



Indigent for Costs (IFC) Attorney Guide

Overview

When a criminal defendant retains private counsel and the court determines the defendant “indigent” for purposes of obtaining state-funded costs for due process services (e.g., court reporting, investigation, interpretation, and expert witness) for their defense pursuant to s. 27.52, F.S., JAC audits and processes these bills for state payment. At JAC, this case type is known as an Indigent for Costs (IFC) case. In order for JAC to process an IFC defendant’s due process costs, the defendant’s indigent status must be determined by court order pursuant to s. 27.52, F.S. JAC cannot process attorney fees payments to IFC attorneys. For more information about IFC, please visit: <https://www.justiceadmin.org/IFC/index.aspx>.

Getting Started – Reimbursement of Due Process Costs

Eligibility

Due process vendors (i.e., court reporters, investigators, interpreters, experts etc.) may receive payment for services provided in IFC cases in one of two manners:

Option #1: JAC Directly Pays Due Process Vendor after Counsel Certifies Expenditures- After providing court-approved due process vendor services, a due process vendor may invoice JAC to process the payment. Before the invoice reaches JAC for processing, it is electronically routed to the attorney who requested the services for Certification via *MyJAC* (JAC’s online billing portal). Upon receiving an invoice from a due process vendor, the attorney must certify the accuracy of the invoice. Both the attorney and the due process vendor must sign the appropriate JAC Invoice/Voucher cover. Prior to invoice submission, the attorney must have opened the case in *MyJAC* (by submitting the case opening documents) before a due process vendor may be paid. JAC may then process payment for the due process vendor directly. Copies of court orders authorizing such state-funded costs must be provided with the invoice. The attorney may not certify the work is complete until the work has actually been completed. If all procedures are not followed, or appropriate documentation is not provided, the attorney remains personally liable for payment of the due process vendor. Any Invoice/Voucher Cover received by JAC that certifies the work is done prior to completion of the work will be rejected.

Option #2: Counsel Pays Vendor and Seeks Reimbursement from JAC - The attorney may pay the due process vendor directly and then seek reimbursement from JAC. After certifying the invoice, the attorney must submit the vendor’s original bill or invoice with a completed applicable Invoice/Voucher Cover. The attorney must also provide proof of payment to the vendor. Copies of court orders authorizing such costs must be provided with the invoice. The attorney is entitled to reimbursement only if all procedures have been followed and appropriate documentation has been provided to JAC. Absent express court approval, the attorney may not be reimbursed for costs that exceed the rates or limitations established by law or court order.

If there is any possibility that you will seek reimbursement for costs from JAC (Option #2), please note that you must meet the following requirements, otherwise you will not be eligible for reimbursement of any costs incurred:



1. Provide a Federal Employer Identification Number (FEIN).
2. File a Substitute Form W-9 with the Florida Department of Financial Services (DFS).
3. File for Electronic Funds Transfer (EFT) with the Florida Department of Financial Services (DFS).

If you intend to seek reimbursement for due process costs (Option #2), you must provide a FEIN to contracts@justiceadmin.org. You must also file a Substitute W-9 and Electronic Funds Transfer (EFT) with the Florida Department of Financial Services. **Failure to do this will result in your IFC Contract being rejected.**

If you DO NOT intend to seek reimbursement for due process costs (Option #1), you do not need to provide a FEIN, W-9, or EFT.

