

**IN THE CIRCUIT COURT FOR THE SIXTH JUDICIAL CIRCUIT  
IN AND FOR PASCO AND PINELLAS COUNTIES, FLORIDA**

ADMINISTRATIVE ORDER NO. 2019-067 PA/PI-CIR

**RE: INDIGENT STATUS**

Section 27.52, Florida Statutes, provides for initial determination of indigent status by the Clerk of Court for the appointment of a public defender and provides for a direct review by the Court of any application of a criminal defendant to be found indigent for costs only. Section 57.082, Florida Statutes, provides for an initial determination of indigent status by the Clerk of Court regarding the appointment of a private attorney in eligible civil matters and provides for a direct review by the Court of any application for indigent status.

In 2005, the Florida Supreme Court approved and adopted two forms entitled “Application for Criminal Indigent Status” and “Application for Determination of Civil Indigent Status” for use by the Clerk of Court and authorized the Chief Judge to prepare instructions for use of the approved forms. In 2012, the Florida Legislature amended section 57.081, Florida Statutes, to clarify that a party who has been determined indigent is not required to prepay costs to a court, clerk, or sheriff, and is not required to pay filing fees or charges for issuance of a summons.

Therefore, in order to provide notice to litigants, to provide a process for challenging the Clerk of Court’s denial of indigent status where applicable, and as authorized by Florida Statutes,

**IT IS ORDERED:**

1. Where a designation of indigent status is sought pursuant to section 27.52, Florida Statutes, for the appointment of a public defender, the Clerk of Court shall attach to the Application for Criminal Indigent Status the disclosure required by Rules Regulating the Florida Bar 10-2.2(a). Further, in cases where indigent status is denied, the Clerk of Court shall attach to the application the “Request for Court Review of Clerk’s Determination of Non-Indigence for Appointment of Public Defender,” attached hereto as “Attachment A.”

2. Where a designation of indigent status is sought pursuant to section 57.082, Florida Statutes, the Clerk of Court shall attach to the Application for Determination of Civil Indigent Status the disclosure required by Rules Regulating the Florida Bar 10-2.2(a). Further, in cases where indigent status is denied, the Clerk of Court shall attach to the application the “Petition for Court Review of Clerk’s Determination of Non-Indigence for Appointment of Counsel for Civil Litigants,” attached hereto as “Attachment B.”

3. Where a designation of indigent status is sought pursuant to section 27.52, Florida Statutes, seeking indigent status as to costs only, section 27.52, Florida Statutes, provides that such request shall be submitted directly to the Court without initial review by the Clerk. However, the applicant is still required to make such request using the Application for Criminal Indigent Status. Also, where the applicant is represented by counsel, he or she must attach an affidavit attesting to the estimated amount of attorney’s fees and the source of payment for such fees. The form “Motion to be Determined Indigent for Costs Pursuant to section 27.52(5), Florida Statutes,” attached hereto

as "Attachment C," may be used for submitting such a request.

Also, in the event that the Court finds the applicant indigent for costs, the Clerk shall provide a copy of the Court's order to the applicant or his or her attorney for use in requesting payment of due process expenses through the Justice Administration Commission.

4. When the Clerk of Court in Pinellas County receives a request for review of the denial of indigent status in civil, family or probate cases, the Clerk shall provide the request with the supporting affidavit to the duty judge.

When the Clerk of Court in Pinellas County receives a request for review of the denial of indigent status in felony and misdemeanor criminal cases, or a request for a determination by the Court of indigent status for costs only in such cases, the Clerk shall provide the request with the supporting affidavit(s) to the Criminal Administrative Judge.

When the Clerk of Court in Pinellas County receives a request for review of the denial of indigent status in a dependency or delinquency case, the Clerk shall provide the request with supporting affidavit to the Uniform Family Court Administrative Judge.

When the Clerk of Court in Pinellas County receives a request for review of the denial of indigent status in a traffic case filed at the North or South County Traffic Court, the Clerk shall provide the request with the supporting affidavit to the presiding judge in the North or South County Traffic Court.

