

Supreme Court of Florida

No. SC05-1103

**IN RE: APPROVAL OF APPLICATION FOR DETERMINATION OF
INDIGENT STATUS FORMS FOR USE BY CLERKS AND AMENDMENT
TO FLORIDA RULE OF CRIMINAL PROCEDURE 3.984.**

No. SC04-2492

**IN RE: AMENDMENTS TO THE FLORIDA SUPREME COURT
APPROVED FAMILY LAW FORMS — DETERMINATION OF
INDIGENCE FORMS.**

[October 25, 2007]

PER CURIAM.

In 2005, the Court issued an opinion approving two application for indigent status forms developed by the Florida Clerks of Court Operations Corporation (Clerks Corporation): (1) the Application for Determination of Civil Indigent Status and (2) the Application for Criminal Indigent Status. See In re Approval of Application for Determination of Indigent Status Forms, 910 So. 2d 194 (Fla. 2005). The forms were developed by the Clerks Corporation and submitted to the Court for “final approval” pursuant to chapter 2005-236, sections 3 and 35, Laws

of Florida (now codified as sections 27.52 and 57.082, Florida Statutes (2006), respectively). Because the forms were approved by the Court without first publishing them for comment, the Court allowed interested persons sixty days from the date of the opinion to file comments. Id. at 196.

Comments were received from the Civil Procedure Rules Committee, the Juvenile Court Rules Committee, the Criminal Procedure Rules Committee, the Rules of Judicial Administration Committee, and Florida Legal Services. These comments were forwarded to the Clerks Corporation for consideration. In response to the comments, the Clerks Corporation has submitted a revised Application for Determination of Civil Indigent Status form¹ to the Court for approval.²

Upon consideration, the revised Application for Determination of Civil Indigent Status form is hereby approved and authorized for publication as set forth in the appendix to this opinion, fully engrossed. As with the original Application for Determination of Civil Indigent Status form, we approve the revised form pursuant to rule 10-2.1(a) of the Rules Regulating the Florida Bar, which allows nonlawyers to assist individuals in the completion of legal forms approved by this

1. None of the comments addressed the Application for Criminal Indigent Status, and the Clerks Corporation has not made any revisions to that form.

2. We have jurisdiction. Art. V, §§ 2(a), 15, Fla. Const.; R. Regulating Fla. Bar 10-2.1(a).

Court; however, we remind users of the form that only clerks of court and third parties with whom the clerk has contracted to perform functions assigned by the clerk are authorized to assist individuals in completing this form. See § 57.082(1)(b), Fla. Stat. (2006); see also In re Approval of Application, 910 So. 2d at 195 (acknowledging same with regard to both the Application for Determination of Civil Indigent Status form and the Application for Criminal Indigent Status form). By approval of this form, the Court expresses no opinion as to its correctness or applicability. The revised form shall become effective immediately upon release of this opinion. This opinion and the revised form may be accessed and downloaded from this Court's website at www.floridasupremecourt.org. The revised form may also be accessed and downloaded from the Florida State Courts website at www.flcourts.org.

It is so ordered.

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

THE FILING OF A MOTION FOR REHEARING SHALL NOT ALTER THE EFFECTIVE DATE OF THE REVISED FORM.

Two Cases:

Original Proceeding – Approval of Application for Determination of Indigent Status Forms for use by Clerks and Amendment to Florida Rules of Criminal Procedure 3.984

And

Original Proceeding – Amendments to Florida Supreme Court Approved Family Law Forms – Determination of Indigence Forms

H. Scott Fingerhut, Chair, Criminal Procedure Rules Committee, Miami, Florida; Raymond T. McNeal, Chair, Family Law Rules Committee, Ocala, Florida; The Honorable Robert T. Benton, II, Chair, Judicial Administration Rules Committee, First District Court of Appeal, Tallahassee, Florida; Robert W. Mason, Chair, Juvenile Court Rules Committee, Public Defender’s Office, Fourth Judicial Circuit, Jacksonville, Florida; John D. Dew, Executive Director, and Joseph R. Boyd, General Counsel, Florida Clerks of Court Operations Corporation, Tallahassee, Florida,

for Petitioners

The Honorable Winifred J. Sharp, Senior Judge, Winderemere, Florida; George E. Tragos, Tampa, Florida; Kent R. Spuhler, Florida Legal Services, Inc., Tallahassee, Florida; Alan Abramowitz, Daytona Beach, Florida; John F. Harkness, Jr., Executive Director, The Florida Bar, Tallahassee, Florida; and Keith H. Park, West Palm Beach, Florida,

Responding with comments

APPENDIX

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

CASE NO. _____

Plaintiff/Petitioner or In the Interest Of
vs.

