

**IN THE SECOND JUDICIAL CIRCUIT  
OF FLORIDA**

**OFFICE OF THE CHIEF JUDGE**

**ADMINISTRATIVE ORDER 2017 - 09**

**IN RE: ORDER GOVERNING INTRODUCTION AND HANDLING OF EVIDENCE  
CONTAINING HIGH-POTENCY NARCOTICS**

**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 Rules 2.215(b)(2), and (b)(3), Fla. R. Jud. Admin.

**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"); it is therefore

**ORDERED, effective immediately, that:**

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, Duragensic-50, Duragensic, Duragensic-75, Sublimaze, Duragensic-25, and Duragensic-12); Carfentanil; Remifentanil; 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 possession of an HPN Exhibit



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at least **five (5) days** prior to the first 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 pretrial 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 deputy clerk(s) present shall promptly notify a manager in the Clerk of Court's Office.

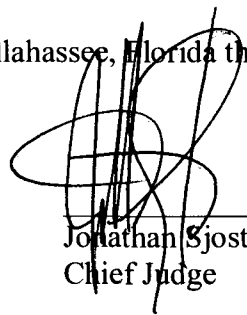
5. In the event the HPN Exhibits are brought into the courthouse for any purpose, including but not limited to trial, the HPN Exhibits shall be double bagged, sealed and clearly labeled. Further, the HPN Exhibits must be handled, labeled and packaged in accordance with additional policies that may be 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, bailiffs, court reporters, 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 deputy clerk(s) shall promptly notify an evidence clerk manager in the event that HPN Exhibits are marked as exhibits.

8. This order supersedes any provision in any prior administrative order which may be inconsistent and shall remain in effect until further order of the Court.

**DONE AND ORDERED** at Tallahassee, Florida this 25<sup>th</sup> day of October, 2017.

  
Jonathan Sjoström  
Chief Judge

copies furnished to:

- All Circuit and County Judges, Second Judicial Circuit
- All Clerk of Courts, Second Judicial Circuit
- Jack Campbell, State Attorney
- Andy Thomas, Public Defender
- Daren Shippy, Circuit Director, Office of Regional Conflict Counsel
- Aaron Wayt, President Tallahassee Chapter of FACDL

