

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

STATE OF FLORIDA,

CASE NO.: _____

vs.

DIV.: _____

_____,
Defendant.

JUDGE: _____

_____/

MOTION TO DECLARE DEFENDANT INDIGENT FOR COSTS

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 charged with [CHARGES FROM INFORMATION/INDICTMENT].
2. The undersigned attorney was retained to represent the Defendant in the above cited case(s) by [DEFENDANT/FAMILY MEMBER/THIRD PARTY]. The estimated attorney fees total \$_____ of which \$_____ have been paid. The balance is being paid [DESCRIBE MANNER OF PAYMENT]. An affidavit attesting to these facts is attached as Exhibit A.
3. The Defendant is without the financial means to pay the necessary due process costs. A completed application for indigency is attached as Exhibit B.
4. The defense requests authorization for the following costs: [USE AS APPLICABLE]
 - a. The defense request authorization for a private process server to serve witnesses in this matter. 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 will be used to serve in-county law enforcement.

b. The defense requires the assistance of a private investigator to assist in preparing the defense of this matter including but not limited to interviewing and locating witnesses, locating documents, performing background checks, and researching factual issues. The defense requests authorization for up to \$_____ at the rates established by law for private investigator services in this matter

c. The defense requests to have the following depositions transcribed:

Witness	Date of Deposition
_____	_____
_____	_____
_____	_____
_____	_____

Preparation of the transcripts of these depositions is necessary for the following reason(s)

- The transcript(s) are necessary for use at trial or evidentiary hearing.
- The transcript(s) are necessary in support of a pretrial motion.
- The transcript(s) are necessary to prepare for trial.
- Other:

d. The defense requests authorization for a defense mental health expert [INCLUDE NAME IF SPECIFIC EXPERT SOUGHT] to assist the defense. [DESCRIBE PARTICULARIZED NEED FOR MENTAL HEALTH EXPERT SERVICES SUCH AS COMPENTENCY/SANITY/DEPARTURE]. The defense requests authorization for \$_____ at the rates established by law [FOR CIRCUITS WITH AN ESTABLISHED RATE]/at the rate(s) of [RATE STRUCTURE] [FOR CIRCUITS WITHOUT AN ESTABLISHED RATE OR SEEKING A RATE IN EXCESS OF THE RATES

ESTABLISHED BY LAW]. [DESCRIBE JUSTIFICATION IF SEEKING A RATE IN EXCESS OF THE RATES ESTABLISHED BY LAW].

e. The defense requests authorization for a [NAME & EXPERT TYPE] to assist the defense. [DESCRIBE PARTICULARIZED NEED FOR EXPERT SERVICES]. The defense requests authorization for \$_____ at the rates established by law [FOR CIRCUITS WITH AN ESTABLISHED RATE]/at the rate(s) of [RATE STRUCTURE] [FOR CIRCUITS WITHOUT AN ESTABLISHED RATE OR SEEKING A RATE IN EXCESS OF THE RATES ESTABLISHED BY LAW]. [DESCRIBE JUSTIFICATION IF SEEKING A RATE IN EXCESS OF THE RATES ESTABLISHED BY LAW].

WHEREFORE, the defense requests this Court enter an order finding the Defendant indigent for costs and authorizing the services requested herein.

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 FINDING THE DEFENDANT INDIGENT FOR COSTS

THIS CAUSE having coming before the Court upon the Motion to Declare the Defendant Indigent for Costs 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 that the Defendant is indigent for costs.

IT IS HEREBY ORDERED AND ADJUDGED as follows:

1. The Defendant is declared to be indigent for costs pursuant to section 27.52(5), Florida Statutes.
2. The defense is authorized to incur costs as follows:
 - a. The defense is authorized to incur costs to take depositions including court reporter appearance fees. Service of process shall be through the sheriff unless the sheriff is unable or unable to provide service of process. The sheriff must be used to serve in-county law enforcement. The rate for private service of process shall be at rates established by law [FOR CIRCUITS WITH AN ESTABLISHED RATE]/at the rate of \$_____ per service [FOR CIRCUITS WITHOUT AN ESTABLISHED RATE].
 - b. The defense is authorized to incur up to \$_____ for private investigator services at the rates established by law. Any private investigator providing services in this matter must be properly licensed in accordance with Florida law. Any private

investigator shall only be compensated for providing investigative services including but not limited to interviewing and locating witnesses, locating documents, performing background checks, and researching factual issues. An investigator is not a substitute for a paralegal or secretary and cannot be compensated for performing tasks of a paralegal, secretarial or administrative nature.

c. The defense is authorized to incur costs to have the following depositions transcript(s) prepared:

Witness	Date of Deposition
_____	_____
_____	_____
_____	_____
_____	_____

The costs of preparing these transcripts shall not exceed the rates established by law.

d. The defense is authorized to retain a mental health expert/name to assist the defense with authorization for up to \$_____ at the rates established by law [FOR CIRCUITS WITH AN ESTABLISHED RATE]/at the rate(s) of [RATE STRUCTURE] [FOR CIRCUITS WITHOUT AN ESTABLISHED RATE OR SEEKING A RATE IN EXCESS OF THE RATES ESTABLISHED BY LAW].

e. The defense is authorized to retain a [NAME & EXPERT TYPE] to assist the defense with authorization for up to \$_____ at the rates established by law [FOR CIRCUITS WITH AN ESTABLISHED RATE]/at the rate(s) of [RATE STRUCTURE] [FOR CIRCUITS WITHOUT AN ESTABLISHED RATE OR IN EXCESS OF THE RATES ESTABLISHED BY LAW].

3. Any request for additional due process costs, including transcripts, private investigators, and experts, shall be made by separate motion. The Justice Administrative Commission shall be served with any motion for additional due process costs.

4. Should any due process vendor desire direct payment from the Justice Administrative Commission, the vendor must enter into a contract with the Justice Administrative Commission. The defense and the vendor 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. Upon conviction, the Defendant is liable to pay the amount of any due process costs as directed by sections 27.52(5)(i) and 938.29, Florida Statutes. If the Defendant is convicted, the attorney representing the Defendant is responsible for providing an accounting to the Court delineating the costs expended on behalf of the Defendant within 90 days after disposition of the case notwithstanding any appeals. The Court shall then enter an order determining the amount of costs paid which will thereafter be recorded as a lien against the defendant.

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