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 PRIVATE PROCESS SERVER**

COMES NOW the Defendant, by and through the undersigned counsel, and moves this Court to incur costs for a defense private process server 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 defense requires the assistance of a private process server to serve the following witnesses in this matter:

[LIST WITNESSES INCLUDING SPECIFIC NEED FOR PRIVATE PROCESS SERVER SUCH AS OUT-OF-COUNTY OR OUT-OF-STATE - NOT APPLICABLE TO IN-COUNTY LAW ENFORCEMENT]

3. The defense requests authorization for service of process at the rates established by law [FOR CIRCUITS WITH AN ESTABLISHED RATE]/at the rate of $\_\_\_\_\_\_\_ per service [FOR CIRCUITS WITHOUT AN ESTABLISHED RATE]. The sheriff shall be used to serve in-county law enforcement.

WHEREFORE, the defense requests that this Court enter an order authorizing the defense to incur costs for a private process server as set forth above at the rates established by law.

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 PRIVATE PROCESS SERVER**

THIS Motion to Incur Costs for Private Process Server in the above case is before this Court; and this Court 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 private process server is necessary for the defense of the case.

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

1. The defense is authorized to use a private process server(s) to serve the following witnesses in this matter:

[LIST WITNESSES INCLUDING SPECIFIC NEED FOR PRIVATE PROCESS SERVER SUCH AS OUT-OF-COUNTY OR OUT-OF-STATE]

2. Service of process shall be at the rates established by law [FOR CIRCUITS WITH AN ESTABLISHED RATE]/at the rate of $\_\_\_\_\_\_\_ per service [FOR CIRCUITS WITHOUT AN ESTABLISHED RATE]. The sheriff shall be used to serve in-county law enforcement.

3. Should any private process server desire direct payment from the Justice Administrative Commission, the private process server must enter into a contract with the Justice Administrative Commission. The defense and private process server 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 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 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

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