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Wednesday, 27 April 2011

Commissions are Wages and may be Garnished



News - Legal News

Written by Patrick Russell



Florida Debt Collection Law Florida Garnishment Rights

In *J. Stuart Baker v. Howard L. Storfer*, 36 Fla. L. Weekly D189a (Fla. 4DCA 2011), a [Florida Debt Collection](#) law case involving Florida garnishment and creditor's rights, the Fourth District Court of Appeal for Florida ruled that an employee's commissions are in fact wages and thus subject to garnishment under Florida law and Florida Statute 77.0305. The Appellate court's decision reversed the trial court's determination that a commissioned employee did not have income subject to Florida garnishment. In so holding, the Fourth District Court of Appeal reasoned that wages is a broad enough term to encompass every form of compensation including commissions. Among other things, the Fourth District Court of Appeal found support for its holding in the context of Florida unemployment compensation which defines wages to also include commissions.

With this ruling in hand, a Florida debt collection lawyer has gained some additional firepower and tools in the pursuit of Florida debt collection on behalf of creditors. Florida debtors can no longer hide behind the transparent argument that they earn no income subject to garnishment because their commissions are not wages as defined by the Florida garnishment statute.

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