Getting Started – To Obtain an IFC Contract

1. Submit your registration request to JAC and obtain your Registration Code at: <https://www.justiceadmin.org/login/register.aspx>
2. Create a *MyJAC* username and password once you receive your registration code at: <https://www.justiceadmin.org/login/register.aspx?step=2>
3. Determine if you intend to seek reimbursement for due process costs. If you intend to seek reimbursement for due process costs, proceed to Step 5, below. If you do not intend to seek reimbursement for due process costs, skip to Step 7, below.
4. Apply for a Federal Employer Identification Number (FEIN). If you do not already have a FEIN, you may apply for one without charge at: <https://www.irs.gov/businesses/small-businesses-self-employed/apply-for-an-employer-identification-number-ein-online>
5. Submit a Substitute W-9 Form to the Florida Department of Financial Services (DFS) at: <https://flvendor.myfloridacfo.com/>
6. Submit a Direct Deposit Authorization Form to DFS (Electronic Funds Transfer – EFT) at: <https://www.myfloridacfo.com/Division/AA/Vendors/>
7. Login to your *MyJAC* account to execute the contract at: <https://www.justiceadmin.org/login/Login.aspx>.

Tips on Contract Submission

- Turn-off your computer's pop-up blocker.
- Google Chrome is the preferred web browser to use when logging into *MyJAC*. Make sure you are using the latest version of Google Chrome.
- Ensure all required fields are completed. Required fields are indicated by **red text**, you may have to scroll up to see a missed field.



Things to Note

- In order to have a defendant declared Indigent for Costs, the attorney must file a written motion with the court. Florida law does not authorize oral motions to have a defendant declared indigent for costs per s. 27.52(5), F.S. Attached to the motion must be (1) an application for indigent status; (2) an affidavit attesting to the estimated amount of attorney's fees and the source of those fees; and (3) the charging document (in criminal and delinquency cases).
- Attorney Contracts for Due Process Services for Persons who are Indigent for Costs (IFC Contracts) expire at the conclusion of the State Fiscal Year (June 30) and must be renewed annually.
- It takes at least two (2) business days for contract processing. You will receive an email confirmation once your contract has been approved.

Opening an IFC Case in MyJAC

To open an IFC case in *MyJAC*, login to your *MyJAC* account and click “Open a New IFC Case” on the left side menu bar. You must upload the following required documents:

- A written Motion to Declare the Defendant/Client Indigent for Costs;
- A completed Clerk's Application for Indigent Status;
- A completed Attorney Fee Affidavit; and
- A Charging Document (i.e., Information).

After JAC approves the uploaded documents and opens the case(s), you will receive an email response indicating JAC's position on your motion. If JAC has an objection to the motion and requests a hearing, JAC will file a formal objection.

You must submit JAC's emailed response to the Court for the Court's consideration. Although JAC strives to process new case documents within 24 hours, it may take up to three business days to open a case in *MyJAC*. Please do not resubmit the case or the case opening documents.

Detailed instructions on how to open an IFC case in *MyJAC* can be found at: [https://www.justiceadmin.org/FAQ/Training%20Modules/How-to-open-an-IFC-case-in-MyJAC-and-How-to-submit-an-IFC-order-\(03-31-22\).pdf](https://www.justiceadmin.org/FAQ/Training%20Modules/How-to-open-an-IFC-case-in-MyJAC-and-How-to-submit-an-IFC-order-(03-31-22).pdf)

Model Motions & Orders

JAC provides several model motions and orders to assist attorneys in obtaining authorization or approval of due process costs and related expenses. These motions and orders contain the language generally necessary for JAC payment purposes but do not address any potential local requirements. For more information and links to the templates, please visit:

https://www.justiceadmin.org/court_app_counsel/motionorder.aspx?dc=ifcdiv.



Billing & Payment

JAC's website provides several helpful resources regarding billing and payment information. Please refer to the Information Resources webpage for helpful documents, guides, frequently used terms, How-To's, Q&A's, and video tutorials at: <https://www.justiceadmin.org/FAQ/index.aspx>. Below is a sample of the information available on this webpage:

