

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

There has been a dramatic increase in the prevalence of high-potency narcotics that are so strong that accidental contact or inhalation can be deadly. 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. 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”).

By the power vested in the chief judge under Article V, section 2(d) of the Florida Constitution, section 43.26, Florida Statutes, and Rule 2.215 of the Florida Rules of General Practice and Judicial Administration, effective **immediately**, unless otherwise provided herein, to continue until further order and superseding any provisions in prior Administrative Orders that may be inconsistent, it is **ORDERED**:

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; Sufentanil; 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 their 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 agencies, 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. However, at a minimum:

- a. Anyone handling an HPN exhibit shall be required to wear gloves at all times;
and
- b. HPN Exhibits may only be viewed in the courtroom in the presence of the judge and the parties.

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.

8. Administrative Order 2017-06-01 is vacated and set aside except to the extent that it has been incorporated and/or amended herein. Vacating an Administrative Order that vacates a prior Order does not revive the prior Order.

DONE AND ORDERED at Orlando, Florida, this 6th day of February, 2023.



Lisa T. Munyon
Chief Judge

Copies provided to:

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Clerk of Courts, Osceola County
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