

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. 4.406-2/2021\*

IN RE: RESTITUTION TO CRIME VICTIMS IN NON  
**PROBATION AND NON PRISON DISPOSITION**  
**FOR THE PURPOSES OF INCOME DEDUCTION ORDER**

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Section 775.089, Florida Statutes, mandates that defendants make restitution to crime victims. In order to effectuate that mandate, section 775.089(11) authorizes the court to order the clerk to collect and dispense restitution payments and section 775.089(12)(a) requires the issuance of income deduction orders.

**NOW, THEREFORE**, pursuant to the authority conferred by Florida Rule of Judicial Administration 2.215, it is **ORDERED** as follows:

**STANDARD FORMS**

1. To fulfill the statutory requirement that separate orders be entered for restitution and income deductions, *see* section 775.089(12)(a)(I), Florida Statutes, orders substantially like those attached as **Exhibit A**, Order for Restitution, **and Exhibit B**, Income Deduction Order and Notice to Payor, are recommended for the Court's use.
2. The assistant state attorney responsible for the case shall complete and forward a Clerk's Data Sheet, attached as **Exhibit C**, to the Clerk's Felony Division along with each income deduction order.
3. The Clerk's Office shall mail a notice to each payor as provided in **Exhibit B**.
4. The Clerk's Office shall provide each defendant against whom an income deduction order is entered a Notice of Defendant's Rights, Remedies, and Duties to Pursuant to Income Deduction Order, attached as **Exhibit D**.

(remainder of page left intentionally blank)

**IMPLEMENTATION BY THE CLERK**

1. Upon the entry of an income deduction order pursuant to section 775.089(12)(a)1., payments shall be processed through the Clerk's Office in accordance with Florida Statutes.

**DONE** and **SIGNED** in Chambers at West Palm Beach, Palm Beach County, Florida, this 23<sup>rd</sup> day of February, 2021.

A handwritten signature in black ink that reads "Krista Marx". To the left of the signature is a circular seal with a globe-like design. To the right, there is a faint watermark that says "CLERK OF THE COURT" and "WEST PALM BEACH COUNTY, FLORIDA".

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Krista Marx  
Chief Judge

\*supersedes admin. order 4.406-9/08

Ex A

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT,  
IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE NO: \_\_\_\_\_

STATE OF FLORIDA

V.

\_\_\_\_\_  
Defendant.  
\_\_\_\_\_ /

**ORDER FOR RESTITUTION**

IN ADDITION TO ANY OTHER PUNISHMENT imposed by the Court in this case, Restitution is Ordered. It is hereby:

ORDERED AND ADJUDGED that the victim, \_\_\_\_\_, (See Section 775.089(1)(c), residing at \_\_\_\_\_ shall have and recover from the Defendant \_\_\_\_\_, Date of Birth \_\_\_\_\_, Social Security Number \_\_\_\_\_, the sum of \$ \_\_\_\_\_. Said sum (See Section 775.089(3)(a),(b),(c):

**(designate payment schedule below)**

( ) is a condition of probation/community control, and is to be paid in \_\_\_\_ installments and a final installment of \$ \_\_\_\_, on the \_\_\_\_ day of each month, to commence on \_\_\_\_\_.

( ) is to be paid before \_\_\_\_\_.

( ) is to be paid immediately, hence, FOR WHICH LET EXECUTION ISSUE.  
Complete satisfaction of this Order is a condition of any probation or parole of the Defendant.  
(See Section 775.089(5).

This Order for Restitution may be enforced by the State, or a victim named in this Order to receive the restitution, in the same manner as a judgment in a civil action.

DONE AND ORDERED at West Palm Beach, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
CIRCUIT JUDGE

Copies Furnished:  
Victim  
Probation  
State Attorney  
Defense

Ex B

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA  
CRIMINAL DIVISION

STATE OF FLORIDA,

CASE NO.

Plaintiff,

v.