5. When the Clerk of Court in Pasco County receives a request for review of the denial of indigent status in any matter, or a request for a determination by the Court of indigent status for costs in a criminal matter, the request shall be provided to the assigned section judge.

6. If a party in a civil proceeding is determined indigent, the party is not required to prepay costs to a court, clerk, or sheriff, and is not required to pay filing fees or charges for issuance of a summons. Despite an indigent party's present inability to pay for services, the indigent party shall receive the services of the courts, sheriffs, and clerks such as filing fees, service of process, certified copies of orders and final judgments, mediation fees, examining fees, and other costs pursuant to section 57.081, Florida Statutes. If an applicant prevails in an action, costs shall be taxed in his or her favor as provided by law and, when collected, shall be applied to pay filing fees or costs that have not been paid. The party may be required to enter into a payment plan for costs, excluding filing fees, pursuant to sections 28.246(4) and/or 57.082(6), Florida Statutes. The reasonableness of any such payment plan is subject to Court review.

Administrative Order 2005-040 PA/PI-CIR is hereby rescinded. The Court may update the Attachments to this Administrative Order without amendment of this Administrative Order.

**DONE AND ORDERED** in Chambers at St. Petersburg, Pinellas County, Florida this \_\_\_\_\_ day of October 2019.

ORIGINAL SIGNED ON OCTOBER 8, 2019  
BY ANTHONY RONDOLINO, CHIEF JUDGE

- Attachment A: Request for Court Review of Clerk's Determination of Non-Indigence for Appointment of Public Defender
- Attachment B: Petition for Court Review of Clerk's Determination of Non-Indigence for Appointment of Counsel for Civil Litigants
- Attachment C: Motion to be Determined Indigent for Costs Pursuant to section 27.52(5), Florida Statutes

cc: All Judges  
The Honorable Bernie McCabe, State Attorney  
The Honorable Bob Dillinger, Public Defender  
The Honorable Nikki Alvarez-Sowles, Clerk & Comptroller, Pasco County  
The Honorable Ken Burke, Clerk of the Circuit Court, Pinellas County  
Gay Inskeep, Trial Courts Administrator  
Ita M. Neymotin, Regional Counsel, Second District  
Ngozi Acholonu, Assistant Regional Counsel  
Lillian Simon, Director of Administrative Services, Pasco County  
Kimberly Thompson, Director of Criminal Courts, Pasco County Clerk's Office  
Bar Associations, Pinellas and Pasco County  
Law Libraries, Pinellas and Pasco County

**IN THE CIRCUIT/COUNTY COURT, SIXTH JUDICIAL CIRCUIT  
IN AND FOR PASCO/PINELLAS COUNTY, FLORIDA  
CRIMINAL DIVISION**

**STATE OF FLORIDA,**

**CASE NO.:**

**UCN:**

**v.**

**[DEFENDANT NAME]**

Defendant, PID/SPN:

\_\_\_\_\_ /

**Request for Court Review of Clerk's Determination  
of Non-Indigence for Appointment of Public Defender**

1. *{To be completed by the Clerk}* The Clerk of Court has determined that you are not indigent because:

\_\_\_\_\_ You own, have equity, or have the expectancy of an interest in personal or real property with a net equity value of at least \$2,500, excluding your homestead and one vehicle not exceeding \$5,000 in value.

\_\_\_\_\_ Your income exceeds 200% of the federal poverty guidelines.

\_\_\_\_\_ Other \_\_\_\_\_.

2. *{To be completed by the Defendant if review requested}* You may request that the Court review the Clerk of Court's denial of indigent status at the next scheduled hearing. If no hearing is scheduled, or if you need services prior to the next scheduled court hearing and you cannot afford such services, you may still request review of the denial of indigent status. To make such a request, you must notify the Clerk by marking the appropriate statement below:

\_\_\_\_\_ I hereby request review by the Court of the denial of indigent status at my next scheduled hearing.

\_\_\_\_\_ I hereby request review by the Court of the denial of indigent status prior to my next scheduled hearing because I need services prior to the next scheduled hearing or because no hearing is scheduled.

