

**IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR HARDEE, HIGHLANDS & POLK COUNTIES**

ADMINISTRATIVE ORDER NO. 2-13.3

**APPLICATIONS FOR, ISSUANCE OF, RETURNS UPON, AND FILING OF
SEARCH WARRANTS AND RELATED DOCUMENTS**

WHEREAS, the State Attorney for the Tenth Judicial Circuit and the Florida Attorney General as Statewide Prosecutor are charged with the responsibility of prosecuting all crimes within this Circuit and to that end it is reasonable and just that the State Attorney for the Tenth Judicial Circuit and the Florida Attorney General as Statewide Prosecutor have an opportunity to review all applications made for the issuance of search warrants, as well as to review all search warrants for the purpose of determining the legal sufficiency of each, and

WHEREAS, in order to provide for uniformity in connection with the issuance of all search warrants, it is, therefore,

ORDERED as follows:

A. GENERAL PROCEDURES APPLICABLE TO APPLICATIONS FOR, ISSUANCE OF, RETURNS UPON, AND FILING OF ALL SEARCH WARRANTS AND RELATED DOCUMENTS:

1. Regardless of the manner in which an application for a search warrant within the Tenth Judicial Circuit is submitted, all such applications shall, prior to presentment to a judge, receive the approval of the State Attorney for the Tenth Judicial Circuit, the Florida Attorney General as Statewide Prosecutor, or the authorized assistant of one the foregoing as applicable. All applications shall contain the signature or initials of the prosecuting attorney approving the submission or a statement that a prosecuting attorney has approved the application. Application of the signature or initials of the prosecuting attorney approving the submission shall constitute a statement that the prosecuting attorney has reviewed and approves the submission. Any statement that a prosecuting attorney has approved the application must include the name of the approving prosecuting attorney.

2. The State Attorney for the Tenth Judicial Circuit shall advise all law enforcement agencies within the Circuit of the names, telephone numbers, and business email addresses for assistant state attorneys authorized and available to review and approve applications for search warrants and proposed forms of search warrants. A current listing with the Sheriff of each county within the Tenth Judicial Circuit shall be deemed sufficient for this purpose.

3. An applicant obtaining a search warrant shall make a return of his or her doings within ten days of issuance. All returns shall be made during the Court's normal business hours between the times of 8:00 a.m. and 5:00 p.m. The date and time that the search warrant is returned to the Court shall be endorsed on the search warrant by the judge before whom the return is made or any judicial assistant employed within the Tenth Judicial Circuit.

4. Upon receipt of a return upon a search warrant, the judge shall file the originals of the application for the search warrant, the search warrant, the return, and the inventory and receipt together in the Office of the Clerk of Courts in the county in and for which the search warrant was issued.

5. Upon receipt of the originals of the application for the search warrant, the search warrant, the return, and the inventory and receipt, the Clerk of Courts shall retain the same in accord with Supreme Court rules relating to retention of court records and shall file the same in a specific case file or files when notified by the appropriate prosecuting authority that, based upon evidence obtained as a result of execution of the search warrant, an arrest has been made, an arrest warrant or arrest warrants have been issued, or the issuance of an original capias upon information or indictment has been or is being directed. In the case of multiple case files relating to the same search warrant, the Clerk of Courts shall file the search warrant, the return, and the inventory and receipt in each such case file.

B. PREFERENCE FOR AND ADDITIONAL PROCEDURES RELATING TO ELECTRONIC APPLICATIONS FOR, ISSUANCE OF, RETURNS UPON AND FILING OF SEARCH WARRANTS AND RELATED DOCUMENTS:

1. In order to ensure the prompt and efficient administration of justice with respect to the issuance of search warrants, it shall be the preference in this Circuit that all applications by law enforcement agencies located within the Tenth Judicial Circuit made for search warrants be submitted electronically; that all search warrants issued upon such applications be issued electronically; that all returns for such search warrants be made electronically; and that all search warrants and related documents be filed electronically. Such preference shall be suspended and applications for search warrants, search warrants and returns thereon shall not be submitted, issued, made, or filed when (a) the State Attorney for the Tenth Judicial Circuit or the Florida Attorney General as Statewide Prosecutor, in his or her discretion, directs law enforcement to submit its application in other than electronic format; (b) the existing electronic warrants submission system is not operational; (c) any electronic network through which the existing electronic warrants submission system is hosted or by which it is accessed is not operational; (d) the submitting law enforcement officer or agency has not been trained to utilize the existing electronic warrants submission system; (e) the Chief Judge specifically authorizes an exception in a particular case; or (f) when another specific exception applies pursuant to this Order or any applicable statute, court rule, or general law.

