

By Senator Crist

12-471-07

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A bill to be entitled

An act relating to waiver of civil court fees for indigents; amending s. 57.082, F.S.; providing for an indigent person whose income is equal to or below a specified threshold to have court fees waived; providing an effective date.

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

Section 1. Subsection (5) of section 57.082, Florida Statutes, is amended to read:

57.082 Determination of civil indigent status.--

(5) PROCESSING CHARGE; PAYMENT PLANS; WAIVER.--

(a) A person who the clerk or the court determines is indigent for civil proceedings under this section shall:

1. Be enrolled in a payment plan under s. 28.246; or

2. Have all costs waived for court services listed in s. 57.081 if the indigent person's income is equal to or below 150 percent of the then-current federal poverty guidelines prescribed for the size of the household of the applicant by the United States Department of Health and Human Services or if the indigent person is receiving Temporary Assistance for Needy Families-Cash Assistance, poverty-related veteran's benefits, or Supplemental Security Income (SSI).

(b) An indigent person enrolled in a payment plan and shall be charged a one-time administrative processing charge under s. 28.24(26)(c). A monthly payment amount, calculated based upon all fees and all anticipated costs, is presumed to correspond to the person's ability to pay if it does not exceed 2 percent of the person's annual net income, as defined

1 in subsection (1), divided by 12. The person may seek review  
2 of the clerk's decisions regarding a payment plan established  
3 under s. 28.246 in the court having jurisdiction over the  
4 matter. A case may not be impeded in any way, delayed in  
5 filing, or delayed in its progress, including the final  
6 hearing and order, due to nonpayment of any fees by an  
7 indigent person.

8           Section 2. This act shall take effect July 1, 2007.

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11   SENATE SUMMARY

12           Provides for indigents to have civil court fees waived  
13           based on the federal poverty guidelines or assistance  
14           received.

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