

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

**CASE NO. 11-1
(Court Administration)**

**ADMINISTRATIVE ORDER
NO. 11-08
(Rescinding AO No. 09-07)**

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

WHEREAS, Section 57.082, Fla. Stat., effective July 1, 2010, 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, Fla. Stat., 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 proceeding under Chapter 39, Fla. Stat, at shelter hearings or during the adjudicatory process, during the judicial review process, upon the filing of a petition to terminate parental rights, or upon the filing of any appeal, or if the person seeks appointment of an attorney in a reopened proceeding, for which an indigent person is eligible for court-appointed representation must pay a \$50 application to the clerk for each application filed, and that the application fee be paid within seven (7) days of submitting the application; and

WHEREAS Section 57.082(1)(d), Fla. Stat., requires the court to enter an order requiring payment if the applicant has not paid the fee within seven (7) days, and the clerk pursues collection under Section 28.246, Fla. Stat.; 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; and

WHEREAS Section 57.082(1)(d), Fla. Stat. requires a person who cannot pay the application fee to be enrolled in a payment plan by the clerk under Section 28.246, Fla. Stat.; and

WHEREAS Section 28.246(3), Fla. Stat., mandates that court costs, fines and other dispositional assessments be enforced by order of the court, 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, under Rule 2.215, Florida Rules of Judicial Administration, it is hereby **ORDERED**:

1. The court shall include in each order in which a person has filed an application seeking a determination of civil indigent status for the appointment of counsel in a proceeding under Chapter 39, Fla. Stat., for which an indigent person is eligible for court-appointed representation, an assessment of a \$50 application fee pursuant to Section 57.082(1)(d), Fla. Stat. to be paid to the clerk for each application filed, and shall further require the person to enroll in an agreed upon payment plan pursuant to Section 28.246, Fla. Stat.
2. If the person pays the application fee within seven (7) days of the date of said order, the person's agreed upon payment plan shall not take effect. If the person fails to make payment within seven (7) days of the date of said order, the person's agreed upon payment plan shall take effect and be self-executing.
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 Administrative Order hereby rescinds Administrative Order No. 09-07, Case No. 09-1, entered on March 13, 2009.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida, this 17th day of June, 2011.

JOEL H. BROWN, CHIEF JUDGE
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA