

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
IN AND FOR PINELLAS COUNTY, FLORIDA

STATE OF FLORIDA

CRIMINAL DIVISION

v.

CASE NO.: 2023 CF 2935

TOMASZ KOSOWSKI,  
Defendant.

\_\_\_\_\_/

**JUSTICE ADMINISTRATIVE COMMISSION'S RESPONSE TO**  
**MOTION FOR FUNDS TO RETAIN THE SERVICES OF A**  
**CONFIDENTIAL MITIGATION SPECIALIST**

COMES NOW, the Justice Administrative Commission ("JAC"), by and through the undersigned attorney and files this response to the above-cited motion as follows:

1. Daniel Hernandez (Counsel) is seeking authorization for 600 hours at a rate of \$75 per hour for a defense mitigation specialist. Although JAC takes no position as to the request for a mitigation specialist, JAC requests a hearing for the defense to justify the need for 600 hours at the outset.
2. JAC can only pay due process services pursuant to section 29.007, 27.40, 27.425 and 27.5304, Florida Statutes.
3. As directed by section 27.425, Florida Statutes, and the General Appropriations Act, all due process services are subject to the Florida Statutes and the JAC contract, policies and procedures. **JAC objects to any compensation rate in excess of established rates.**
4. Pursuant to the uniform statewide rates, the rates for mitigation specialists in capital death cases cannot exceed \$75 per hour.

5. Absent another applicable professional license, as required by Florida law, any mitigation specialist providing services in Florida must have a Class C license from the Department of Agriculture and Consumer Services and be employed by an investigation agency with a Class A license.
6. JAC has concerns with an initial authorization of 600 hours at the outset. This representation \$45,000 in services. A purpose behind setting a cap is to limit the services authorized so that JAC and the Court can adequately monitor the circumstances.
7. Counsel has the burden to show the need for 600 hours in a single authorization. Considering that the defense can always seek authorization for additional funds through a supplemental motion, JAC does not see a particularized need to authorize 600 hours through a single motion.
8. If any due process provider desires direct payment, the JAC's procedures require the vendor to execute the appropriate contract and follow JAC's billing and audit procedures to obtain payment.
9. Based on the requested cap of 600 hours, JAC requests that this matter be set for hearing. JAC requests to appear through communications equipment and can be reached toll-free at (866) 355-7902.

WHEREFORE, the JAC request that the Court deny the Motion absent a showing justifying a need for investigator services in a misdemeanor case. Should the Court grant Defendant's Motion, also include in the Order the hourly rate and maximum fees authorized, and that the provider be paid in

accordance with the rates, terms and conditions approved by the Florida Statutes and the JAC contract, policies and procedures.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been sent by facsimile, email and/or U.S. Mail on this 18th day of July, 2025 to:

Daniel Hernandez, Esq.  
Sent via email

Respectfully submitted,

ANA CRISTINA MARTINEZ  
GENERAL COUNSEL

/s/ Christian D. Lake  
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