

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY

ADMINISTRATIVE ORDER NO. 7.201-03/2021*

IN RE: FILING AND HANDLING OF PETITIONS
FOR EXTRAORDINARY WRITS IN THE CIRCUIT CIVIL COURT

_____:

Pursuant to the authority conferred by Florida Rule of **General Practice and** Judicial Administration 2.215, it is **ORDERED** that the following procedures will govern the handling of **Petitions for Extraordinary Writs filed in the Circuit Civil, Family, or Probate/Guardianship divisions.**

A. GENERALLY

1. All **Petitions for Extraordinary Writs which do not arise from a county court or administrative agency proceeding** are to be filed in the Circuit Civil, Family, or Probate/Guardianship Divisions as outlined below. **Petitions for Writs of Certiorari which arise from a quasi-judicial or administrative agency proceeding shall be filed in the Circuit Appellate Court division as provided in Administrative Order 8.101 (as amended).** **Petitions for Extraordinary Writs arising from a county court proceeding must be transferred to the Fourth District Court of Appeal.**
2. All **Petitions for Extraordinary Writs filed in the Circuit Civil division** shall be coded by the Clerk & Comptroller's Office as case type "EW".

B. PETITIONS FOR WRIT OF HABEAS CORPUS

1. Upon the filing of a Petition for Writ of Habeas Corpus, the Clerk and Comptroller's Office shall conduct a preliminary screening to the best of its ability to determine whether the Petitioner has any other writs pending **before another circuit judge** Fifteenth Judicial Circuit.
2. If another writ is pending, the Clerk and Comptroller's office shall assign the Petition for Writ of Habeas Corpus a civil case number and assign it to the judge assigned to the pending writ with the lowest case number. If no other writ is pending, the Clerk and Comptroller's office shall assign the writ a civil case number and randomly assign the Petition for Writ of Habeas Corpus to a circuit judge as follows:
 - a. All "Family" Writs of Habeas Corpus regarding parents incarcerated as a result of an order entered by a UFC Division Judge are to be assigned to the UFC Division Judge who entered the particular order.

- b. All “Mental Health/Substance Abuse” Writs of Habeas Corpus regarding individuals incarcerated or placed in patient as a result of a Baker Act, Marchman Act, or other order entered by a Probate/Guardianship Division judge are to be assigned to the Probate/Guardianship Judge who entered the particular order.
 - c. All other Writs of Habeas Corpus are to be given a civil case number and randomly assigned to a Circuit Civil Division Judge.
3. No filing fee for the Petition for Writ of Habeas Corpus will be required of the Petitioner.
 4. A representative of the Clerk and Comptroller’s Office will immediately **email** the Petition for Writ of Habeas Corpus to the assigned Judge along with any other **petition for an extraordinary** writ filed by the same Petitioner that is pending before the assigned Judge.
 5. If the assigned judge determines that the Petition for Writ of Habeas Corpus is seeking post conviction relief, an Order will be entered transferring the file to the Circuit Criminal Division. The Clerk and Comptroller’s Office will then transfer the file to Circuit Criminal and address the matter in accordance with Administrative Order 7.301-08/19 (as amended).

C. PETITIONS FOR ALL WRITS (OTHER THAN HABEAS CORPUS) BY PRISONERS

1. Upon the filing by **a prisoner¹** of a Petition for a Writ in **Circuit Civil** NOT entitled “Habeas Corpus”, the Clerk and Comptroller’s Office shall assign the Petition a **circuit civil** case number.
2. If by the face of the pleading the Clerk and Comptroller’s office can determine that the Petition is seeking post conviction relief (i.e. the initial pleading cites to Criminal Rule of Procedure 3.850 or 3.800), then the Clerk shall transfer the matter to the criminal division which handled the trial proceedings **and address the matter in accordance with Administrative Order 7.301-08/19 (as amended)**.
3. If by the face of the pleading the Clerk and Comptroller’s office can determine that the Petition is not seeking collateral criminal relief (i.e. writ of quo warranto), then:
 - a. The Clerk and Comptroller will determine whether the petitioner is indigent and has provided documentation as required by section 57.085, Florida Statute.
 - 1) If the prisoner has not furnished the appropriate documentation for the Clerk

¹ The term “prisoner” means “a person who has been convicted of a crime and is incarcerated for that crime or who is being held in custody pending extradition or sentencing.” § 57.085(1), Fla. Stat. It does not include inmates in the Palm Beach County Jail who are awaiting trial and have not yet been convicted.

and Comptroller's Office to make a determination of indigency, the Clerk and Comptroller will forward to the prisoner the applicable indigency forms attached as Exhibits A and B.

