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**

**CONFIDENTIAL DEFENSE MENTAL HEALTH EXPERT**

COMES NOW the Defendant, by and through the undersigned counsel, and moves this Court to incur costs for a confidential defense mental health expert, 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 requests the assistance of a confidential defense mental health expert who will only report to the defense to assist the defense. The particularized need for this request is: [CHECK ALL THAT APPLY]

\_\_\_ Defense counsel has reason to believe the defendant is not mentally competent to proceed.

\_\_\_ Defense counsel has reason to believe the defendant was insane at the time of the offense.

\_\_\_ Defense counsel seeks a mental health expert for purposes of seeking a departure from the presumptive sentence established in the guidelines.

\_\_\_ Defense counsel seeks a mental health expert for mitigation purposes.

\_\_\_ Defense counsel seeks a mental health expert for purposes of seeking juvenile sanctions/youthful offender status. [PLEASE SPECIFY]

 \_\_\_ Other: [PLEASE SPECIFY]

3. The defense requests authorization to retain the services of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. [NAME, TITLE, AND QUALIFICATIONS OF PROPOSED PROVIDER—OMIT IF SEEKING GENERIC AUTHORIZATION.]

4. The defense requests authorization for $\_\_\_\_\_\_\_ for payment 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]. [PROVIDE JUSTIFICATION IF SEEKING A RATE IN EXCESS OF THE RATES ESTABLISHED BY LAW OR OUT-OF-STATE EXPERT INCLUDING DILIGENT EFFORTS MADE TO LOCATE AN IN STATE EXPERT WITHIN THE RATES ESTABLISHED BY LAW].

WHEREFORE, the defense requests this Court enter an order authorizing the defense to incur costs for a confidential defense mental health expert 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 A CONFIDENTIAL DEFENSE MENTAL HEALTH EXPERT**

THIS Motion to Incur Costs for a Confidential Defense Mental Health Expert 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 defense mental health expert 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 a defense mental health expert 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 RATES IN EXCESS OF THE RATES ESTABLISHED BY LAW].

2. The defense is authorized to retain the service of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. [NAME OF PROPOSED PROVIDER—OMIT IF SEEKING GENERIC AUTHORIZATION]

3. Should the mental health expert desire direct payment from the Justice Administrative Commission, the expert must enter into a contract with the Justice Administrative Commission. The defense and the mental health expert 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 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

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