Defendant, Obligor

\_\_\_\_\_ /

INCOME DEDUCTION ORDER AND NOTICE TO PAYOR

Concurrent with the Court's Order for Restitution and pursuant to section 775.089(12), Florida Statutes, it is hereby

ORDERED AND ADJUDGED that restitution to be made by the Defendant, \_\_\_\_\_, shall include income deduction, the statutory provisions of which are hereinafter set forth:

1. This Order is effective immediately
2. Upon \_\_\_\_\_ receipt \_\_\_\_\_ of \_\_\_\_\_ this \_\_\_\_\_ Order,  
\_\_\_\_\_ ,  
Name of employer, address and phone #

hereinafter referred to as "Payor", shall deduct, from each and every salary/income payment of the Defendant, as follows:

If paid weekly,	\$ _____	each payment.
If paid bi-weekly,	\$ _____	each payment.
If paid semi-monthly,	\$ _____	each payment.
If paid monthly,	\$ _____	each payment.
If paid (other _____)	\$ _____	each payment.

3. No later than two(2) days after the close of each pay period, the Payor shall send the amount of income deduction, along with a statement as to whether the amount totally or partially satisfies the periodic amount specified above, to the Clerk of the Court as indicated

<input type="checkbox"/> <b>Clerk of the Circuit Court</b> PO Box 2906 West Palm Beach, FL 33402-2906	<input type="checkbox"/> <b>Clerk of the County Court:</b> PO Box 3544 West Palm Beach, FL 33402-2906
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4. The provisions hereof must be implemented by the Payor no later than the first salary/income payment date, which occurs more than fourteen (14) days after this Order is served upon the Payor.
5. The Payor may collect up to five (\$5.00) dollars against the Defendant's income to reimburse the Payor for administrative costs for the first income deduction, and up to two (\$2.00) dollars for each deduction thereafter.
6. In addition to the above stated amounts, the Payor shall also deduct from all income due and payable to the defendant a disbursement fee of three dollars and fifty cents (\$3.50) for each deduction to cover the Clerk's processing fees.
7. If the Payor fails to deduct the proper amount from the Defendant's income, the Payor is liable for the amount the Payor should have deducted plus costs, interest, and reasonable attorney's fees.
8. All monies deducted shall be paid to the Clerk of the Court as indicated above. Each payment shall include the defendant's name, as spelled in the caption of this order, the defendant's social security number, and the case number as written in the caption of this order.

9. This order shall remain in effect until further order of this Court, for current and subsequent payors and current and obligatory relationships such as debt repayments or purchase payments, so long as the order for restitution upon which it is based is effective, or until the Payor no longer provides income to the Defendant..
10. When the Payor no longer provides income to the Defendant, the Payor shall notify the appropriate Clerk of the Court, and shall also provide to the Clerk the Defendant's last known address, along with the name and address of the Defendant's new Payor, if known. Violation of this provision will subject the Payor to a civil penalty not to exceed two hundred fifty (\$250.00) dollars for the first violation, or five hundred (\$500.00) dollars for any subsequent violation.
11. The Payor shall not discharge, refuse to employ, or take disciplinary action against the Defendant because of an income deduction order. Violation of this provision will subject the Payor to a civil penalty not to exceed two hundred fifty (\$250.00) dollars for the first violation, or five hundred (\$500.00) dollars for any subsequent violation.
12. the Payor shall contact the Court for further instructions, should the Payor receive more than one Income Deduction Order against the same Defendant.
13. Should the Payor receive income deduction orders requiring that the income of two or more defendants be deducted and sent to the same Clerk of Court, the Payor may combine the amounts that are to be paid to the depository in single payment, so long as the Payor identifies that portion of the payment attributable to each Defendant.

IT IS FURTHER ORDERED THAT THE CLERK SHALL:

1. Serve a copy of this Income Deduction order and Notice to Payor upon the Payor fifteen (15) days after the date hereof, unless stated by the Court; such service to be accomplished by prepaid certified mail, return receipt requested, or in the manner prescribed in Chapter 48, Florida Statutes; and
2. The Defendant herein shall be furnished with the Notice of Defendant's Rights, Remedies, and Duties Pursuant to the Provisions of the Income Deduction Order (copy attached hereto, as Exhibit "D".)

