

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



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





**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