- 2) If under section 57.085, Florida Statutes, the affidavit states that the prisoner has twice in the preceding three years has been adjudicated indigent, the Clerk and Comptroller will forward the matter to the assigned judge for determination of indigency pursuant to section 57.085.
- b. Upon resolution of the Clerk's Determination of Indigency, a representative of the Clerk and Comptroller's Office will immediately **email the Petition** to the assigned Judge.
 - c. The assigned Judge, in accordance section 57.085(6), will review the claims(s) to determine whether the pleading is legally sufficient to state a cause of action for which the court has jurisdiction and may grant relief. If the pleading, or a portion thereof, is legally sufficient, then the Court shall enter an appropriate order regarding the merits of the petition. Under section 57.085(6)(a-d), Florida Statutes, the Judge shall dismiss all or part of an indigent prisoner's claim which:
 - 1) Fails to state a claim for which relief may be granted; or
 - 2) Seeks monetary relief from a defendant who is immune from such relief; or
 - 3) Seeks relief for mental or emotional injury where there has been not related allegation of a physical injury; or is frivolous, malicious, or reasonable appears to be intended to harass one or more named defendants.
4. If the pleading states "Writ of Mandamus" or if, by the face of the pleading, the Clerk and Comptroller cannot determine whether the pleading seeks post conviction relief or whether it does not seek collateral criminal relief, the Clerk and Comptroller will forward the file to the Office of General Counsel, Administrative Office of the Court, to determine whether the Writ seeks collateral criminal relief ("collateral criminal proceedings"), seeks other civil relief or seeks post conviction relief.
 - a. The Office of General Counsel will review the file and submit recommendations to the Chief Judge or Civil Trial Division Judge as to whether the Petitioner seeks collateral criminal relief, seeks other civil relief, seeks postconviction relief, **or has improperly filed its petition in the Circuit Court.**
 - b. An Order will be entered by the Chief Judge, the Civil Trial Division Judge, or another judge, instructing the Clerk and Comptroller's Office as to whether the matter seeks collateral criminal relief and is therefore exempt from section 57.085, seeks other civil relief and therefore must comply with section 57.085, seeks post

conviction relief and is to be transferred to the criminal division, **or has been improperly filed in the Circuit Court and must be transferred to another court.**

5. If it is ordered that the petition seeks collateral criminal relief and the petitioner has requested indigency status:
 - a. The Clerk and Comptroller will determine whether the petitioner is indigent and must submit to a payment plan pursuant to sections 57.081 and 57.082. Any document that may have provided by the petitioner pursuant to section 57.085 will be considered in the Clerk and Comptroller's determination under sections 57.081 and 57.082.
 - b. The Clerk and Comptroller's Office will also conduct a preliminary screening to the best of its ability to determine whether the petitioner has any other petitions seeking collateral criminal relief pending in the Fifteenth Judicial Circuit.
 - c. If another petition seeking collateral criminal relief by the petitioner is pending, the Clerk and Comptroller's office shall assign the new litigation a civil case number and assign it to the civil judge assigned to the petition with the lowest pending case number. If no other petition seeking collateral criminal relief is pending, the Clerk and Comptroller's office shall assign the new litigation a case number and randomly assign the case to a civil judge.
 - d. Upon resolution of the Clerk's Determination of Indigency, a representative of the Clerk and Comptroller's Office will immediately **email the Petition** to the assigned Judge.
6. If it is ordered that the petition seeks other civil relief and the petitioner has requested indigency status:
 - a. The Clerk and Comptroller will determine whether the petitioner is indigent and has provided documentation as required by section 57.085.
 - 1) If the prisoner has not furnished the appropriate documentation for the Clerk and Comptroller's Office to make a determination of indigency, the Clerk and Comptroller will forward to the prisoner the applicable indigency forms attached as Exhibits A and B.
 - 2) If under Florida Statute section 57.085, the affidavit states that the prisoner has twice in the preceding three years has been adjudicated indigent, the Clerk and Comptroller will forward the matter to the assigned judge for determination of indigency pursuant to section 57.085.

- b. Upon resolution of the Clerk's Determination of Indigency, a representative of the Clerk and Comptroller's Office will immediately bring the file to the assigned Judge.
- c. The assigned Judge, in accordance with section 57.085(6), will review the claims(s) to determine whether the pleading is legally sufficient to state a cause of action for which the court has jurisdiction and may grant relief. If the pleading, or a portion thereof, is legally sufficient, then the Court shall enter an appropriate order regarding the merits of the petition. Under section 57.085(6)(a-d), the Judge shall dismiss all or part of an indigent prisoner's claim which
 - 1) Fails to state a claim for which relief may be granted; or
 - 2) Seeks monetary relief from a defendant who is immune from such relief; or
 - 3) Seeks relief for mental or emotional injury where there has been not related allegation of a physical injury; or
 - 4) Is frivolous, malicious, or reasonable appears to be intended to harass one or more named defendants.

7. If it is ordered that the matter seeks post conviction relief, the matter will be transferred to the criminal division and assigned to the division which handled the trial. The Post Conviction Motion will be handled in accordance with Administrative Order 8.401-08/19 as amended.

D. PETITIONS FOR ALL WRITS (OTHER THAN HABEAS CORPUS) FILED BY PRO SE LITIGANTS WHO ARE NOT PRISONERS

Upon the filing of a Petition for a Writ not entitled Habeas Corpus by a pro se litigant who is not a prisoner the Clerk and Comptroller's Office shall treat the filing as a civil matter and proceed accordingly.

DONE and SIGNED in Chambers at West Palm Beach, Palm Beach County, Florida
this 3rd day March, 2021.



The image shows a handwritten signature in cursive that reads "Krista Marx". The signature is written in black ink over a light-colored background. To the right of the signature, there is a faint, circular stamp that appears to be the official seal of the Clerk and Comptroller's Office of the Court.

Krista Marx
Chief Judge

supersedes admin. order 7.201 6/09

Ex A

Plaintiff/Petitioner or In the Interest of
vs.

Defendant/Respondent

APPLICATION FOR DETERMINATION OF CIVIL INDIGENT STATUS

Notice to Applicant: If you qualify for civil indigence, the filing and summons fees are waived; other costs and fees are not waived.

1. I have _____ dependents. (Include only those persons you list on your U.S. Income tax return.)

Are you Married?...Yes...No Does your Spouse Work?...Yes...No Annual Spouse Income? \$ _____

2. I have a net income of \$ _____ paid () weekly () every two weeks () semi-monthly () monthly () yearly () other _____.
(Net income is your total income including salary, wages, bonuses, commissions, allowances, overtime, tips and similar payments, minus deductions required by law and other court-ordered payments such as child support.)

3. I have other income paid () weekly () every two weeks () semi-monthly () monthly () yearly () other _____.
(Circle "Yes" and fill in the amount if you have this kind of income, otherwise circle "No")

Second Job.....	Yes \$ _____	No	Veterans' benefits.....	Yes \$ _____	No
Social Security benefits			Workers compensation.....	Yes \$ _____	No
For you.....	Yes \$ _____	No	Income from absent family members.....	Yes \$ _____	No
For child(ren).....	Yes \$ _____	No	Stocks/bonds.....	Yes \$ _____	No
Unemployment compensation.....	Yes \$ _____	No	Rental income.....	Yes \$ _____	No
Union payments.....	Yes \$ _____	No	Dividends or interest.....	Yes \$ _____	No
Retirement/pensions.....	Yes \$ _____	No	Other kinds of income not on the list.....	Yes \$ _____	No
Trusts.....	Yes \$ _____	No	Gifts.....	Yes \$ _____	No

I understand that I will be required to make payments for costs to the clerk in accordance with §57.082(5), Florida Statutes, as provided by law, although I may agree to pay more if I choose to do so.

4. I have other assets: (Circle "yes" and fill in the value of the property, otherwise circle "No")

Cash.....	Yes \$ _____	No	Savings account.....	Yes \$ _____	No
Bank account(s).....	Yes \$ _____	No	Stocks/bonds.....	Yes \$ _____	No
Certificates of deposit or			Homestead Real Property*.....	Yes \$ _____	No
Money market accounts.....	Yes \$ _____	No	Motor Vehicle*.....	Yes \$ _____	No
Boats*.....	Yes \$ _____	No	Non-homestead real property/real estate*.....	Yes \$ _____	No
			Other assets*.....	Yes \$ _____	No

Check one: I () DO () DO NOT expect to receive more assets in the near future. The asset is _____.

