

FILING FEE PAYMENT PLANS

ACCESS TO THE FLORIDA COURTS

**Prepared by
JACKSONVILLE AREA LEGAL AID, INC.
A UNITED WAY AGENCY**

**JACKSONVILLE AREA LEGAL AID, INC.
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Florida Dept. of Children & Families -
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The information provided in this brochure is not a substitute for legal advice. The laws described here may change without notice.

FILING FEES

The Clerk of Court charges a filing fee to begin each court case. If you cannot pay the filing fee all at once, you may request a payment plan.

ACCESS TO THE COURTS THROUGH PAYMENT PLANS

You have a constitutional right to access to the courts regardless of your ability to pay. Any indigent person, except a prisoner . . . who is a party . . . in any judicial or administrative agency proceedings or who initiates such proceedings shall receive the services of the courts, sheriffs, and clerk, with respect to

such proceedings, despite his or her present ability to pay for these services@ ' 57.081(1), Fla. Stat. (2004).

ARE YOU ENTITLED TO A PAYMENT PLAN FOR YOUR FILING FEES?

If the Clerk of Court certifies you as being **indigent**@ you are entitled to pay your filing fees and some other court costs through a payment plan rather than one payment up front.

WHAT IS INDIGENT?

You are indigent if your gross income is no more than twice the federal poverty guidelines, and you do not have assets of \$2,500 or more over and above your home and vehicle.

Federal Poverty Guidelines

The federal poverty guidelines change each year and are based on family size. The Clerk of Court should have an updated chart each year. The chart will show how much income a person or household can have to be considered to be living in poverty. You will be considered to be indigent for the purpose of qualifying for a payment plan if you or your household have income that is no more than double the chart amount. For example, if the federal poverty level for a household of two is \$13,200 per year, then the household could have income of \$26,400 per year or less to qualify as indigent.

Income includes: salary, wages, tips, self-employment income, Social Security, Veterans= benefits, Workers= Compensation, Unemployment Compensation, retirement, rental income, dividends, interest, trust income, gifts, and support.

Assets

You can also own certain types and amounts of property and still be considered indigent.

! You can own the home where you live no matter how much it=s worth.

! You can also own a vehicle with a net value of \$5,000 or less. (Net value means blue book value minus your auto loan balance).

! You can have additional property or assets under \$2,500. (You can use **market**@ value. Market value means garage sale value, not what you paid for the items. For example, if you bought furniture for a few thousand dollars, its garage sale value would only be a few hundred dollars).

PAYMENT TERMS

If you qualify for a payment plan, the monthly payments must be based on your ability to pay.

The monthly payments should not be more than 2% of your **net**@ monthly income. Net income means **take home pay**,@ or your wages minus deductions required by law such as taxes and court ordered child support payments.

If your monthly income varies, you may divide your yearly income by 12 to get an **AVERAGE** monthly

income. For example, if you have a job where you don't get paid for the summer, you can add up the 9 months you do get paid, and then divide by 12. Don't forget to subtract your deductions from the yearly amount first!

Your monthly payment plan amount would be 2% of your average net monthly income. For example, if you earn a net income of \$10,000 a year, then your monthly payment cannot be more than $(\$10,000 \div 12) \times .02$ or approximately \$16.67.

WHAT IF I HAVE NO INCOME?

The law does not explain what should happen if you have no income. Since 2% of zero income would be a payment of \$0, it would seem that the law intended for persons with no income to be able to file their cases, and then just make payments if and when they have money in the future.

PROCESSING CHARGE

The Clerk of Court may charge a one-time processing charge of \$25. You should ask that the processing charge be included in the payment plan, instead of being paid up front.

WHAT OTHER COSTS CAN BE INCLUDED IN THE PAYMENT PLAN?

Below is a list of other costs related to your case that may be included in your payment plan. ' 57.081(1), Fla. Stat. (2004).

- ! Filing Fees**
- ! Sheriff's Service of Process Fees**
- ! Certified Copies of Court Orders or Judgments**
- ! One Photocopy of any Paper in the Clerk's File**
- ! Examining Fees**
- ! Mediation**
- ! Court-Appointed Counsel**
- ! Subpoena Fees and Service**
- ! Service Charges for Collecting and Disbursing Funds**
- ! Other Costs Arising Out of Pending Case**

HOW DO I APPLY FOR A PAYMENT PLAN?

You may apply with the Clerk of Court when you file your case. You will have to fill out a sworn application and list your income and assets. If you qualify, the Clerk may also have you sign a payment agreement.

WHAT IF I AM WRONGFULLY DENIED A PAYMENT PLAN?

If the Clerk of Court denies you a payment plan when you believe you are eligible, you have the right to request the court to review the Clerk's decision. Some clerks will automatically send your case to a judge. Others may require your written request.

WHAT IF I FAIL TO PAY?

The Clerk of Court may not suspend your case, or keep it from being finalized for failure to make your payments.

The Clerk of Court may not impose penalties, such as jail, suspension of driver licenses, excessive interest rates, or other unlawful penalties for failure to pay.

WHAT IF I HAVE PROBLEMS?

If you have problems getting a payment plan or having your case suspended, you may contact our office for possible assistance.

RESOURCES

JACKSONVILLE BAR ASSOCIATION

Lawyer Referral Service

(904) 399-5780

CLERKS OF COURT

Duval County Courthouse

330 East Bay Street

Jacksonville, FL 32202

Clay County Courthouse

825 North Orange Avenue

Green Cove Springs, FL 32043

Nassau County Annex

76347 Veterans Way

Yulee, FL 32034

St. John-s County Courthouse

4010 Lewis Speedway

St. Augustine, FL 32084

JACKSONVILLE AREA LEGAL AID, INC.

126 West Adams Street

Jacksonville, FL 32202

(904) 356-8371

3540 Highway 17, Suite 101

Green Cove Springs, FL 32043

(904) 284-8410

222 San Marco Avenue

St. Augustine, FL 32084

(877) 827-9921

