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02/25/2003 at 09:42 AM, BOB INZER, CLERK OF COURTS

IN THE SECOND JUDICIAL CIRCUIT OF
THE STATE OF FLORIDA

OFFICE OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER 2003-03

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 $215.87 per week, or
   c. The applicant has dependents and his/her gross income exceeds $215.87 per week, PLUS $25.00 per week for each dependent of the 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 Insolvency. If the applicant seeks judicial

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review of this action, the Clerks shall complete a Response to Insolvency Affidavit and shall send the case to the judge 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, which certifies 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 and 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.

8. This Order rescinds and supercedes Administrative Order 97-13 and 97-13A dated October 1, 1997 and November 4, 2002.

DONE AND ORDERED in Chambers, on February 21st, 2003.

WILLIAM L. GARY
Chief Judge

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

_____
Petitioner,

vs. CIVIL CASE NO._____

_____
Respondent.

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 _____, 1997.
ID Presented_____

_____
NOTARY OR DEPUTY CLERK

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