

Supreme Court of Florida

No. SC08-2176

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

[March 19, 2009]

PER CURIAM.

The Florida Clerks of Court Operations Corporation has submitted for the Court's approval a revised Application for Criminal Indigent Status form. We have jurisdiction. Art. V, §§ 2(a), 15, Fla. Const; R. Regulating Fla. Bar 10-2.1(a).

Sections 27.52 and 57.082, Florida Statutes (2008), require a person seeking to be declared indigent in a criminal or civil proceeding to apply to the clerk of court for determination of indigent status using an application form "developed by the Florida Clerks of Court Operations Corporation with final approval by the Supreme Court." § 27.52(1), Fla. Stat. (2008); § 57.082(1), Fla. Stat. (2008). In accordance with these statutes, the Court previously approved an Application for Determination of Civil Indigent Status form and an Application for Criminal Indigent Status form for use by the clerks of court. See In re Approval of

Application for Determination of Indigent Status Forms for Use by Clerks, 910 So. 2d 194 (Fla. 2005); see also 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, 969 So. 2d 285 (Fla. 2007) (approving revisions to Application for Determination of Civil Indigent Status). The Court also deleted the language of then existing Florida Rule of Criminal Procedure 3.984, Affidavit of Indigent Status, and replaced it with the language of the Application for Criminal Indigent Status. See In re Approval of Application for Determination of Indigent Status Forms, 910 So. 2d at 195.

Due to a recent legislative change, the Clerks Corporation has revised the “Notice to Applicant” portion of the Application for Criminal Indigent Status form to reflect an application fee of \$50.00, rather than a \$40.00. See ch. 2008-111, § 4, Laws of Fla. (amending § 27.52 (1)(b), Fla. Stat. (2007)).

We approve the revised form as set forth in the appendix to this opinion.¹ To incorporate the revision to the form, we also amend Florida Rule of Criminal Procedure 3.984, Application for Criminal Indigent Status, by replacing the body

1. As we did with the original form developed by the Clerks Corporation, we approve the revised form pursuant to rule 10-2.1(a) of the Rules Regulating the Florida Bar, which allows nonlawyers to assist in the completion of legal forms approved by this Court. However, 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 completion of the approved form. See § 27.52(1)(e)(1), Fla. Stat. (2008).

of rule 3.984 with the revised form.² The amendment shall be effective immediately.

It is so ordered.

QUINCE, C.J., and PARIENTE, LEWIS, CANADY, POLSTON, and LABARGA, JJ., concur.

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION, AND IF FILED, DETERMINED.

Original Proceeding – Florida Rule of Criminal Procedure

Judge Thomas H. Bateman, III, Chair, Criminal Procedure Rules Committee, Tallahassee, Florida, and John D. Dew, Executive Director, Florida Clerks of Court Operations Corporation, Tallahassee, Florida,

for Petitioner

2. We amend rule 3.984 pursuant to Florida Rule of Judicial Administration 2.140(d).

APPENDIX

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

STATE OF FLORIDA vs.

CASE NO. _____

Defendant/Minor Child

APPLICATION FOR CRIMINAL INDIGENT STATUS

I AM SEEKING THE APPOINTMENT OF THE PUBLIC DEFENDER

OR

I HAVE A PRIVATE ATTORNEY OR AM SELF-REPRESENTED AND SEEK DETERMINATION OF INDIGENCE STATUS FOR COSTS

Notice to Applicant: The provision of a public defender/court appointed lawyer and costs/due process services are not free. A judgment and lien may be imposed against all real or personal property you own to pay for legal and other services provided on your behalf or on behalf of the person for whom you are making this application. There is a \$50.00 fee for each application filed.

If the application fee is not paid to the Clerk of the Court within 7 days, it will be added to any costs that may be assessed against you at the conclusion of this case. If you are a parent/guardian making this affidavit on behalf of a minor or tax-dependent adult, the information contained in this application must include your income and assets.

- 1. I have dependents. (Do not include children not living at home and do not include a working spouse or yourself.)
2. I have a take home income of \$ paid weekly bi-weekly semi-monthly monthly yearly
3. I have other income paid weekly bi-weekly semi-monthly monthly yearly: (Circle Yes and fill in the amount if you have this kind of income, otherwise circle No.)
4. I have other assets: (Circle yes and fill in the value of the property, otherwise circle No.)
5. I have a total amount of liabilities and debts in the amount of \$
6. I receive: (Circle Yes or No.)
7. I have been released on bail in the amount of \$ Cash Surety Posted by: Self Family Other

A person who knowingly provides false information to the clerk or the court in seeking a determination of indigent status under s. 27.52, 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

Signature of applicant for indigent status

Driver's license or ID number

Print full legal name
Address
City, State, Zip
Phone number

CLERK'S DETERMINATION

Based on the information in this Application, I have determined the applicant to be Indigent Not Indigent

The Public Defender is hereby appointed to the case listed above until relieved by the Court.

Dated this day of , 20.

Clerk of the Circuit Court

This form was completed with the assistance of

Clerk/Deputy Clerk/Other authorized person

APPLICANTS FOUND NOT INDIGENT MAY SEEK REVIEW BY ASKING FOR A HEARING TIME. Sign here if you want the judge to review the clerk's decision of not indigent. _____