

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
IN AND FOR _____ COUNTY, FLORIDA

STATE OF FLORIDA,

CASE NO.: _____

vs.

DIV.: _____

_____,
Defendant.

JUDGE: _____

_____/

**MOTION TO INCUR COSTS TO OBTAIN
CASE-RELATED DOCUMENTS AND MATERIALS**

COMES NOW the Defendant, by and through the undersigned counsel, and moves to have the defendant declared indigent for costs pursuant to section 27.52(5), Florida Statutes, and in support thereof, shows the following:

1. The Defendant is indigent and the undersigned [was appointed by the Court to represent the Defendant]/[is privately retained and the Court previously found the Defendant indigent for costs]. [PICK WHICHEVER IS APPLICABLE].
2. The defense requests authorization to incur up to \$_____ for costs to obtain case-related documents and materials including but not limited to discovery from the office of the state attorney, law enforcement records, medical records, records obtained through subpoena duces tecum, and other pertinent case-related documents and materials.
3. The undersigned acknowledges that this authorization will not apply to court-related fees and charges assessed by the local clerk of court pursuant to the terms of sections 28.345 and 57.081, Florida Statutes.
4. The amount incurred for these costs will conform to the limits set forth in Florida law including but not limited to section 92.153, Florida Statutes (costs for producing documents

pursuant to a subpoena duces tecum); section 119.07, Florida Statutes (fees for public records requests to state entities); and section 395.3025, Florida Statutes (fees to obtain medical records).

WHEREFORE, the defense requests this Court enter an order authorizing the defense to incur costs to obtain case-related documents and materials.

Respectfully submitted,

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
IN AND FOR _____ COUNTY, FLORIDA

STATE OF FLORIDA,

CASE NO.: _____

vs.

DIV.: _____

_____,
Defendant.

JUDGE: _____

_____/

**ORDER AUTHORIZING THE DEFENSE TO INCUR COSTS
TO OBTAIN CASE-RELATED DOCUMENTS AND MATERIALS**

THIS CAUSE having coming before the Court upon the Motion to Incur Costs to Obtain Case-Related Documents and Materials in the above entitled cause; and this Court having reviewed the Motion and the response of the Justice Administrative Commission, the Court finds that the defense has shown this request is necessary for the defense of the case.

IT IS HEREBY ORDERED AND ADJUDGED as follows:

1. The Defense is authorized to incur up to \$_____ for costs to obtain case-related documents and materials including but not limited to discovery from the office of the state attorney, law enforcement records, medical records, records obtained through subpoena duces tecum, and other pertinent case-related documents and materials.

2. This authorization does not apply to court-related fees and charges assessed by the local clerk of court pursuant to the terms of sections 28.345 and 57.081, Florida Statutes, because the defendant indigent and therefore entitled to obtain documents and materials from the local clerk of court without requirement of prepayment.

3. The amount incurred for these costs will conform to the limits set forth in Florida law including but not limited to section 92.153, Florida Statutes (costs for producing documents

pursuant to a subpoena duces tecum); section 119.07, Florida Statutes (fees for public records requests to state entities); and section 395.3025, Florida Statutes (fees to obtain medical records).

4. Should a party providing case-related documents or materials to the defense desire direct payment from the Justice Administrative Commission, the party must enter into a contract with the Justice Administrative Commission. The defense and the party must comply with all policies and procedures of the Justice Administrative Commission related to the submission of billings for direct payment to a due process vendor.

5. The Defendant is liable to pay the amount of any due process costs provided to the defense as directed by section 27.52 and section 938.29, Florida Statutes. If the Defendant is convicted, the Court is responsible for determining the amount of the obligation to be imposed as a lien against the Defendant.

DONE AND ORDERED in _____, _____ County on this
_____ day of _____.
