

**IN THE THIRTEENTH JUDICIAL CIRCUIT
HILLSBOROUGH COUNTY, FLORIDA**

**ADMINISTRATIVE ORDER S-2012-051
(Supersedes Administrative Order S-2006-064)**

**INDIGENT STATUS DETERMINATION &
ASSESSMENT OF PUBLIC DEFENDER APPLICATION FEE**

Section 27.51, Florida Statutes, requires the public defender to represent certain persons determined to be indigent. Section 27.52, Florida Statutes, requires the Clerk of the Court (clerk) to make a determination of indigent status upon review of an application completed by a person seeking appointment of the public defender based on an inability to pay. Indigent status determinations made by the clerk result in the appointment of the public defender to represent the indigent person in certain court proceedings.

Section 27.52, Florida Statutes, also requires the clerk to assess and collect an application fee (currently \$50) payable from the person seeking a determination of indigent status. There are occasions when persons either refuse or are unable to properly complete the application or the completed application does not contain sufficient information to enable the clerk to make a determination of indigent status. This statutory provision provides that if the clerk has not made a determination of indigent status at the time a person requests appointment of a public defender, the court shall make a preliminary determination of indigent status, pending further review by the clerk, and may appoint the public defender on an interim basis.

The presiding judge may direct the public defender to represent such persons where the clerk has not made a determination of indigent status and the application fee has not been assessed or collected. The clerk and the public defender need a uniform procedure for the public defender's representation of persons who are not represented by legal counsel and whose indigent status has not been determined by the clerk and where the public defender application fee has not been assessed or collected.

By the power vested in the chief judge under article V, section 2(d), Florida Constitution; section 43.26, Florida Statutes; and Florida Rule of Judicial Administration 2.215(b)(2), it is therefore **ORDERED**:

**1. Refusal or Inability to Complete Application for Indigent Status or
Insufficient Application**

When any person seeking the services of a public defender first appears in a court proceeding without representation by legal counsel and such person refuses or is unable to complete the application for indigent status or the completed application does not contain sufficient information for the clerk to make a determination of indigent status and the public defender application fee under section 27.52, Florida Statutes, has not been

assessed, the presiding judge shall decide whether or not to direct the public defender to represent such person.

2. Judicial Determination of Indigent Status and Assessment of Application Fee

Upon a judicial direction to the public defender to provide legal representation to such person, the clerk will treat this direction as a judicial determination of indigent status and assess and collect the public defender application fee under section 27.52, Florida Statutes.

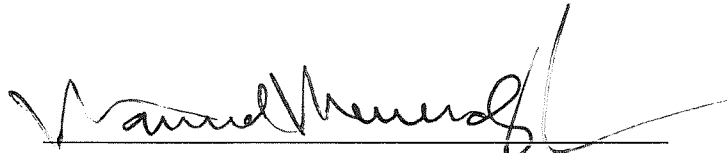
3. Previous Administrative Order Superseded

This administrative order supersedes Administrative Order S-2006-064 (*Determination of Indigent Status, Appointment of the Public Defender and Assessment of Application Fee When Person Refuses or is Unable to Properly Complete Application*).

4. Effective Date

This administrative order is effective October 1, 2012.

It is ORDERED in Tampa, Hillsborough County, Florida on this 19th day of September, 2012.



Manuel Menendez, Jr., Chief Judge

Original to: Pat Frank, Clerk of the Court
Copies to: All Judges
Julianne Holt, Public Defender
Mark Ober, State Attorney
David Gee, Hillsborough County Sheriff