



705120

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/11/2009	.	
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The Committee on Judiciary (Ring) recommended the following:

1 **Senate Amendment to Amendment (611356) (with directory and**
2 **title amendments)**

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4
5 Delete lines 403 - 456
6 and insert:

7 2. The application must include a signature by the
8 applicant which attests to the truthfulness of the information
9 provided. The application form developed by the corporation must
10 include notice that the applicant may seek court review of a
11 clerk's determination that the applicant is not indigent, as
12 provided in this section.



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13 (b) The clerk shall assist a person who appears before the
14 clerk and requests assistance in completing the application, and
15 the clerk shall notify the court if a person is unable to
16 complete the application after the clerk has provided
17 assistance.

18 (c) The clerk shall accept an application that is signed by
19 the applicant and submitted on his or her behalf by a private
20 attorney who is representing the applicant in the applicable
21 matter.

22 (d) A person who seeks appointment of an attorney in a case
23 under chapter 39, at the trial or appellate level, for which an
24 indigent person is eligible for court-appointed representation,
25 shall pay a \$50 indigent intake ~~application~~ fee to the clerk for
26 each application filed. The applicant shall pay the fee within 7
27 days after submitting the application. The clerk shall transfer
28 monthly all indigent intake ~~application~~ fees collected under
29 this paragraph to the Department of Revenue for deposit into the
30 Indigent Civil Defense Trust Fund, to be used as appropriated by
31 the Legislature. ~~The clerk may retain 10 percent of application~~
32 ~~fees collected monthly for administrative costs prior to~~
33 ~~remitting the remainder to the Department of Revenue.~~ A person
34 found to be indigent may not be refused counsel. If the person
35 cannot pay the indigent intake ~~application~~ fee, the clerk shall
36 enroll the person in a payment plan pursuant to s. 28.246.

37
38 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

39 And the directory clause is amended as follows:

40 Delete lines 377 - 378
41 and insert:



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42 Section 6. Subsection (1) of section 57.082, Florida Statutes,
43 is amended to read:

44

45 ===== T I T L E A M E N D M E N T =====

46 And the title is amended as follows:

47 Delete lines 760 - 771

48 and insert:

49 amending s. 57.082, F.S.; renaming an application fee for a
50 determination of indigent status for purposes of receiving a
51 court-appointed attorney in certain civil cases; deleting
52 provisions authorizing a clerk of court to retain a portion of
53 the fees collected from persons applying for a court-appointed
54 attorney for administrative costs; amending s. 197.542, F.S.;
55 providing