

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 FOR DEFENSE MENTAL HEALTH EXPERT

COMES NOW the Defendant, by and through the undersigned counsel, and moves to incur costs for a 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]. [PICK WHICHEVER IS APPLICABLE]
2. The defense requests the assistance of a defense mental health expert to assist the defense. The basis for this request is: [CHECK ANY 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 AND TITLE/QUALIFICATIONS OF PROPOSED PROVIDER—OMIT IF SEEKING
GENERIC AUTHORIZATION]

4. 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 authorizing the defense to
incur costs for a mental health expert as set forth above.

Respectfully submitted,

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
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STATE OF FLORIDA,

CASE NO.: _____

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_____,
Defendant.

JUDGE: _____

_____/

**ORDER AUTHORIZE THE DEFENSE TO INCUR COSTS
FOR DEFENSE MENTAL HEALTH EXPERT**

THIS CAUSE having coming before the Court upon the Motion to Incur Costs for Defense Mental Health Expert 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 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 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 _____.