Defendant/Respondent

APPLICATION FOR DETERMINATION OF CIVIL INDIGENT STATUS

Notice to Applicant: If you qualify for civil indigence you must enroll in the clerk's office payment plan and pay a one-time administrative fee of \$25.00. This fee shall not be charged for Dependency or Chapter 39 Termination of Parental Rights actions.

1. I have dependents. (Include only those persons you list on your U.S. Income tax return.)
Are you Married?...Yes....No Does your Spouse Work?...Yes....No Annual Spouse Income? \$ _____

2. I have a net income of \$ _____ paid () weekly () every two weeks () semi-monthly () monthly () yearly () other
(Net income is your total income including salary, wages, bonuses, commissions, allowances, overtime, tips and similar payments, minus deductions required by law and other court-ordered payments such as child support.)

3. I have other income paid () weekly () every two weeks () semi-monthly () monthly () yearly () other
(Circle "Yes" and fill in the amount if you have this kind of income, otherwise circle "No")

- Second Job Yes \$ _____ No Veterans' benefits..... Yes \$ _____ No
Social Security benefits Yes \$ _____ No Workers compensation..... Yes \$ _____ No
For you..... Yes \$ _____ No Income from absent family members Yes \$ _____ No
For child(ren) Yes \$ _____ No Stocks/bonds Yes \$ _____ No
Unemployment compensation Yes \$ _____ No Rental income..... Yes \$ _____ No
Union payments Yes \$ _____ No Dividends or interest..... Yes \$ _____ No
Retirement/pensions Yes \$ _____ No Other kinds of income not on the list Yes \$ _____ No
Trusts Yes \$ _____ No Gifts Yes \$ _____ No

I understand that I will be required to make payments for fees and costs to the clerk in accordance with §57.082(5), Florida Statutes, as provided by law, although I may agree to pay more if I choose to do so.

- 4. I have other assets: (Circle "yes" and fill in the value of the property, otherwise circle "No")
Cash..... Yes \$ _____ No Savings account Yes \$ _____ No
Bank account(s) Yes \$ _____ No Stocks/bonds Yes \$ _____ No
Certificates of deposit or Yes \$ _____ No Homestead Real Property* Yes \$ _____ No
money market accounts Yes \$ _____ No Motor Vehicle* Yes \$ _____ No
Boats* Yes \$ _____ No Non-homestead real property/real estate* Yes \$ _____ No

*show loans on these assets in paragraph 5

Check one: I () DO () DO NOT expect to receive more assets in the near future. The asset is _____.

5. I have total liabilities and debts of \$ _____ as follows: Motor Vehicle \$ _____, Home \$ _____, Other Real Property \$ _____, Child Support paid direct \$ _____, Credit Cards \$ _____, Medical Bills \$ _____, Cost of medicines (monthly) \$ _____, Other \$ _____.

6. I have a private lawyer in this case..... Yes No

A person who knowingly provides false information to the clerk or the court in seeking a determination of indigent status under s. 57.082, F.S. commits a misdemeanor of the first degree, punishable as provided in s.775.082, F.S. or s. 775.083, F.S. I attest that the information I have provided on this application is true and accurate to the best of my knowledge.

Signed this _____ day of _____, 20____.

Date of Birth _____ Driver's License or ID Number _____

Signature of Applicant for Indigent Status
Print Full Legal Name _____
Phone Number: _____

Address, P O Address, Street, City, State, Zip Code

CLERK'S DETERMINATION

Based on the information in this Application, I have determined the applicant to be () Indigent () Not Indigent, according to s. 57.082, F.S.

Dated this _____ day of _____, 20 ____.

Clerk of the Circuit Court by _____

This form was completed with the assistance of: _____
Clerk/Deputy Clerk/Other authorized person.

**APPLICANTS FOUND NOT TO BE INDIGENT MAY SEEK REVIEW BY A JUDGE BY ASKING FOR A HEARING TIME.
THERE IS NO FEE FOR THIS REVIEW.**

Sign here if you want the judge to review the clerk's decision _____