

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 MITIGATION SPECIALIST

COMES NOW the Defendant, by and through the undersigned counsel, and moves 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]. [PICK WHICHEVER IS APPLICABLE].
2. The State is seeking the death penalty as a potential punishment in the above-cited case.
3. The defense requires the assistance of a mitigation specialist to help in developing mitigating evidence in this matter. The defense requests authorization for up to \$_____ 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.

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_____,
Defendant.

JUDGE: _____

_____/

**ORDER AUTHORIZING THE DEFENSE TO
INCUR COSTS FOR MITIGATION SPECIALIST**

THIS CAUSE having coming before the Court upon the Motion to Incur Costs for Mitigation Specialist 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 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 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 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 _____.
