20040043808 RECORDED IN PUBLIC RECORDS LEON COUNTY FL BK: 3088 PG: 653,
05/18/2004 at 08:26 AM, BOB INZER, CLERK OF COURTS

IN THE SECOND JUDICIAL CIRCUIT OF
THE STATE OF FLORIDA

OFFICE OF THE CHIEF JUDGE

AMENDED ADMINISTRATIVE ORDER 2004-03-A

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

WHEREAS, persons seeking 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 Indigency 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 section 57.081, 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 Indigency, 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 net income exceeds 125% of the HHS Poverty Guidelines (chart attached), or
   c. The applicant has dependents and his/her net income exceeds 125% of the HHS Poverty Guidelines for household size (chart attached)

   If the applicant qualifies as indigent, the applicant must sign an Affidavit of Indigency 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 review of this action, the Clerks 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 Clerk shall dismiss the case.

5. If the applicant is represented by an attorney, the attorney may file a signed

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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 Indigency.

6. Pursuant to sections 741.30(2)(a) and 784.046(3)(b), Florida Statutes, notwithstanding any other law, the Clerk may not assess a fee for filing a petition for protection against domestic violence, repeat domestic violence, sexual violence, or dating violence.

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 Orders 97-13, dated October 1, 1997; 97-13A, dated November 4, 2002; 2003-03, dated February 21, 2003; and 2004-03, dated March 30, 2004.

DONE AND ORDERED in Chambers, on May 13, 2004.

CHARLES A. FRANCIS
Chief Judge

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

_____,
Plaintiff/Petitioner

vs. **Case No.:** _____

_____,
Defendant/Respondent

FINANCIAL AFFIDAVIT

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

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

Item 1:
Income: Average per week, month, or bi-weekly (circle one).

Average **Gross** wage .....$ _____
(Deduct)Federal Income Tax $_____
Social Security $_____
Union Dues $_____

_____(# of Dependents) x $25.00 = $_____
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 $_____

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Other Assets:_____ $_____
_____ $_____
_____ $_____

Total Assets:.....$_____

Item 3:
Liabilities:
Real Estate Mortgages $_____
Automobile Loans $_____
Other notes and Loans $_____
Other: _____ $_____
_____ $_____
_____ $_____

Total Liabilities:.....$_____

Date: _____

_____
Signature of Party

_____
Name of Party

_____
Address

_____

_____
Telephone

State of Florida
County of _____

Sworn to and subscribed before me this _____Day of_____, 200_ by _____.

ID Presented_____

_____
Notary or Deputy Clerk

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2004 INDIGENCE ELIGIBILITY GUIDELINES
FOR DETERMINING ENTITLEMENT TO INSOLVENCY IN CIVIL CASES
(Pursuant to Second Judicial Circuit Administrative Order # 2004-03-A)

Household Size (Legal Tax Dependents)	HHS Guidelines	Weekly Income Indigence Guideline	Bi-Weekly Income Indigence Guideline	Twice Monthly Income Guideline	Monthly Income Indigence Guideline	Annual Income
1	$9,310.00	$223.80	$447.60	$484.90	$969.79	$11,637.50
2	$12,490.00	$300.24	$600.48	$650.52	$1,301.04	$15,612.50
3	$15,670.00	$376.68	$753.37	$816.15	$1,632.29	$19,587.50
4	$18,850.00	$453.13	$906.25	$981.77	$1,963.54	$23,562.50
5	$22,030.00	$529.57	$1,059.13	$1,147.40	$2,294.79	$27,537.50
6	$25,210.00	$606.01	$1,212.02	$1,313.02	$2,626.04	$31,512.50
7	$28,390.00	$682.45	$1,364.90	$1,478.65	$2,957.29	$35,487.50
8	$31,570.00	$758.89	$1,517.79	$1,644.27	$3,288.54	$39,462.50
For each additional person add:	$3,180.00	$76.44	$152.88	$165.63	$331.25	$3,975.00

Figures based on the 125% of the 2004 Federal Register, United States Department of Health and Human Service Poverty Guidelines

Updated March 11, 2004

Second Judicial Circuit
State of Florida

OR BK 3088 PG 657