

HOW TO HAVE A CLIENT/DEFENDANT DECLARED INDIGENT FOR COSTS

A person who is eligible to be represented by a public defender under s. 27.51 but who is represented by private counsel (not appointed by the court), *pro bono* counsel, or who is proceeding *pro se*, may file a motion with the court to be determined “indigent for costs” and eligible for state-funded due process services, as specified by ss. 29.006 and 29.007, F.S.

Step 1 – To be determined indigent for costs, counsel must file the following with the court:

1. Written motion to have defendant/client declared Indigent for Costs (no oral motions);
2. Clerk’s application for indigent status; and
3. Indigent for Costs Affidavit of Attorney’s Fees.¹

Step 2 - Counsel must also serve a copy of the written motion along with the documents below upon JAC prior to the court declaring the client indigent for costs. Submission of the IFC Motion and supporting documents must be served through [MyJAC](#). The following documents must be uploaded to [MyJAC](#):

1. A written Motion to Declare the Defendant/Client Indigent for Costs;
2. A completed Clerk’s Application for Indigent Status;
3. A completed Attorney Fee Affidavit; and
4. A Charging Document.

JAC is entitled to notice and an opportunity to be heard before a court declares a client indigent for costs. JAC will seek to vacate any order declaring a client indigent for costs if JAC is not afforded an opportunity or sufficient notice to participate in that proceeding. JAC must receive notice a minimum of 10 business days before any hearing on a motion to declare a client indigent for costs.

Step 3 - Once the court declares a defendant indigent for costs, privately retained counsel must upload the Order Declaring the Defendant Indigent for Costs through [MyJAC](#).

Step 4 - If privately retained counsel intends to seek reimbursement for due process costs paid by counsel or counsel’s firm, a properly completed substitute W-9 must be submitted to the Department of Financial Services.

* Please know that if convicted, the Defendant is liable to pay the amount of any state-funded due process costs as directed by section 938.29, Florida Statutes. Under these circumstances, the Court is responsible for determining the amount of the financial obligation to be imposed as a lien against the Defendant. These costs include, but are not limited to, the cost of depositions; transcripts; investigative costs; witness fees; psychiatric examinations; or other costs specially incurred by the state and the clerk of court for the defense of the defendant in criminal prosecutions.

¹ The affidavit must include the estimated amount of attorney’s fees and the source of those fees.