

**THE ELEVENTH JUDICIAL CIRCUIT
MIAMI-DADE COUNTY, FLORIDA**

**CASE NO. 09-1
(Court Administration)**

**ADMINISTRATIVE ORDER
NO. 09-07**

**IN RE: APPLICATION FEE FOR
COURT-APPOINTED COUNSEL IN
CIVIL PROCEEDINGS**

WHEREAS, Section 57.082, Fla. Stat., effective July 1, 2008, requires a person seeking appointment of an attorney in a civil case eligible for court-appointed counsel, or seeking relief from payment of fees and costs under section 57.081, based upon an inability to pay, to apply to the clerk of court for a determination of civil indigent status; and

WHEREAS, Section 57.082(1)(d) Fla. Stat., mandates that a person seeking appointment of an attorney in a case under Chapter 39, at the trial level or appellate level, for which an indigent person is eligible for court-appointed counsel, to pay a \$50.00 application to the clerk for each application filed, and that the application fee be paid within 7 days of submitting the application; and

WHEREAS, Section 57.082(1)(d) Fla. Stat., requires the clerk of court to transfer monthly all application fees collected to the Department of Revenue for deposit into the Indigent Civil Defense Trust Fund, which is created within the Justice Administrative Commission. Monies credited to said trust fund shall be used for the purposes of funding the activities of the offices of criminal and civil regional counsel as provided in Sec. 27.511; and

WHEREAS, Section 57.082(1)(d) Fla. Stat., requires a person determined indigent for civil proceedings by the clerk of court to pay the application fee or be enrolled in a payment plan under Section 28.246, Fla. Stat.; and

WHEREAS, Section 28.246, Fla. Stat., mandates that courts costs, fines and other dispositional assessments be enforced by order of the courts, collected by the clerks of circuit and county courts, and disbursed in accordance with authorizations and procedures as established by general law;

NOW, THEREFORE, pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida, under Rule 2.215 of the Florida Rules of Judicial Administration, it is hereby **ORDERED**:

1. A person seeking the appointment of an attorney in a case under Chapter 39 and for which an indigent person is eligible for court-appointed counsel, at the trial level or appellate level, shall pay a \$50.00 Application Fee to the clerk for each application filed or enter into a payment plan under Section 28.246, Fla. Stat. Such trial or appellate level cases include, but are not limited to, dependency, termination of parental rights, and appellate proceedings.
2. If a person seeking such appointment refuses and/or fails to pay the application fee or enter into a payment plan, the clerk shall seek an order of enforcement from the court.
3. The Clerk of Courts shall collect all application fees and transfer such fees to the Department of Revenue for deposit into the Indigent Civil Defense Trust Fund pursuant to Section 57.082, Fla. Stat.

This Order shall take effect immediately upon execution and shall remain in full force and effect until further order of the Court.

DONE AND ORDERED in Chambers at Miami-Dade, Florida, this _____ day of March, 2009.

**JOSEPH P. FARINA, CHIEF JUDGE
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA**