

IN THE CIRCUIT COURT OF THE NINETEENTH
JUDICIAL CIRCUIT IN AND FOR INDIAN RIVER,
MARTIN, OKEECHOBEE, AND ST. LUCIE
COUNTIES, FLORIDA

AMENDED ADMINISTRATIVE ORDER 97-02

RE: Notification of Results of Indigency Investigation

Whereas, the Florida Legislature funded an Indigence Examiner for each Judicial Circuit to insure that criminal defendants obtaining the services of the Public Defender meet the statutory requirements for obtaining such service, and whereas, it is necessary to report cases whereby the defendant may not statutorily qualify to the appropriate parties, and as Chief Judge, pursuant to Florida Rules of Judicial Administration 2.050, the following procedures are therefore ORDERED:

1. The indigency examiner shall review selected financial affidavits to determine their accuracy and prepare a report with their findings. The report shall indicate whether the affiant meets the statutory criteria to be declared (a) indigent, (b) indigent but able to contribute, or (c) not indigent. The indigency examiner's reports shall be filed with the Clerk.
2. In those cases where a review of the financial affidavit and the indigency examiner's report indicate the possibility that the affiant may have provided false information in preparing the affidavit, the Office of the State Attorney is directed to investigate the matter to determine whether criminal charges should be brought.

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3. In all cases where the court has found the defendant to be indigent or indigent but able to contribute, and the examiner has determined that the defendant does not meet the statutory criteria, copies of the reports shall be sent to the State Attorney, Public Defender, Judge who signed the Order of Appointment, Judge assigned to the case, and the County Attorney for the county in which the case is filed.

4. If, based on the face of the affidavit and the material provided by the indigency examiner, it appears that the affiant is neither indigent nor indigent but able to contribute, and has sufficient resources to retain counsel, either the State Attorney, Public Defender, or County Attorney may file a motion and request a hearing before the presiding judge to rehear the issue of the defendant's indigency.

DONE AND ORDERED in quadruplicate, at Vero Beach, Indian River County, Florida this 17 day of March 1997.


Chief Judge Paul B. Kanarek