

**MINUTES**  
**FLORIDA CLERKS OF COURT OPERATIONS CORPORATION**  
**EXECUTIVE COUNCIL**  
**WEDNESDAY, APRIL 26, 2006**  
**SPECIAL TELEPHONE CONFERENCE MEETING**  
**(One agenda item meeting- Review of Indigent Form)**

Chairman Maryanne Morse called the April 26, 2006 special meeting of the Executive Council of the Florida Clerks of Court Operations Corporation (CCOC) to order at 2:30 p.m. Ms. Morse welcomed members and guests. Members and staff of the Executive Council of the Corporation present were the Honorable Maryanne Morse, Honorable Jeffrey K. Barton, Honorable Ken Burke, Honorable Howard Forman, Honorable Harvey Ruvlin, Honorable Tim Smith, Honorable Richard Weiss, John Dew, Joseph Boyd, and Judy Zorn. Honorable Annie Mae Murphy was unable to attend the meeting.

**INDIGENT APPLICATION FORM**

Ms. Morse announced that the changes in the form are related strictly and solely to the Civil Indigent Application. We are in no way changing the Criminal form.

Ms. Morse explained each of the changes;

1. At the top of the form, we added "Petitioner / Plaintiff / In the Interest of (for juvenile cases) with "Defendant / Respondent" underneath.
2. Notice to Applicant states that the \$25 charge shall not be charged in Dependency or Chapter 39, Termination of Parental Rights actions. Although these cases generate more work, the statute states that we cannot charge for them.
3. Section #1, we've added for clarification, "Include only those persons you list on your US Income Tax Return". We have also added the questions "Are you married? Does your spouse work? Annual spouse's income?"
4. Section #2, we have left in "Weekly", deleted "bi-weekly", inserted "every two weeks", and left in "semi monthly", "monthly", and "yearly". We also added "other". In addition, we have changed the words "Take home income" to "Net income". Regarding "other qualifying court-ordered payments", we are deleting the word "qualifying". The sentence will read in part "...other court-ordered payments such as child support".
5. Section #3, we added the "second job". Regarding social security benefits we added lines for the applicant and for the applicant's children. We changed the wording "union funds" to "union payments". Trust and gifts were separated, and we deleted "child support of other regular-support from family members/spouse" and added "income from absent family members". We have shown, on the mark-up in the member's packet, both the old and new versions of this section in total.
  - a. Regarding the requirement to put indigents on a payment plan, Mr. Burke asked what happens if someone has no income. Ms. Morse stated that the

statute requires applicants to pay at least 2% of their gross income. Mr. Burke countered that his Legal Aid says that 2% of zero is zero. Ms. Morse explained that the statute does not accept this argument. Applicants must, under these circumstances be put on a payment plan, the thought being that receiving \$5 a month for a filing fee is better than receiving zero dollars of that filing fee. Indigent status no longer gives one totally free access to the court system.

6. Section #4, we separated out the one category of “equity in Motor vehicles/Boats/Other Tangible Property” to two separate categories of “Boats”, and “Motor Vehicles”. We further added the categories of “Homestead Real Property” and “Non-homestead real property/real estate”. Mr. Dew explained some asterisks that need to be changed. The homestead real property and the non-homestead real property should both have one asterisk directing applicants to list liabilities associated with these assets in Section 5.
7. Ms. Morse recommended that regarding the sentence to be checked “I do or do not expect to receive more property in the near future” that the word assets be used instead of property. Likewise in the next sentence “That property is \_\_\_” also replace the word “property” with the word “asset”. This term is a more encompassing term than property.
8. Section #5 adds the liabilities / debts incurred against the assets in #4 and list each.
9. Mr. Dew reported minor changes on the last part of the form allowing a person the Clerk determines is not indigent to seek judicial review. The new wording as proposed by Legal Services and with the Council’s approval adds the words “by asking for a hearing time. There is no fee for this review. Sign here if you want the judge to review the Clerk’s decision.”
10. Mr. Weiss requested we make two edits. Below the line for the signature of the Clerk of the Circuit Court, he would like to have added “by Deputy Clerk”. Mr. Dew explained that the old form did contain the language, “Clerk, Deputy Clerk, other authorized person” so we could easily pull that language to the new form. Mr. Weiss would also like to see the line for that signature made longer.
11. Mr. Smith asked who would provide the forms. Ms. Morse explained that the form, in its corrected version will go to the Supreme Court for their approval. Once approved, she believes the Clerks will provide the forms. Mr. Ruvin suggested we put the forms on the website, so they can be printed as needed.
12. Mr. Smith also requested we straighten up the Yes / No’s in #4 before printing to be sure they are all aligned correctly.

Mr. Burke moved we approve the form as presented incorporating the changes discussed here today. Mr. Weiss seconded the motion which passed unanimously.

#### OTHER BUSINESS

The next meeting will be held telephonically May 11, 2006 at 2:00 p.m. The meeting was adjourned at 2:47 p.m.