DONE AND ORDERED at West Palm Beach, Florida, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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HONORABLE  
CIRCUIT COURT JUDGE

Copies to: Clerk of the Court  
 Defendant's Payor(s)  
 Victim  
 State Attorney/State Attorney-Victim Aid  
 Defense Counsel/Defendant

Ex C



DATA FOR CLERK TO ACCOMPANY EACH ORDER FOR COLLECTION

DATE: \_\_\_\_\_ CASE NO. \_\_\_\_\_

DEFENDANT: \_\_\_\_\_ D.O.B. \_\_\_\_\_

\_\_\_\_\_ SSN: \_\_\_\_\_

DEFENDANT'S ADDRESS: \_\_\_\_\_

\_\_\_\_\_

NAME OF EMPLOYER: \_\_\_\_\_

ADDRESS OF EMPLOYER \_\_\_\_\_ (phone # \_\_\_\_\_)

CONTACT AT PLACE OF EMPLOYMENT: \_\_\_\_\_

PROBATION OFFICER \_\_\_\_\_

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

PHONE NUMBER \_\_\_\_\_

PROBATION DEPT. SUPERVISOR \_\_\_\_\_

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

PHONE NUMBER \_\_\_\_\_

VICTIM (PAYEE)  
NAME \_\_\_\_\_ AMOUNT: \_\_\_\_\_

ADDRESS \_\_\_\_\_

VICTIM (PAYEE)  
NAME \_\_\_\_\_ AMOUNT: \_\_\_\_\_

ADDRESS \_\_\_\_\_

VICTIM (PAYEE)  
NAME \_\_\_\_\_ AMOUNT: \_\_\_\_\_

ADDRESS \_\_\_\_\_

TOTAL RESTITUTION AMOUNT \$ \_\_\_\_\_

PAYMENT INSTRUCTIONS: \_\_\_\_\_

\_\_\_\_\_

CO-DEFENDANT(S): \_\_\_\_\_

Ex D

IN THE COUNTY/CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT,  
IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE NO:

JUDGE:

STATE OF FLORIDA, :

Plaintiff, :

Vs. :

,

Defendant. :

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NOTICE OF DEFENDANT'S RIGHTS,  
REMEDIES, AND DUTIES PURSUANT TO  
INCOME DEDUCTION ORDER  
[F.S. 775.089(12)(a)4]

THE DEFENDANT is herewith notified of his rights, remedies, and duties in regard to the Income Deduction Order filed in the above-captioned cause:

1. The Payor named in the Income Deduction Order to which this Notice is appended may deduct from the Defendant's income up to five (\$5.00) dollars for administrative costs for the first income deduction and up to two (\$2.00) dollars for each and every subsequent deduction. As applicable, the clerk of Circuit Court may deduct up to three dollars and fifty cents (\$3.50) from each payment for receiving and disbursing said payment(s), pursuant to F.S. 28.24(26)

2. The amount of \_\_\_\_\_ (\$\_\_\_\_\_) is to be deducted from the Defendant's income for each pay period, as indicated in the Income Deduction Order.

3. The Income Deduction Order applies to current and subsequent payors and periods of employment.

4. A copy of the Income Deduction order will be served on the Defendant's Payor or Payors.

PAGE 2.  
NOTICE OF DEFENDANT'S RIGHTS, REMEDIES  
AND DUTIES PURSUANT TO INCOME DEDUCTION ORDER  
STATE VS.  
CASE NO.

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5. The Income Deduction order may only be contested on the ground of mistake of fact regarding the amount of restitution owed. A hearing to contest the Order must be requested by the Defendant within fifteen (15) days from the date of the Income Deduction Order.

6. Within seven (7) days after any change in the Defendant's address, the Payor's address, or in the identity of the Payor, the Defendant is required to so notify the Clerk of the Court.

THE DEFENDANT, or his attorney, shall execute the Receipt herein below to verify service of this Notice, and shall return the Receipted copy to the Clerk of the Court, forthwith.

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RECEIPT HEREOF IS ACKNOWLEDGED, this \_\_\_\_ day of \_\_\_\_\_, A.D.  
20\_\_.

\_\_\_\_\_  
Signature

Type/Print Name \_\_\_\_\_  
(check as applicable)  Defendant  Attorney for Defendant