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BK: R2760 PG: 01614
NOV 06 2002 12:19 PM
BOB INZER, CLERK OF COURTS

IN THE SECOND JUDICIAL CIRCUIT OF THE STATE OF FLORIDA

OFFICE OF THE CHIEF JUDGE

AMENDMENT TO ADMINISTRATIVE ORDER #97-13

IN RE: GUIDELINES FOR DETERMINING ENTITLEMENT TO INSOLVENCY IN CIVIL CASES PURSUANT TO FLORIDA STATUTE 57.081

WHEREAS, persons receiving the services of the Clerks and Sheriffs without charge or costs in civil cases under the provisions of Section 57.081, Florida Statutes, may not be eligible and qualify for such benefits, despite an Affidavit of Insolvency executed by them in support of their application for waiver of such costs and fees, it is

ORDERED AND ADJUDGED that:

1. The procedures set forth herein shall be followed by the Clerks of the Second Judicial Circuit upon the application by any person in civil cases for a waiver of costs and fees under the provisions of Sections 57.081, 741.30, or 784.046, Florida Statutes.

2. The applicant shall complete a sworn Financial Affidavit (form attached) that includes evidence of the applicant's income.

3. The Clerks shall not accept any Affidavit of Insolvency, or issue a Certificate of Insolvency, if such Financial Affidavits reflect that any of the following apply:

   a. The applicant has cash, or checking or savings deposits, in excess of $500.00; or
   b. The Applicant has no dependents and his/her gross income exceeds $190.00 per week, or
   c. The applicant has dependents, and his/her gross income exceeds $190.00 per week, PLUS $25.00 per week for each dependent of applicant.

   If the applicant qualifies as indigent, the applicant must sign an Affidavit of Insolvency and the Clerks shall issue a Certificate of Insolvency.

4. If the applicant does not qualify as indigent, the Clerks shall advise the applicant and shall not issue a Certificate of Indigency. If the applicant seeks judicial review of this

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action, the Clerks shall complete a Response to Insolvency Affidavit (sample attached) and shall send the case to the judge to whom the case would have been assigned. If the judge finds the applicant is not indigent, the applicant must then pay the filing fees within five days to proceed with the case, or the Clerks shall dismiss the case.

5. If the applicant is represented by an attorney, the attorney may file a signed, written certificate, certifying that his/her client is indigent based on the guidelines set forth above, instead of the applicant filing an Affidavit of Insolvency.

6. If a petitioner applies for a repeat violence or dating injunction, pursuant to Section 784.046, Florida Statutes, and is not entitled to a Certificate of Insolvency based on the above guidelines, the initial fees due to the Clerks and the Sheriffs shall be temporarily waived to the extent necessary to process the petition and serve the injunction, subject to a subsequent order of the Court relative to payment of such fees. Petitioners seeking a temporary waiver under these provisions shall complete an Affidavit of Insufficient Funds, and shall not have to pay the fees until otherwise directed by the Court.

7. Nothing contained in this order is intended to serve as an impediment to any person genuinely entitled to receive the benefits of insolvency.

DONE AND ORDERED in Chambers, on November 4th, 2002.

WILLIAM L. GARY
Chief Judge

F:\Loretta\Orders\amend#97-13.wpd

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IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, STATE OF FLORIDA

R20020100666
RECORDED IN
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BOB INZER, CLERK OF COURTS

_____,
Plaintiff

vs. Case No.: _____

_____,
Defendant.

FINANCIAL AFFIDAVIT

Petitioner swears and says under penalty of perjury the following is true:

Occupation:_____ Business Address:_____
Employed by:_____ Pay Period:_____

ITEM 1: INCOME: Averaged per week, month, or Bi-weekly (circle one):
Average GROSS wage...$_____
(Deduct) Federal Income Tax $_____
Social Security $_____
Union Dues $_____
Other $_____
Total Deductions $_____
Average NET wage (gross less deductions).....$_____
Other Income: (Interest, Dividends, Rents, Social Security, Retirement, etc.) $_____
TOTAL NET INCOME.....$_____

