costs.
9. The Income Deduction Order on the reverse has priority over all other legal process under state law relating to the same income. Payment pursuant to the Income Deduction Order is a complete defense against any claim against you as payor brought by the Obligor or his creditors.
10. If you receive two or more Income Deduction Orders requiring income deduction from two or more Obligors, you may combine the amounts in forwarding the funds to the State of Florida Disbursement Unit provided that you clearly identify what portion of the payment is attributable to each Obligor.
11. If you receive more than one Income Deduction Order for the same Obligor, and if the total amount to be deducted pursuant to all the Income Deduction Orders against the Obligor exceed the applicable percentage of the Obligor's Disposable Income as defined within the Consumer Credit Protection Act, 15 U.S.C. 1673(b), you must contact the Court for further instructions.

Addresses of agencies you may be required to contact pursuant to this Notice:

Florida Department of Revenue
Child Support Enforcement Unit
19361 US 19 North
Clearwater, FL 34624
Phone: 800-622-5437

State of Florida Disbursement Unit
P.O. Box 8500
Tallahassee, FL 32314-8500
Phone: 850-201-0183
Toll free: 888-883-0743

Ken Burke
Clerk of the Circuit Court
315 Court Street
Clearwater, FL 34616
Phone: 727-464-3267

**NOTICE OF OBLIGOR'S RIGHTS, REMEDIES,
AND DUTIES UNDER AN ORDER FOR
INCOME DEDUCTION**

Pursuant to Florida Statute 61.1301, the domestic support payments the Court has ordered you to pay are to be deducted by any payor of income to you and forwarded directly by the payor to the State of Florida Disbursement Unit (FLSDU) for distribution to the obligee of these funds.

You have certain rights, remedies, and duties under the law.

1. YOU ARE REQUIRED to notify the obligee (the one to whom you owe support payments), and the Department of Revenue if the obligee is receiving IV-D services, of the following changes within seven (7) days:
 - a) A change of your address;
 - b) A change of your payor or payors (those who owe you income);
 - c) A change of the address of your payor or payors.
2. Your payor will be instructed to deduct the periodic domestic support payment you have been ordered to pay. The payor shall also be instructed to deduct twenty percent (20%) of that periodic payment to be applied to any arrearages that may have accrued in your case.
3. The payor may deduct a fee for the administrative costs incurred by the payor in forwarding funds to the State of Florida Disbursement Unit. This fee may be up to Five Dollars (\$5.00) for the first period payment and up to Two Dollars (\$2.00) for each periodic payment made thereafter, Florida Statute 61.1301.
4. The total amount deducted by the payor from your periodic income payments may not exceed the amounts allowed under Section 303(b) of the Consumer Credit Protection Act, 15 U.S.C. 1673(b) as amended.
5. The Income Deduction Order entered in your case applies to all current and future payors and all periods of employment.
6. The Income Deduction Order entered in your case shall be effective immediately and will be served on your payor(s) by the obligee or the obligee's agent.
7. You may contest enforcement of the Income Deduction Order pursuant to Sections 61.1301 and 409.2574, Florida Statutes, on the on the follow mistakes of fact:
 - a) The amount of support owed;
 - b) The arrearage amount, or;
 - c) The obligor's (your) identity or the obligee's identity.

**CONSUMER CREDIT PROTECTION ACT
GARNISHMENT RESTRICTIONS**

- (a) Except as provided in subsection (b) of this section, the total disposable earnings of a person for any work week which can be garnished (kept from the Obligor and sent directly to the Payee) cannot be more than:
- (1) 25% of the Obligor's disposable earnings for that week, or
 - (2) the amount by which the Obligor's disposable earnings for that week exceed thirty times the Federal minimum hourly wage prescribed by section 206(a) of Title 29 in effect at the time the earnings are payable, whichever is less. In the case of earnings for any pay period other than a week, the Secretary of Labor shall by regulation prescribe a multiple of the Federal minimum hourly wage equivalent in effect to that set forth in paragraph (2).
- (b) (1) The restrictions of subsection (a) of this section do not apply in the case of:
- (A) any Order for the support of any person issued by a Court of competent jurisdiction or in accordance with an administrative procedure, which is established by state law, affords substantial due process, and is subject to judicial review.
 - (B) any Order of any Court of the United States having jurisdiction over cases under Chapter 13 or Title 12.
 - (C) any debt due for a state or federal tax.
- (2) The total disposable earnings of a person for any work week which can be garnished (kept from the Obligor and sent directly to the Payee) cannot be more than:
- (A) when such individual is supporting a spouse or dependent child (other than a spouse or child with respect to whose support such order is used), 50% of such individual's disposable earnings for that week; and
 - (B) when such individual is not supporting such a spouse or dependent child described in clause (b)(2)(A), 60% of such individual's disposable earnings for that week;

except that, with respect to the disposable earnings of any individual for any work week, the 50% specified in clause (b)(2)(A) shall be deemed to be 55% and the 60% specified in clause (b)(2)(B) shall be deemed to be 65%, if and to the extent that such earnings are subject to garnishment to enforce a support order with respect to a period which prior to the twelve-week period which ends with the beginning of such work week.

- (c) Execution or enforcement of garnishment order or process is prohibited.

No court of the United States or any state, and no state (or officer or agency thereof), may make, execute, or enforce any order of process in violation of this section.

15 U.S.C. section 1673.