

**IN THE CIRCUIT COURT OF FLORIDA, SEVENTH JUDICIAL CIRCUIT
IN AND FOR FLAGLER, ST. JOHNS, PUTNAM AND VOLUSIA COUNTIES**

RE: Indigent for Costs Determinations

**REF: P-2006-196
(Rescinds P-2004-233)**

WHEREAS, under certain circumstances, privately retained counsel may seek to have their clients declared indigent for purposes of having state government pay for the provision of certain due process services, and

WHEREAS, it has been determined that the establishment of a standard procedure for the consideration and disposition of these claims is in the best interest of the Seventh Judicial Circuit;

NOW THEREFORE, I, **WILLIAM A. PARSONS**, Chief Judge of the Seventh Judicial Circuit of Florida, hereby establish the following procedure for the consideration and disposition of "indigent for costs" requests from privately retained counsel:

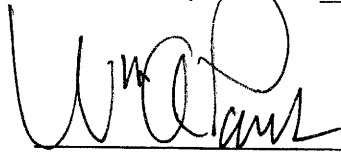
1. Counsel seeking to have a client declared "indigent for costs" must file a written motion and obtain hearing time from the presiding judge. The motion must contain the following information:
 - a. Clarification as to whether the legal services provided by counsel are pro bono, paid by the client, or paid by a third party.
 - b. If paid by the client or third party, the amount and justification for said fee.
 - c. If claim is based on fee being paid by a third party due to the client's indigence, proof that the client has completed an Indigency Affidavit and been declared indigent by the Clerk of Court's office pursuant to § 27.52, Florida Statutes.
 - d. If claim is based on insufficiency of client-paid fee to procure due process services, a completed Indigency Affidavit.
 - e. Specific due process services to be obtained, justification for said services, and costs for said services.
 - f. Certification that copies were provided to the State Attorney, Justice Administrative Commission, and other attorneys/parties of record.

2. Upon consideration of the motion and argument(s) of counsel, the Court's resultant order should include:
- a. A statement that counsel is providing legal services to the defendant and that services are either provided pro bono or are being paid by the defendant or a third party.
 - b. Whether or not the defendant is deemed to be "indigent for costs".
 - c. If "indigent", the type and amount of due process costs approved and a statement requiring counsel to abide by the schedule of costs and fees adopted by the Seventh Judicial Circuit's Article V Indigent Services Committee when procuring due process services.
 - d. If "indigent", a statement that counsel is required to enter into an appropriate contract with the Justice Administrative Commission and that approved due process costs will be paid by the Justice Administrative Commission.
 - e. Certification that copies were provided to defense counsel, State Attorney, Justice Administrative Commission, and other attorneys/parties of record.

IT IS FURTHER ORDERED that Administrative Order # P-2004-233 is hereby rescinded

TO BE RECORDED in Flagler, Putnam, St. Johns and Volusia counties.

DONE AND ORDERED in Daytona Beach, Volusia County, FL this 13th day of October 2006.



WILLIAM A. PARSONS
CHIEF JUDGE

cc: Circuit and County Judges
Court Administration ✓
Clerks of Court
Indigent Services Committee
Justice Administrative Commission
County Bar Associations