5. I have total liabilities and debts of \$ _____ as follows: Motor Vehicle \$ _____, Home \$ _____, Boat \$ _____, Non-homestead Real Property \$ _____, Child Support paid direct \$ _____, Credit Cards \$ _____, Medical Bills \$ _____, Cost of medicines (monthly) \$ _____, Other \$ _____.

6. I have a private lawyer in this case..... Yes No

A person who knowingly provides false information to the clerk or the court in seeking a determination of indigent status under s. 57.082, F.S. commits a misdemeanor of the first degree, punishable as provided in s.775.082, F.S. or s. 775.083, F.S. I attest that the information I have provided on this application is true and accurate to the best of my knowledge.

Signed on _____, 20____.

Year of Birth Last 4 digits of Driver License or ID Number
Email address: _____

Signature of Applicant for Indigent Status
Print Full Legal Name _____
Phone Number/s: _____

Address: Street, City, State, Zip Code

This form was completed with the assistance of: _____
Clerk/Deputy Clerk/Other authorized person.

CLERK'S DETERMINATION

Based on the information in this Application, I have determined the applicant to be Indigent Not Indigent, according to s. 57.082, F.S.

Dated on _____, 20____.

Clerk of the Circuit Court
By _____, Deputy Clerk

APPLICANTS FOUND NOT TO BE INDIGENT MAY SEEK REVIEW BY A JUDGE BY ASKING FOR A HEARING TIME. THERE IS NO FEE FOR THIS REVIEW.
Sign here if you want the judge to review the clerk's decision _____

Ex B

**IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA**

CASE NUMBER:

V.

AFFIDAVIT OF INDIGENCY

STATE OF FLORIDA COUNTY OF _____

Before me personally appeared {Name} _____
Who after being sworn states:

1. My full name is: _____
and I am also known by the following alias(es) and nicknames:

2. I am currently incarcerated at {Name of facility}:

Located in {city and state}:

My prisoner identification number is:

My full mailing address is:

3. I was found guilty or plead guilty/no contest to the following crime(s) (list Courts, case numbers, offenses, date of convictions and sentences imposed):

4. The nature and amount of my current income are as follows: (list the source, entitlement and amount of any income you now receive):

5. I own the following real property (land) (describe the nature and location of real property):

6. I own the following tangible and intangible property worth more than \$100 (describe any property or possessions you own worth more than \$100 and list an approximate value for each):

7. I am in possession of cash in the amount of: _____

8. The balances of all checking, savings and money-market accounts held by me are as follows (list the financial institution and the current balance for each account):

9. The names and ages of my dependants are as follows:

10. I owe the following debts (include the names of all creditors and the amount owed to each):

11. My monthly expenses are as follows (list all monthly expenses and the amount of each):

12. I have been adjudicated indigent twice in the preceding 3 years, under F.S. 57.085 (Fla. Stat.) certified indigent under F.S. 57.081 (Fla. Stat.) or authorized to proceed as an indigent under 28 U.S.C. 1915 by a federal court. **NOTE:** Cases in which you were declared indigent during the course of a criminal prosecution (trial or appeal) should not be included in this count.

Yes No

13. If you answered, yes, to question 12, above, list each Court, case name and number, and date of adjudication, certification or authorization to proceed as an indigent. You must also attach a copy of each complaint, petition, or other document purporting to commence the lawsuit and a record of disposition of the proceeding):

THE PRISONER MUST ATTACH TO THIS AFFIDAVIT A PHOTOCOPY OF THE PRISONER'S TRUST ACCOUNT RECORDS FOR THE PRECEDING SIX (6) MONTHS OR FOR THE LENGTH OF THE PRISONER'S INCARCERATION, WHICHEVER PERIOD IS SHORTER.

I am presently unable to pay court costs and fees. Under penalty of perjury, I swear or affirm that all statements in this affidavit are true and complete.

DATED: _____

Signature of Prisoner: _____

Printed Name of Prisoner: _____

Address: _____

City, State, Zip _____

STATE OF FLORIDA
COUNTY OF {name} _____

CLERK'S DETERMINATION OF INDIGENT STATUS

Based on the information in the affidavit for indigent status, the applicant is determined to be _____ indigent or _____ not indigent according to 200% of the Federal Poverty Guidelines.

Date: _____

Signature: _____
Deputy Clerk