

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.

WHEREFORE, the defense requests this Court enter an order finding the Defendant indigent for costs.

Respectfully submitted,

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

STATE OF FLORIDA,

CASE NO.: _____

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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 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.
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 _____.
