

IN THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR THE STATE OF FLORIDA

IN RE: APPOINTMENT OF PUBLIC DEFENDER AS COUNSEL IN JUVENILE DELINQUENCY PROCEEDINGS )  
 )  
 ) ADMINISTRATIVE ORDER  
 ) NO. 8.6  
 )  
 )  
 \_\_\_\_\_ )

Pursuant to Part II of Chapter 985 of the Florida Statutes, any other applicable provision of Florida Law as it may relate to juvenile delinquency, Part III of Chapter 27 of the Florida Statutes, and this Court's inherent authority to administer and regulate the Courts pursuant to Fla. R. Jud. Admin. 2.050 and Florida Statute § 43.26, it is

**ORDERED AND ADJUDGED** as follows:

1. Each child who is the subject of a petition for delinquency filed pursuant to Chapter 985 of the Florida Statutes is entitled to be represented by counsel as specifically provided by Florida Statute § 985.203.
2. In accordance with Florida Statute § 27.52(1)(a), all determinations of indigency for the purposes of appointing the Public Defender or a conflict attorney shall be made by the court, and may be made at any stage of the proceedings. Before appointing the Public Defender or a conflict attorney, the court shall consider a completed affidavit that contains the financial information required under Florida Statute § 27.52(1)(f), and shall make a preliminary determination of indigency.
3. The Department of Juvenile Justice, as the agency responsible for implementation of those statutes requiring the imposition of fees for the cost of care, support and maintenance of juveniles in detention or commitment facilities, is hereby ordered to provide the court at the detention hearing with as much additional information as is feasible such that the court may determine whether the

accused, or if applicable, a parent or legal guardian of an accused minor, is indigent for the purposes of appointment of the Public Defender as is required by Florida Statute § 27.52(1)(b). The court will provide a form for use in making such determinations.

4. Each person who requests the appointment of the Public Defender or a conflict attorney shall pay to the Clerk of the Court an application fee of \$40 at the time the financial affidavit is filed, or within seven (7) days thereafter as set forth in Florida Statute § 27.52(1)(c).

5. In any case where a child is first deemed to be indigent and later deemed to be not indigent, the cost of representation shall be assessed pursuant to Chapter 27 and any other applicable provision of Florida law.

6. In any case where a child is charged with an act of domestic violence or repeat domestic violence, the Public Defender shall be appointed to represent the child at the initial detention hearing. In the event that the child wishes to retain private counsel, either individually or by and through his parents or legal guardian, he or she may do so as set forth below.

Nothing in this order shall be construed as preventing a minor or the parents of the minor from hiring private counsel to represent the child in any juvenile delinquency proceeding. If private counsel is retained at any stage of the proceedings, the Public Defender, if previously appointed, shall thereafter withdraw from representation in accordance with the applicable rules of court.


In the event private counsel is retained to represent an allegedly indigent juvenile and a wavier of costs is sought, counsel shall file a certificate as is required by Florida Statute § 57.081(1).

**DONE AND ORDERED** in Chambers, at Punta Gorda, Charlotte County, Florida this

27 day of Feb., 2002.

  
\_\_\_\_\_  
William L. Blackwell  
Chief Judge

History. - Administrative Order 8.6 (May 21, 1999); Administrative Order 8.6 (May 10, 1999).

I certify this document to be a true and correct copy of the original on file in my office, Charlie Green, Clerk Circuit Court, Lee County, Florida  
Dated: FEB 27 2002  
By:   
Deputy Clerk

STATE OF FLORIDA, COUNTY OF LEE  
FILED FOR RECORD  
3 This 27 Day of FEB 2002 Record in MINUTE <sup>Clerk Ct.</sup>  
Book 46 Page 1 and Record Verified.  
CHARLIE GREEN By:   
Clerk Circuit Court Deputy Clerk