ITEM 2: ASSETS:
Cash on hand or in bank $_____
Stocks, Bonds, Notes $_____
Real Estate:
Home $_____
Other $_____
Automobiles $_____
Other Personal Property $_____
Other Assets: _____ $_____
_____ $_____
_____ $_____

TOTAL ASSETS.....$_____

ITEM 3: LIABILITIES:
Real Estate Mortgages $_____
Automobile loans $_____
Other Notes and Loans $_____
Other:_____- $_____
_____ $_____
_____ $_____

TOTAL LIABILITIES.....$_____

_____
AFFIANT

SWORN TO AND SUBSCRIBED before me
this _____ day of _____, 2002
ID presented _____

_____
NOTARY PUBLIC OR DEPUTY CLERK

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CLERK OF THE CIRCUIT COURT & COMPTROLLER
LEON COUNTY
GWEN MARSHALL
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IN THE COUNTY COURT,
IN AND FOR LEON COUNTY, FLORIDA

R20020100666
RECORDED IN
PUBLIC RECORDS LEON CNTY FL
BK: R2760 PG: 01617
NOV 06 2002 12:19 PM
BOB INZER, CLERK OF COURTS

_____,
Plaintiff

vs. Case No.: _____

_____,
Defendant.

FINANCIAL AFFIDAVIT

Petitioner swears and says under penalty of perjury the following is true:

Occupation:_____ Business Address:_____
Employed by:_____ Pay Period:_____

ITEM 1: INCOME: Averaged per week, month, or Bi-weekly (circle one):
Average GROSS wage...$_____
(Deduct) Federal Income Tax $_____
Social Security $_____
Union Dues $_____
Other $_____
Total Deductions $_____
Average NET wage (gross less deductions).....$_____
Other Income: (Interest, Dividends, Rents, Social Security, Retirement, etc.) $_____
TOTAL NET INCOME.....$_____

ITEM 2: ASSETS:
Cash on hand or in bank $_____
Stocks, Bonds, Notes $_____
Real Estate:
Home $_____
Other $_____
Automobiles $_____
Other Personal Property $_____
Other Assets: _____ $_____
_____ $_____
_____ $_____

TOTAL ASSETS.....$_____

ITEM 3: LIABILITIES:
Real Estate Mortgages $_____
Automobile loans $_____
Other Notes and Loans $_____
Other:_____- $_____
_____ $_____
_____ $_____

TOTAL LIABILITIES.....$_____

_____
AFFIANT

SWORN TO AND SUBSCRIBED before me
this _____ day of _____, 2002
ID presented _____

_____
NOTARY PUBLIC OR DEPUTY CLERK

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LEON COUNTY
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IN THE _____ COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, STATE OF FLORIDA

R20020100666
RECORDED IN
PUBLIC RECORDS LEON CNTY FL
BK: R2760 PG: 01618
NOV 06 2002 12:19 PM
BOB INZER, CLERK OF COURTS

_____,
Plaintiff/Petitioner,

vs. Case No.: _____

_____,
Defendant/Respondent.

_____/

CLERK'S RESPONSE TO INSOLVENCY AFFIDAVIT

Plaintiff has filed a Financial Affidavit and Affidavit of Insolvency, requesting to proceed in this action without charge pursuant to Section 57.081, Florida Statutes.

Based on the requirements of this statute, and the guidelines for entitlement established in Administrative Order 97-03 (Oct. 1, 1997), the Leon County Clerk's Office will not issue a certificate of insolvency to the Plaintiff.

DATED this _____ day of _____, _____.

BOB INZER
Clerk of the Court
Leon County, Florida

By: _____
Deputy Clerk

ORDER

THIS CAUSE came before the Court on the Clerk's Response to Insolvency Affidavit. This Court has reviewed the Affidavit of Insolvency and Clerk's Response. Based on these documents, it is

ORDERED AND ADJUDGED that:

_____ The Plaintiff is insolvent and shall be allowed to proceed under Section 57.081, Florida Statutes; or

_____ The Plaintiff is not insolvent. If the Plaintiff does not pay the filing fees within five days, the Clerk's Office will dismiss this case.

_____
_____ Judge

Copies to: Plaintiff/Petitioner
Rev. 09/23/02

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