Reason for requesting Court review:

\_\_\_\_\_ I am unable to pay for the services of an attorney without substantial hardship to my family because \_\_\_\_\_

\_\_\_\_\_ Explain other reasons: \_\_\_\_\_

Please mark one:

I    have    have not been released on bail in the amount of \$5,000 or more.

I    have    have not had a bond posted. If you have had a bond posted, list the type and who paid the bond \_\_\_\_\_.

Under penalties of perjury, I declare that the facts stated above are true.

\_\_\_\_\_  
Defendant Signature

PRINT Full Legal Name: \_\_\_\_\_

Address: \_\_\_\_\_

Driver's License # or ID #: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Telephone #: \_\_\_\_\_

If a clerk or deputy clerk helped you fill out this form, he or she must fill out the blank below.

This form was completed with the assistance of \_\_\_\_\_,  
Clerk/Deputy Clerk.

If another nonlawyer helped you fill out this form he/she must fill in the blanks below.

*I (full legal name and trade name of nonlawyer) \_\_\_\_\_, a  
nonlawyer, located at (street address) \_\_\_\_\_,  
(city) \_\_\_\_\_, (state) \_\_\_\_\_, (telephone #) \_\_\_\_\_,  
helped \_\_\_\_\_ fill out this form.*

**COURT'S FINAL DETERMINATION OF INDIGENT STATUS**

\_\_\_\_\_ Defendant is indigent  
Appoint Public Defender

\_\_\_\_\_ Defendant is not indigent  
Withdraw Public Defender

Date: \_\_\_\_\_

\_\_\_\_\_  
Judge

**IN THE CIRCUIT/COUNTY COURT, SIXTH JUDICIAL CIRCUIT  
IN AND FOR PASCO/PINELLAS COUNTY, FLORIDA  
CIVIL DIVISION**

\_\_\_\_\_  
\_\_\_\_\_  
**Plaintiff(s),**

v.

**REF #:** \_\_\_\_\_

**UCN:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
**Defendant(s).** \_\_\_\_\_ /

**Petition for Court Review of Clerk's Determination of  
Non-Indigence for Appointment of Counsel for Civil Litigants**

1. *{To be completed by the Clerk}* The Clerk of Court has determined that you are involved in the following type of case based on the information that you have provided:

\_\_\_\_\_ Dependency  
\_\_\_\_\_ Guardianship  
\_\_\_\_\_ Baker Act  
\_\_\_\_\_ Other (Please Identify): \_\_\_\_\_

2. The Clerk of Court has determined that you are not indigent because:

\_\_\_\_\_ You own, have equity, or have the expectancy of an interest in personal or real property with a net equity value of at least \$2,500, excluding your homestead and one vehicle not exceeding \$5,000 in value.  
\_\_\_\_\_ Your income exceeds 200% of the federal poverty guidelines.  
\_\_\_\_\_ Other \_\_\_\_\_

3. *{To be completed by the Applicant if review requested}* You may request that the Court review the Clerk of Court's denial of indigent status by filing a petition with the Court. You will not be charged a filing fee to file this petition. If you wish to file such a petition, please indicate below:

\_\_\_\_\_ I hereby request review by the Court of the denial of indigent status.

Reason for requesting Court review:

\_\_\_\_\_ I am unable to pay for the services of an attorney without substantial hardship to my family because \_\_\_\_\_

\_\_\_\_\_ Explain other reasons: \_\_\_\_\_

4. Are you represented by private attorney? Yes \_\_\_\_\_ No \_\_\_\_\_ (if no, skip to the signature line)

When did you retain a private attorney? \_\_\_\_\_.

Is a private attorney representing you for free? Yes \_\_\_\_\_ (if yes, skip to the signature line)  
No \_\_\_\_\_

What is the amount of the private attorney's fees and who is paying them? \_\_\_\_\_  
\_\_\_\_\_.

Under penalties of perjury, I declare that the facts stated above are true.

\_\_\_\_\_  
Applicant Signature

PRINT Full Legal Name: \_\_\_\_\_

Address: \_\_\_\_\_

Driver's License # or ID #: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Telephone #: \_\_\_\_\_

If a clerk or deputy clerk helped you fill out this form, he or she must fill out the blank below.

