

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

**CASE NO. 04-1  
(Court Administration)**

**ADMINISTRATIVE ORDER  
NO. 04-39**

**IN RE: ESTABLISHMENT OF  
PROCEDURES FOR CONSIDERATION  
AND DISPOSITION OF REQUESTS FOR  
DEFENDANTS TO BE DECLARED  
INDIGENT FOR DUE PROCESS COSTS  
ONLY**

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**WHEREAS**, there are certain circumstances wherein privately retained counsel request that the court declare their clients indigent for due process costs only; and

**WHEREAS**, it has been determined that under such circumstances counsel must provide sufficient written information for the court's consideration;

**NOW, THEREFORE**, pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida, it is hereby ORDERED that the following procedures are established for the court's consideration and disposition of requests from privately retained counsel for a declaration that their clients are indigent for costs only:

1. Privately retained counsel must submit a written motion to be heard on calendar (not ex-parte) that includes the following information:
  - a. 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).
  - b. If the legal services are being paid for by the client or a third party, the amount of attorney's fee.
  - c. The justification for such fee.
  - d. Specific due process services to be obtained.
  - e. The costs for such services.

- f. The justification for the cost for these services.
  - g. An indigency affidavit utilizing the form approved by the Florida Supreme Court. (Attached hereto as Attachment "A")
  - h. Certification that copies of motion were provided to all attorneys of record, including State Attorney, Justice Administrative Commission, and the Administrative Office of the Courts.
2. Upon hearing argument of counsel, the court's order must include:
- a. Whether or not the defendant is indigent for due process costs only.
  - b. That the privately retained counsel is providing legal services pro-bono or that 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. That counsel must utilize due process providers approved by the Eleventh Judicial Circuit's Indigent Services Committee at the approved rates.
  - e. Copies furnished to all attorneys of record, including State Attorney, Justice Administrative Commission, Administrative Office of the Courts, and Court File.

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

**DONE AND ORDERED** in Chambers at Miami-Dade, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

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

IN THE CIRCUIT/COUNTY COURT OF THE \_\_\_\_\_ JUDICIAL CIRCUIT  
IN AND FOR \_\_\_\_\_ COUNTY, FLORIDA

STATE OF FLORIDA vs. / IN THE INTEREST OF:

CASE NO. \_\_\_\_\_

Defendant / Minor Child(ren)

**AFFIDAVIT OF INDIGENT STATUS**

Notice to Applicant: The provision of a public defender/court-appointed lawyer is not free. A judgment and lien may be imposed against all real or personal property you own to pay for legal and other services provided on your behalf (or on behalf of the person for whom you are making this application). If the \$40.00 application fee is not paid to the Clerk of the Court within 7 days, it will be added to any costs that may be assessed against you at the conclusion of this case. If you are a parent/guardian making this affidavit on behalf of a minor child or tax-dependent adult, the information contained in this affidavit must include your income and assets.

1. I have \_\_\_\_\_ dependents. (Do not include children not living at home and do not include working spouses.)
2. I have take-home income of \$ \_\_\_\_\_ paid ( ) weekly ( ) bi-weekly ( ) semi-monthly ( ) monthly  
(Take-home income equals salary, wages, bonuses, commissions, allowances, overtime, tips and similar payments minus deductions required by law and other court-ordered payments.)
3. I have \$ \_\_\_\_\_ in other annual income: (Circle "Yes" and fill in the amount if you have this kind of income or circle "No" if you do not have this kind of income)
 

Social Security benefits .....	Yes \$ _____	No
Unemployment compensation .....	Yes \$ _____	No
Union funds .....	Yes \$ _____	No
Workers' compensation .....	Yes \$ _____	No
Retirement/pensions .....	Yes \$ _____	No
Trusts or gifts .....	Yes \$ _____	No
Veterans' benefits .....	Yes \$ _____	No
Other regular support from family members/spouse .....	Yes \$ _____	No
Rental income .....	Yes \$ _____	No
Dividends or interest .....	Yes \$ _____	No
Other kinds of income not on the list .....	Yes \$ _____	No
4. I have \$ \_\_\_\_\_ in other assets. (Circle "Yes" and fill in the value of the property or circle "No" if you do not have this kind of property.)
 

Cash .....	Yes \$ _____	No
Savings .....	Yes \$ _____	No
Bank account(s) .....	Yes \$ _____	No
Stocks and bonds .....	Yes \$ _____	No
Certificates of deposit or money market accounts .....	Yes \$ _____	No
Real estate (your ownership interest) .....	Yes \$ _____	No
Boat(s) or aircraft (your ownership interest) .....	Yes \$ _____	No
Motor vehicle(s) (your ownership interest) .....	Yes \$ _____	No
Life Insurance (cash value) .....	Yes \$ _____	No
Other valuable tangible property (like jewelry, coin collections, etc.) .....	Yes \$ _____	No
5. I receive: (Circle "Yes" or "No")
 

Temp. Assistance for Needy Families-Cash Assistance .....	YesN	o
Poverty-related veterans' benefits .....	YesN	o
Supplemental Security Income (SSI) .....	YesN	o
6. I have been released on bail in the amount of \$5,000 or more in this case ..... YesN o
7. I have a private lawyer in this case ..... YesN o

