

Supreme Court of Florida

No. SC04-994

**IN RE: APPROVAL OF FORM FOR USE BY CLERKS OF
THE CIRCUIT COURTS PURSUANT TO RULE 10-2.1(a) OF THE
RULES REGULATING THE FLORIDA BAR.**

[June 17, 2004]

CORRECTED OPINION

PER CURIAM.

In 2004, the Legislature amended section 27.52, Florida Statutes, Determination of Indigence, to provide that the circuit court clerks shall use "a form developed by the Supreme Court" to determine indigency for purposes of appointing the public defender or a private attorney or "any other due process services." See Ch. 2004-265, § 9, at 14, Laws of Fla.¹ Section 27.52 was also amended to require the clerk of court to assist a person who appears before the clerk and requests assistance in completing the form. See id. Chapter 2004-265, Laws of Florida, has an effective date of July 1, 2004. See id. § 109, at 81.

1. We have jurisdiction. See art. V, § 2(a), Fla Const.

In order to implement this legislation, the Court on its own motion hereby approves and authorizes the publication of an affidavit of indigent status form for use by the clerks of the circuit courts. The Court approves this form pursuant to rule 10-2.1(a) of the Rules Regulating the Florida Bar, which allows nonlawyers to assist in the completion of legal forms approved by this Court. However, only the clerks of the circuit courts are authorized to assist individuals in completion of this form.

Rule 10-2.1(a) requires the individual who assisted in preparation of the form to provide a disclosure to the individual who sought assistance. The Court directs the circuit court clerks to this rule for language to be included in the disclosure. Because local procedures may vary from circuit to circuit, the chief judge of each circuit is authorized to prepare instructions for the use of the approved form. Instructions shall be filed with the clerk of court in the respective circuit and with the clerk of this Court.

The form as approved and authorized for publication is set forth in the appendix to this opinion, effective July 1, 2004. By approval of this form, the Court expresses no opinion as to its correctness or applicability, or on the substance of the new legislation. This opinion and the form discussed herein may

be accessed and downloaded from this Court's website at www.flcourts.org.

It is so ordered.

ANSTEAD, C.J., and WELLS, PARIENTE, LEWIS, QUINCE, CANTERO, and BELL, JJ., concur.

NO MOTION FOR REHEARING WILL BE ALLOWED.

Original Proceeding - Rules Regulating The Florida Bar

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

STATE OF FLORIDA vs. / IN THE INTEREST OF:

CASE NO. _____

Defendant / Minor Child(ren) / Respondent

AFFIDAVIT OF INDIGENT STATUS

Notice to Applicant: The provision of a public defender/court-appointed lawyer is not free. A judgment and lien may be imposed against all real or personal property you own to pay for legal and other services provided on your behalf (or on behalf of the person for whom you are making this application). If the \$40.00 application fee is not paid to the Clerk of the Court within 7 days, it will be added to any costs that may be assessed against you at the conclusion of this case. If you are a parent/guardian making this affidavit on behalf of a minor child or tax-dependent adult, the information contained in this affidavit must include your income and assets.

1. **I have _____ dependents.** *(Do not include children not living at home and do not include working spouses.)*
2. **I have take-home income of \$_____ paid** () weekly () bi-weekly () semi-monthly () monthly *(Take-home income equals salary, wages, bonuses, commissions, allowances, overtime, tips and similar payments minus deductions required by law and other court-ordered payments.)*
3. **I have \$_____ in other annual income:** *(Circle "Yes" and fill in the amount if you have this kind of income or circle "No" if you do not have this kind of income)*

Social Security benefits	Yes \$ _____	No
Unemployment compensation	Yes \$ _____	No
Union funds	Yes \$ _____	No
Workers' compensation	Yes \$ _____	No
Retirement/pensions	Yes \$ _____	No
Trusts or gifts	Yes \$ _____	No
Veterans' benefits	Yes \$ _____	No
Other regular support from family members/spouse	Yes \$ _____	No
Rental income	Yes \$ _____	No
Dividends or interest	Yes \$ _____	No
Other kinds of income not on the list	Yes \$ _____	No
4. **I have \$_____ in other assets.** *(Circle "Yes" and fill in the value of the property or circle "No" if you do not have this kind of property.)*

Cash	Yes \$ _____	No
Savings	Yes \$ _____	No
Bank account(s)	Yes \$ _____	No
Stocks and bonds	Yes \$ _____	No
Certificates of deposit or money market accounts	Yes \$ _____	No
Real estate (your ownership interest)	Yes \$ _____	No
Boat(s) or aircraft (your ownership interest)	Yes \$ _____	No
Motor vehicle(s) (your ownership interest)	Yes \$ _____	No
Life Insurance (cash value)	Yes \$ _____	No
Other valuable tangible property (like jewelry, coin collections, etc.)	Yes \$ _____	No
5. **I receive:** *(Circle "Yes" or "No")*

Temp. Assistance for Needy Families-Cash Assistance	Yes	No
Poverty-related veterans' benefits	Yes	No
Supplemental Security Income (SSI)	Yes	No
6. **I have been released on bail in the amount of \$5,000 or more in this case** Yes No
7. **I have a private lawyer in this case** Yes No

