

ADMINISTRATIVE ORDER
NO. 2017-06

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE AND OSCEOLA
COUNTIES, FLORIDA

**ORDER GOVERNING INTRODUCTION OF EVIDENCE CONTAINING
HIGH-POTENCY NARCOTICS, NINTH JUDICIAL CIRCUIT**

WHEREAS, pursuant to Article V, section 2(d) of the Florida Constitution and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice; and

WHEREAS, pursuant to the chief judge's constitutional and statutory responsibility for administrative supervision of the courts within the circuit and to create and maintain an organization capable of effecting the efficient, prompt, and proper administration of justice for the citizens of this State, the chief judge is required to exercise direction, *see* Fla. R. Jud. Admin. 2.215(b)(2), (b)(3); and

WHEREAS, there has been a steady increase in the amount of opioid-related arrests; and

WHEREAS, there has been a dramatic increase in the prevalence of high-potency narcotics that are so strong accidental contact or inhalation can be deadly; and

WHEREAS, the health, safety and welfare of those who conduct business within the courthouses of this Circuit, including employees and citizens, are of primary concern to this Court; and

WHEREAS, in an effort to ensure the health and safety of all persons within each courthouse in this Circuit and to prevent any accidental exposure, this Court has recognized that there is a need to establish a procedure for introducing evidence that contains or may contain high-potency narcotics ("HPN Exhibits");

NOW, THEREFORE, I, Frederick J. Lauten, in order to facilitate the efficient operation of the administration of justice, and pursuant to the authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida under Florida Rule of Judicial Administration 2.215, hereby

order the following, **effective immediately**, to continue until further order and superseding any provisions in prior Administrative Orders which may be inconsistent:

1. HPN Exhibits are those that contain or may contain high-potency narcotics which are highly toxic and may be fatal, including, but not limited to: Fentanyl (Actiq, Fentora, Duragesic, Subsys, Abstral, Lazanda, Ionsys, Onsolis, Duragesic-100, Duragesic-50, Duragesic, Duragesic-75, Sublimaze, Duragesic-25, and Duragesic-12); Carfentanil; Remifentanyl; Alfentanil; Sufentanyl; and other related high-potency narcotics.

2. In the event any party intends to introduce HPN Exhibits in any court proceeding, the party intending to introduce the evidence must file a notice of its possession of an HPN Exhibit at least five (5) days prior to the pretrial conference in a trial case and ten (10) days prior to a hearing on a violation of probation.

3. The court shall conduct a pre-trial hearing to determine if the HPN Exhibits can be introduced by admission, statement of fact, photographs, stipulation and/or certificate of analysis. The court shall not require any party or law enforcement agency to transport or bring the HPN Exhibits to the courthouse for the purpose of the pretrial hearing.

4. If the parties are unable to reach an agreement or stipulation at the pretrial hearing, the trial clerk(s) shall promptly notify a manager in the trial clerks' division of the clerk of the circuit court.

5. In the event that HPN Exhibits are brought into the courthouse for any purpose, including but not limited to trial, the HPN Exhibits shall be double bagged, sealed and clearly labeled. Further, the HPN Exhibits must be handled, labeled and packaged in accordance with additional policies that may be established by federal or local law enforcement, which may be amended from time to time to ensure the safety of all court participants.

6. At the pretrial conference, if the parties are unable to stipulate to alternative presentations of the evidence and an HPN Exhibit is to be introduced into evidence, the court

shall discuss and decide upon the protective gear that may be worn by trial participants, including but not limited to, attorneys, court deputies, court reporters, trial clerks and the court. The court shall also decide whether the jury may handle the HPN Exhibit and what, if any, protections shall be in place for the benefit of the jurors.

7. The trial clerk(s) shall promptly notify an evidence clerk manager in the event that HPN Exhibits are marked as exhibits.

DONE AND ORDERED at Orlando, Florida, this 10th day of August, 2017.

_____/s/_____
Frederick J. Lauten
Chief Judge

Copies provided to:

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