

By Representative Peadar

1                                   A bill to be entitled  
2           An act relating to waiver of court costs for  
3           indigent persons; amending s. 57.081, F.S.;  
4           revising contents of affidavit filed by  
5           applicant for certification of indigency on  
6           order to be exempt from prepayment of court  
7           costs to the court, clerk, or sheriff;  
8           requiring that the affidavit contain a  
9           statement certifying that no person has been  
10          paid or promised payment for certain services  
11          in connection with the action or proceeding;  
12          providing an effective date.

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14 Be It Enacted by the Legislature of the State of Florida:

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16           Section 1. Subsection (1) of section 57.081, Florida  
17 Statutes, 1996 Supplement, is amended to read:

18           57.081 Costs; right to proceed where prepayment of  
19 costs waived.--

20           (1) Any indigent person, except a prisoner as defined  
21 in s. 57.085, who is a party or intervenor in any judicial or  
22 administrative agency proceeding or who initiates such  
23 proceeding shall receive the services of the courts, sheriffs,  
24 and clerks, with respect to such proceedings, without charge.  
25 Such services are limited to filing fees, service of process,  
26 certified copies of orders or final judgments, a single  
27 photocopy of any court pleading, record, or instrument filed  
28 with the clerk, examining fees, mediation services and fees,  
29 court-appointed counsel fees, subpoena fees and services,  
30 service charges for collecting and disbursing funds, and any  
31 other cost or service arising out of pending litigation. In

1 any appeal from an administrative agency decision, for which  
2 the clerk is responsible for preparing the transcript, the  
3 clerk shall waive the cost of preparing the transcripts and  
4 the cost for copies of any exhibits in the record. No  
5 prepayment of costs to any court ~~judge~~, clerk, or sheriff is  
6 required in any action when the party has obtained from the  
7 clerk in each proceeding a certification of indigency, based  
8 on an affidavit of the applicant claiming that the applicant  
9 is indigent and unable to pay the charges otherwise payable by  
10 law to any of such officers, ~~and~~ providing the details of the  
11 applicant's financial condition, and containing a statement  
12 certifying that no person has been paid or promised any  
13 payment of any remuneration for services performed on behalf  
14 of the applicant in connection with the action or proceeding.  
15 However, when the person is represented by an attorney, the  
16 person need not file an affidavit in order to be exempt from  
17 payment of charges under this subsection. A represented person  
18 is exempt from charges under this subsection if the attorney  
19 of such person files a written certificate, signed by the  
20 attorney, certifying that the attorney has made an  
21 investigation to ascertain the financial condition of the  
22 client and has found the client to be indigent; that the  
23 attorney has investigated the nature of the applicant's  
24 position and in the attorney's opinion it is meritorious as a  
25 matter of law; and that the attorney has not been paid or  
26 promised payment of any remuneration for services and intends  
27 to act as attorney for the applicant without compensation. On  
28 the failure or refusal of the clerk to issue a certificate of  
29 indigency, the applicant is entitled to a review of the  
30 application for the certificate by the court having  
31 jurisdiction of the cause of action.

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Section 2. This act shall take effect July 1, 1997.

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HOUSE SUMMARY

Revises contents of affidavit filed by applicant for certification of indigency on order to be exempt from prepayment of court costs to the court, clerk, or sheriff. Requires that the affidavit contain a statement certifying that no person has been paid or promised payment for certain services in connection with the action or proceeding.