

IN THE CIRCUIT COURT OF THE SEVENTEENTH
JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

Administrative Order No. 2017-63-Crim

**ADMINISTRATIVE ORDER GOVERNING THE INTRODUCTION OF
EVIDENCE CONTAINING HIGH-POTENCY NARCOTICS**

- (a) Pursuant to Article V, section 2(d) of the Florida Constitution and section 43.26, Florida Statutes, the Chief Judge is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice.
- (b) Florida Rule of Judicial Administration 2.215 (b) (3) states the Chief Judge shall “develop an administrative plan” and “shall, considering available resources, ensure the efficient and proper administration of all courts within [this] circuit.”
- (c) The court has seen a steady increase in the number of opioid-related arrests.
- (d) There has also been a dramatic increase in the prevalence of high-potency narcotics that are so strong accidental contact with or inhalation of such substances can be deadly.
- (e) The health, safety, and welfare of those who conduct business within the courthouses of the Seventeenth Judicial Circuit, including employees and citizens, are of primary concern to this Court.
- (f) In an effort to ensure the health and safety of all persons within each courthouse of the Seventeenth Judicial Circuit and to prevent any accidental exposure, this Court recognizes a need to establish a procedure for introducing evidence that contains or may contain high-potency narcotics (“HPN Exhibits”).
- (g) In accordance with the authority vested in the Chief Judge pursuant to Article V, section 2(d) of the Florida Constitution, section 43.26, Florida Statutes, and Florida Rule of Judicial Administration 2.215, it is hereby **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 the following: Fentanyl (Actiq, Fentora, Duragesic, Subsys, Abstral, Lazanda, Ionsys, Onsolis,

Duragesic-100, Duragensic-50, Duragensic, Duragensic-75, Sublimace, 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 its possession of an HPN Exhibit no later than fifteen (15) days prior to hearing, unless a shorter time is permitted by the presiding Judge.

(3) The court shall conduct a hearing to determine if the HPN Exhibit(s) can be introduced by admission, statement of fact, photographs, stipulations and/or certificate of analysis.

(4) If the parties are unable to reach an agreement or stipulation at the hearing, the trial clerk(s) shall promptly notify a supervisor in the trial clerk division or evidence clerk division of the Clerk of the Courts.

(5) In the event that HPN Exhibits are brought into any courtroom or other public space of the Seventeenth Judicial Circuit courthouses for any purpose, including trial, the HPN Exhibits shall be double-bagged in clear heat-sealed packaging, sealed inside a manila envelope, and clearly labeled. Further, the HPN Exhibits must be handled, labeled, and packaged in accordance with all relevant and applicable 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 any hearing, 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 with the parties and decide upon the protective gear that may be worn by trial participants, including but not limited to, attorneys, court deputies, court reporters, trial clerk(s), evidence clerk(s), and the court. The court shall also decide whether the jury may handle the HPN Exhibit(s) 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 supervisor in the event that HPN Exhibits are marked as exhibits.

(8) This Administrative Order shall be effective immediately and shall continue until further order of this Court.

(9) This Administrative Order supersedes any provisions in prior Administrative Orders which may be inconsistent.

DONE AND ORDERED in Chambers, Fort Lauderdale, Florida, this 5th day of October, 2017.

/s/ Jack Tuter
Jack Tuter, Chief Judge