

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

ADMINISTRATIVE ORDER NO. 2.603-1/15*

IN RE: DUE PROCESS COSTS

_____:

In the event that a person makes application for a determination of indigency for the sole purpose that public funds be used to pay due process costs, the following procedure in accordance with Florida Statute 27.52 (2013) shall be sufficient unless determined otherwise by the presiding judge. Florida Statute 27.5304 sets forth the procedure for private counsel to seek payment for indigent cases from the Justice Administrative Commission.

NOW, THEREFORE, pursuant to the authority conferred by Florida Rule of Judicial Administration 2.215, it is **ORDERED** as follows:

A. APPLICATION & MOTION FOR DETERMINATION OF INDIGENCY

The individual **applying for a determination of indigency** must file with the Clerk of Court, **both a completed** Florida Supreme Court approved **Application for Indigency and a Motion to Determine Indigency**.


B. REQUIREMENTS OF MOTIONS FILED BY PRIVATELY RETAINED COUNSEL

Privately retained counsel must submit a written motion that includes the following information:

1. Clarification as to whether the legal services are being provided *pro bono* or being paid for by the client or a third party (without disclosing the name of the third party).
2. If the legal services are being paid for by the client or a third party, the amount of the attorney's fee.
3. Specific due process services to be obtained; i.e.: court reporting, psychological evaluations, depositions.
4. The known costs or estimated costs for such services.
5. The justification for the cost for these services.
6. An indigency affidavit utilizing the form approved by the Florida Supreme Court.

7. Certification that copies of the motion were provided to all attorneys of record, including the State Attorney, Justice Administrative Commission, and the Administrative Office of the Court.
- C. REQUIREMENTS OF COURT ORDERS STEMMING FROM MOTIONS FILED BY PRIVATELY RETAINED COUNSEL:
1. Upon hearing argument of counsel, the court shall make its findings, utilizing the attached form order, or special order disclosing:
 - a. Whether the defendant is indigent for due process costs only;
 - b. Whether privately retained counsel is providing legal services *pro bono* or whether the legal fees are being paid for by the defendant or a third party (without disclosing the name of the third party);
 - c. Specific amount of due process costs approved;
 - d. **Notice that** Counsel is required to use the services offered by the 15th Judicial Circuit; i.e.: court reporting, psychological evaluations, depositions.
 2. Copies **of the signed order shall be** furnished to all attorneys of record, including the State Attorney, the Justice Administrative Commission, and the court file.

DONE AND SIGNED in Chambers at West Palm Beach, Palm Beach County, Florida this 7 day of January, 2015.



Jeffrey Colbath
Chief Judge

*supersedes admin. order 2.603-9/08

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

STATE OF FLORIDA,

DIVISION Criminal Juvenile Delinquency

vs.

CASE NO.: _____

Defendant

ORDER DECLARING DEFENDANT INDIGENT FOR DUE PROCESS COSTS

This matter came before the Court pursuant to Administrative Order 2.603-11/14 (as amended) on the written motion of the Defendant to be declared indigent for due process costs, and the Court having heard argument of counsel and being otherwise advised in the premises, **FINDS** that:

- a. Counsel for the Defendant is _____, and is privately retained.
- b. Counsel is providing the legal services *pro bono*, **or** A third party is paying for legal services **or** _____ Defendant is paying for the legal services.
- c. The Defendant filed did not file the approved Affidavit of Indigent Status.
- d. Counsel provided did not provide a copy of the motion to the State Attorney, Justice Administrative Commission, Administrative Office of the Court, and the co-defendant(s), if any.
- e. The Defendant justified did not justify the fee for said legal services.
- f. The Defendant requested due process costs for: court reporting * deposition(s)*
 subpoena(s) investigator(s) expert(s) * appeal other _____.
- g. The Defendant requested due process costs in the amount of \$ _____.
- h. The Defendant justified due process costs in the amount of \$ _____.
- i. The Defendant is is not indigent for due process costs.

Therefore, it is **ORDERED** that:

1. Defendant's motion is **GRANTED** **DENIED**.
2. The due process costs and amounts approved are: court reporting \$ _____ *
 deposition(s) \$ _____ * subpoena(s) \$ _____ investigator \$ _____
 expert(s) \$ _____ appeal \$ _____ other \$ _____.
3. The due process costs shall not exceed \$ _____.
4. Other: _____.

DONE AND ORDERED in Palm Beach County, Florida on this _____ day of _____
_____, 20_____.

 Circuit Court County Court Judge

*Counsel is required to use the services offered by the 15th Judicial Circuit

Copies furnished to: Defendant State Attorney Defense Counsel Justice Administrative Commission