

**IN THE THIRTEENTH JUDICIAL CIRCUIT
HILLSBOROUGH COUNTY, FLORIDA**

ADMINISTRATIVE ORDER S-2024-006

HIGH-POTENCY NARCOTICS EVIDENCE

Based on the increases in the number of opioid-related arrests and the prevalence of high-potency narcotics – and the ensuing concern these drugs are so strong that accidental contact or inhalation can be deadly – there is a need to establish a process for introducing evidence containing high-potency narcotics. This process will help ensure the health and safety of all persons within the courthouse facilities.

By the power vested in the chief judge under article V, section 2(d), Florida Constitution; section 43.26, Florida Statutes; and Florida Rule of General Practice and Judicial Administration 2.215(b)(2), it is ORDERED:

1. Definition of “High-Potency Narcotics”

For purposes of this administrative order, the term “high-potency narcotics” means narcotics that are highly toxic and may be fatal, including, but not limited to: Fentanyl (Actiq, Fentora, Duragesic, Subsys, Abstral, Lazanda, Ionsys, Onsolis, Duragesic-100, Duragentic-50, Duragentic, Duragentic-75, Sublimaze, Duragentic-25, and Duragentic-12); Carfentanil; Remifentanil; Alfentanil; and Sufentanil.

2. Notice of Intent to Proffer High-Potency Narcotics

If any party intends to introduce high-potency narcotics in any court proceeding, the party intending to introduce the evidence must file a notice of intent to proffer high-potency narcotics at least 5 days prior to the pretrial conference in a trial case and at least 10 days prior to a hearing in a violation of probation case.

3. Court to Conduct Hearing

A. Determination of Possible Alternatives to the Introduction of High-Potency Narcotics Evidence

Upon the filing of a notice of intent to proffer high-potency

narcotics in a court proceeding, the presiding judge will conduct a hearing to determine whether high-potency narcotics can be introduced by admission, statement of fact, photographs, stipulation, certificate of analysis, or any combination of these alternatives. The presiding judge will not require any party or law enforcement agency to transport or bring the high-potency narcotics to the hearing. The hearing must include representatives from the Hillsborough County Sheriff's Office (Sheriff's Office) and the Hillsborough County Clerk of the Circuit Court's Office (Clerk).

B. Protocol Established for the Introduction of High-Potency Narcotics Evidence

If the parties are unable to stipulate to alternatives to high-potency narcotics evidence coming into the courthouse, the court will determine the protocol for the introduction of the high-potency narcotics evidence, including whether the high-potency narcotics evidence will remain at the courthouse during the pendency of the hearing or trial. If the high-potency narcotics are admitted into evidence in a trial, the court will decide how the evidence will be transported daily to and from the courtroom and whether any protective gear may be worn by trial participants, including but not limited to, attorneys, jurors, court deputies, court reporters, trial clerks and the court. The court will also determine whether the high-potency narcotics evidence will be taken back to the jury room at the time of deliberation and whether any precautions will need to be established for the jurors.

4. Sheriff's Office to Coordinate Transport

If the court determines that the high-potency narcotics must be physically brought into the courthouse, the Sheriff's Office will coordinate with the law enforcement agency that will be transporting the high-potency narcotics to the courthouse. The coordination must include designating a meeting place at the courthouse for the law enforcement officer and the provision of a clear acrylic lockbox for storing the high-potency narcotics while in the courthouse.

5. Safety Requirements

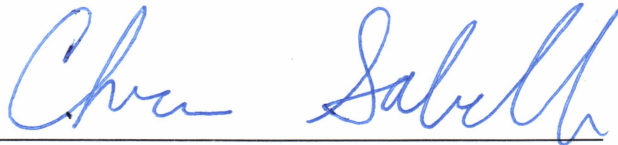
If high-potency narcotics are required to be brought into the courthouse, they must be handled, labeled and packaged in

accordance with any federal or local law enforcement requirements to ensure the safety of all court participants. Additionally, a designated Sheriff's deputy, equipped with Narcan, will be assigned to escort the clerks to and from the Clerk's secure evidence storage location.

6. Effective Date

This administrative order is effective February 1, 2024.

ENTERED on January 12, 2024.



Christopher C. Sabella, Chief Judge

Original: Cindy Stuart, Clerk of the Circuit Court

Copy: All Criminal Division Judges

Susan "Suzy" Lopez, State Attorney

Julianne Holt, Public Defender

Chad Chronister, Sheriff

Ita M. Neymotin, Regional Counsel, Second District

Hillsborough County Association of Criminal Defense
Lawyers, Inc.

Hillsborough County Bar Association

Patrick Barrentine, Circuit Administrator, Florida
Department of Corrections

Lee Bercaw, City of Tampa Police Chief

Kenneth R. Albano, City of Temple Terrace Police Chief

James M. Bradford, City of Plant City Police Chief

Charlie Vazquez, Tampa International Airport Police Chief

Christopher Daniel, University of South Florida Police Chief