- IFC – Privately Retained Attorney Checklist:
<https://www.justiceadmin.org/IFC/IFC%20Privately%20Retained%20Attorney%20Checklist.pdf>
- IFC Policies & Procedures: https://www.justiceadmin.org/court_app_counsel/policies/Court-Appointed%20PP%20with%20IFC%20and%20CC%20Final%20101923.pdf
- IFC Motions/Orders Guidelines:
<https://www.justiceadmin.org/IFC/dueProcess/IFC%20Motion%20and%20Order.pdf>
- How to Have a Client Declared Indigent for Costs at:
<https://www.justiceadmin.org/IFC/Overview%20-%20How%20to%20have%20a%20Client%20Declared%20Indigent%20for%20Costs.pdf>
- Request for Certification of Costs Form at:
<https://www.justiceadmin.org/IFC/application%20for%20certification%20of%20costs.pdf>
- Seven Things an Attorney Should Remember About Having a Client Declared Indigent for Costs at:
[https://www.justiceadmin.org/faq/Training%20Modules/Seven%20Things%20Attorney%20Must%20Know%20about%20IFC%20\(12-6-23%20Revision\).pdf](https://www.justiceadmin.org/faq/Training%20Modules/Seven%20Things%20Attorney%20Must%20Know%20about%20IFC%20(12-6-23%20Revision).pdf)

Bill Submission

If you retain the services of a due process vendor such as a court reporter, investigator, or expert, you will be required to review and certify their bills through *MyJAC* before JAC receives the bill:

- In most instances, due process vendors will complete and submit their bills online by generating an electronic JAC Invoice/Voucher Cover. The due process vendor will provide the information necessary to complete the JAC Invoice/Voucher Cover.
- Once a due process vendor submits an electronic JAC Invoice/Voucher Cover, the attorney is notified by email that the bill is pending attorney review.
- The attorney will log into *MyJAC* and review the bill and supporting documentation and then either approve or reject the bill. Attorneys are required to approve or reject due process vendor bills within 10 business days.
- Approving a bill prepared by a due process vendor is more than a ministerial task. The attorney approving the bill is certifying that the services were satisfactorily performed, necessary for the representation, and that the bill accurately reflects the services received by the attorney. For transcripts, the attorney is further certifying the accuracy of the number of pages billed. If an attorney has any concerns regarding the accuracy of a bill, the attorney should resolve those concerns prior to approving the vendor's bill.
- If the attorney approves the bill, it is then submitted for review and processing by JAC staff. If the attorney rejects the bill, the vendor will be notified of the reason for the rejection via email. The vendor must contact the attorney to resolve the issue.



Requirement to File an Accounting with the Court

Upon conviction, a defendant is liable to pay the amount of any due process costs provided by the state and the clerk of court as directed by s. 27.52(5)(i), F.S. If the defendant is convicted, the attorney is responsible for providing an accounting of costs to the trial court delineating the costs expended on behalf of the defendant within 90 days after disposition of the case, notwithstanding any appeals. The trial court shall then enter an order determining the amount of costs paid which will thereafter be recorded by the clerk as a lien against the defendant.

In order to facilitate the accounting, JAC upon application will provide a certificate to the Court/Attorney indicating the amount of invoices paid through JAC and the amount of invoices received by JAC that have not been processed for payment. The certificate will only address those billings that JAC has received as of the date of application. You may access the Application for Certification of Costs at:

<https://www.justiceadmin.org/IFC/application%20for%20certification%20of%20costs.pdf>

JAC Online Support Team

The JAC Online Support Team (OST) is a problem-solving unit that responds to questions and issues from attorneys and vendors, assists with implementation of new procedures, and facilitates the general understanding of JAC policies. The OST is available via email at onlinesupportteam@justiceadmin.org or by phone at (844) 522-5463, or (844) JAC-LINE.

For information on checking the status of an invoice, bill tracking, payments, and more, please visit:

<https://www.justiceadmin.org/support/support.aspx>.

Court-Appointed Newsletter (Points of Interest)

JAC issues biannual newsletters for court-appointed attorneys, IFC attorneys, and due process vendors. These newsletters provide important information, reminders, and updates on various topics, such as JAC funding, contract changes, and new requirements. For links to the newsletters, please visit: https://www.justiceadmin.org/jac/jacnews.aspx?show_div=2.

Contact Information

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