

1 A bill to be entitled
 2 An act relating to court-appointed counsel in civil cases;
 3 amending s. 57.082, F.S.; revising provisions relating to
 4 the payment of an application fee by a person eligible for
 5 court-appointed representation; amending s. 39.0134, F.S.;
 6 revising provisions relating to compensation of court-
 7 appointed counsel; providing an effective date.

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 9 Be It Enacted by the Legislature of the State of Florida:

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 11 Section 1. Paragraph (d) of subsection (1) and subsection
 12 (5) of section 57.082, Florida Statutes, are amended to read:

13 57.082 Determination of civil indigent status.—

14 (1) APPLICATION TO THE CLERK.—A person seeking appointment
 15 of an attorney in a civil case eligible for court-appointed
 16 counsel, or seeking relief from payment of filing fees and
 17 prepayment of costs under s. 57.081, based upon an inability to
 18 pay must apply to the clerk of the court for a determination of
 19 civil indigent status using an application form developed by the
 20 Florida Clerks of Court Operations Corporation with final
 21 approval by the Supreme Court.

22 (d) A person who seeks appointment of an attorney in a
 23 ~~ease under~~ chapter 39 proceeding, at shelter or during the
 24 adjudicatory process, during the judicial review process, upon
 25 the filing of a termination of parental rights petition, or upon
 26 the filing of any appeal, or if an appointed attorney is
 27 requested in a re-opened proceeding, at the trial or appellate
 28 ~~level,~~ for which an indigent person is eligible for court-

29 appointed representation, shall pay a \$50 application fee to the
 30 clerk for each application filed. The applicant shall pay the
 31 fee within 7 days after submitting the application. If not paid
 32 within 7 days, the court shall enter an order requiring payment
 33 and the clerk shall pursue collection under s. 28.246. The clerk
 34 shall transfer monthly all application fees collected under this
 35 paragraph to the Department of Revenue for deposit into the
 36 Indigent Civil Defense Trust Fund, to be used as appropriated by
 37 the Legislature. The clerk may retain 10 percent of application
 38 fees collected monthly for administrative costs prior to
 39 remitting the remainder to the Department of Revenue. A person
 40 found to be indigent may not be refused counsel. If the person
 41 cannot pay the application fee, the clerk shall enroll the
 42 person in a payment plan pursuant to s. 28.246.

43 (5) APPOINTMENT OF COUNSEL.—In appointing counsel after a
 44 determination that a person is indigent under this section, the
 45 court shall order that any application fee be paid by each
 46 person requesting appointment of counsel and first appoint the
 47 office of criminal conflict and civil regional counsel, as
 48 provided in s. 27.511, unless specific provision is made in law
 49 for the appointment of the public defender in the particular
 50 civil proceeding.

51 Section 2. Section 39.0134, Florida Statutes, is amended
 52 to read:

53 39.0134 Appointed counsel; compensation.—If counsel is
 54 entitled to receive compensation for representation pursuant to
 55 a court appointment in a dependency proceeding or a termination
 56 of parental rights proceeding pursuant to this chapter,

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57 compensation shall be paid in accordance with s. 27.5304. The
58 state may acquire and enforce a lien upon court-ordered payment
59 of attorney's fees and costs in accordance with s. 984.08.

60 (1) A parent whose child is dependent, whether or not
61 adjudication was withheld or whose parental rights are
62 terminated and who has received the assistance of the Office of
63 Criminal Conflict and Civil Regional Counsel, or any other court
64 appointed attorney, or who has received due process services
65 after being found indigent for costs under s. 57.082, shall be
66 liable for payment of the assessed application fee under s.
67 57.082, together with reasonable attorney's fees and costs as
68 determined by the court.

69 (2) If reasonable attorney's fees are assessed, payment of
70 said fees or costs may be made part of any case plan in
71 dependency proceedings at the courts discretion. No case plan
72 will remain open for the sole issue of payment of attorney's
73 fees or costs. At the courts discretion, a lien upon court-
74 ordered payment of attorney's fees and costs may be ordered by
75 the court in accordance with s. 984.08.

76 (3) The clerk of the court shall transfer all attorney's
77 fees and costs collected under this paragraph monthly to the
78 Department of Revenue for deposit in the Indigent Civil Defense
79 Trust Fund, subject to legislative appropriations and consistent
80 with s. 27.5111.

81 Section 3. This act shall take effect July 1, 2010.