This form was completed with the assistance of \_\_\_\_\_,  
Clerk/Deputy Clerk.

If another nonlawyer helped you fill out this form he/she must fill in the blanks below.

*I (full legal name and trade name of nonlawyer) \_\_\_\_\_, a  
nonlawyer, located at (street address) \_\_\_\_\_,  
(city) \_\_\_\_\_, (state) \_\_\_\_\_, (telephone #) \_\_\_\_\_,  
helped \_\_\_\_\_ fill out this form.*

**COURT'S FINAL DETERMINATION OF INDIGENT STATUS**

\_\_\_\_\_ Applicant is indigent

\_\_\_\_\_ Applicant is not indigent

\_\_\_\_\_ Appoint Counsel

Date: \_\_\_\_\_

\_\_\_\_\_  
Judge

**IN THE CIRCUIT/COUNTY COURT, SIXTH JUDICIAL CIRCUIT  
IN AND FOR PASCO/PINELLAS COUNTY, FLORIDA  
CRIMINAL DIVISION**

STATE OF FLORIDA,

CASE NO.:

UCN:

v.

[DEFENDANT NAME]

Defendant, PID/SPN:

\_\_\_\_\_ /

**Motion to be Determined Indigent for Costs Pursuant to  
section 27.52(5), Florida Statutes**

1. I, \_\_\_\_\_ (*Defendant's name*), file this Motion requesting that I be found indigent for costs and eligible for the provision of due-process services in this matter. In support of my motion, I attach the following documents:
  - a. Application for Criminal Indigent Status.
  - b. [*If represented by counsel*] Affidavit Attesting to the Estimated Amount of Attorney's Fees and Source of Payment for Fees.
  
2. I applied for a determination of indigent status for the appointment of a public defender.  
Yes \_\_\_\_\_ No \_\_\_\_\_  
If yes, the outcome of that application was \_\_\_\_\_  
\_\_\_\_\_.
  
3. I am proceeding pro se. Yes \_\_\_\_\_ No \_\_\_\_\_
  
4. I have retained a private attorney. Yes \_\_\_\_\_ No \_\_\_\_\_  
If yes, this is the amount of the private attorney's fees and who is paying such fees: \_\_\_\_\_  
\_\_\_\_\_.
  
5. I have been released on bail in the amount of \$5,000 or more. Yes \_\_\_\_\_ No \_\_\_\_\_
  
6. A bond has been posted on my behalf. Yes \_\_\_\_\_ No \_\_\_\_\_  
If yes, this is the type of bond and who paid it: \_\_\_\_\_  
\_\_\_\_\_.
  
7. Paying for due process services will create a substantial hardship on me and/or my family because \_\_\_\_\_  
\_\_\_\_\_.



I understand that I may be required to enter into a payment plan with the Clerk of the Circuit Court, not to exceed 2% of my annual income divided by 12, for the payment of deferred costs.

\_\_\_\_\_  
Defendant Signature

PRINT Full Legal Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Driver's License # or ID #: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_  
Telephone #: \_\_\_\_\_

If a clerk or deputy clerk helped you fill out this form, he or she must fill out the blank below.

This form was completed with the assistance of \_\_\_\_\_,  
Clerk/Deputy Clerk.

If another nonlawyer helped you fill out this form he/she must fill in the blanks below.

*I (full legal name and trade name of nonlawyer) \_\_\_\_\_, a  
nonlawyer, located at (street address) \_\_\_\_\_,  
(city) \_\_\_\_\_, (state) \_\_\_\_\_, (telephone #) \_\_\_\_\_,  
helped \_\_\_\_\_ fill out this form.*

**COURT'S FINAL DETERMINATION OF INDIGENT STATUS**

\_\_\_\_\_ Defendant is Indigent for costs, and must enter into a deferred payment plan for payment of deferred costs.

\_\_\_\_\_ Defendant is Not Indigent.

Date: \_\_\_\_\_  
\_\_\_\_\_ Judge