IN THE CIRCUIT COURT OF THE \_\_\_\_\_\_ JUDICIAL CIRCUIT

IN AND FOR \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COUNTY, FLORIDA

STATE OF FLORIDA, CASE NO.: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

vs. DIV.: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, JUDGE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Defendant.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/

**MOTION TO INCUR COSTS FOR A MITIGATION SPECIALIST**

COMES NOW the Defendant, by and through the undersigned counsel, and moves this Court to incur costs for a defense mitigation specialist 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]. [SELECT ONE]

2. The State has filed a notice of intent to seek the death penalty pursuant to section 782.04(1)(a), Florida Statutes.

3. The defense requires the assistance of a mitigation specialist to assist with the development of mitigating evidence in this matter. The defense requests authorization for up to $\_\_\_\_\_\_\_\_\_ for payment at the rate of $75 per hour for the services of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ as the defense mitigation specialist in this matter.

WHEREFORE, the defense requests this Court enter an order authorizing the defense to incur costs for a mitigation specialist as set forth above.

Respectfully submitted,

IN THE CIRCUIT COURT OF THE \_\_\_\_\_\_ JUDICIAL CIRCUIT

IN AND FOR \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COUNTY, FLORIDA

STATE OF FLORIDA, CASE NO.: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

vs. DIV.: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, JUDGE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Defendant.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/

**ORDER AUTHORIZING THE DEFENSE TO**

**INCUR COSTS FOR MITIGATION SPECIALIST**

THIS Motion to Incur Costs for Mitigation Specialist in the above case is before this Court; and having reviewed the Motion and the response of the Justice Administrative Commission, the Court finds that the defense has shown that the assistance of a mitigation specialist is necessary for the defense of the case.

**IT IS HEREBY ORDERED AND ADJUDGED** as follows:

1. The defense is authorized to retain \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ as the defense mitigation specialist.

2. The defense is authorized to incur up to $\_\_\_\_\_\_\_\_ for payment of mitigation specialist services at a rate of $75 per hour.

3. Should any mitigation specialist desire direct payment from the Justice Administrative Commission, the mitigation specialist must enter into a contract with the Justice Administrative Commission. The defense and mitigation specialist 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.

4. The Defendant is liable to pay the amount of any due process costs provided to the defense as directed by sections 27.52 and 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 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_