2. There shall be no more than one approved electronic warrants submission system within this Circuit through which applications for search warrants, search warrants, returns, and filings shall be submitted, issued or made. The approved electronic warrants system and the procedures applicable to it shall comply with the requirements of §933.07, Florida Statutes (2013). The Chief Judge, after consulting with the State Attorney for the Tenth Judicial Circuit and law enforcement agencies within the Tenth Judicial Circuit, or their designee(s), shall have sole discretion to approve or reject any electronic warrant submission system, whether proposed or existing.

3. Before accessing and utilizing any existing electronic warrants submission system, law enforcement officers, assistant state attorneys, assistant statewide prosecutors, judges and judicial assistants shall be instructed upon security policies, protocols and procedures associated with the system and further, shall be trained to access and utilize the system by personnel designated respectively by each law enforcement agency, the State Attorney for the Tenth Judicial Circuit, the Florida Attorney General as Statewide Prosecutor, and the Chief Judge.

4. Agents of The Florida Department of Law Enforcement and assistant statewide prosecutors seeking search warrants for persons, places and/or things located within the Tenth Judicial Circuit may access and utilize the existing electronic warrants system upon specific request to the Chief Judge. Agencies or entities employing such persons shall be on notice that they may be required to enter into a memorandum of understanding with other agencies or entities administering and/or funding the electronic warrants system. Such persons, prior to accessing and utilizing the electronic warrants system, shall be trained by the Court's information technology staff, and shall abide by all protocols and procedures outlined herein and subject to any additional reasonable conditions set forth by the Chief Judge.

5. Any application for a search warrant submitted through the existing electronic warrant system shall be sworn to by the applicant before a person authorized to administer an oath. Such applications shall bear the signatures or electronic signatures of the applicant and the person authorized to administer the oath.

6. The application for a search warrant submitted through the existing electronic warrant system shall, without exception, bear the signature or initials, or electronic signature or initials of the prosecuting attorney approving the application.

7. Upon receipt of an application for a search warrant submitted through the existing electronic warrant system, the assigned duty judge shall either issue the search warrant or reject the application for the search warrant electronically.

8. The original application for a search warrant and a copy of the search warrant shall be accessible in digital format by the issuing judge on a server secure from unauthorized inspection until a return of the search warrant is made. "Original" in this context shall mean the electronic data generated by the submitting officer as received by the issuing judge. "Copy" shall mean the electronic data generated by the issuing judge upon issuance of the search warrant.

9. Any applicant obtaining a search warrant by means of the existing electronic warrant system shall make a return of his or her doings electronically before the duty judge assigned on the day of return.

10. The duty judge before whom a return is made shall file the originals of the application for the search warrant, the search warrant, the return and the inventory and receipt together with the Clerk of Courts electronically. The "originals of the application for the search warrant, the search warrant, the return, and the inventory and receipt", in the context of an electronic search warrant, shall mean the electronic data transmitted by the judge before whom the return is made to the Clerk of Courts.

11. The Clerks of Court shall designate and provide to the Chief Judge a secure email address through which the filing of the originals of the application for the search warrant, the search warrant, the return, and the inventory and receipt may be accomplished.

C. ADDITIONAL PROCEDURES WHEN ELETRONIC APPLICATIONS FOR, ISSUANCE OF, RETURNS UPON, AND FILING OF SEARCH WARRANTS AND RELATED DOCUMENTS ARE NOT UTILIZED:

1. All applications for search warrants submitted by other than electronic means shall be sworn to before the judge issuing the warrant.

2. Upon receipt of an application for a search warrant submitted by other than electronic means, the assigned duty judge shall either issue the search warrant or reject the application for the search warrant.

3. The original application for a search warrant submitted by other than electronic means and upon which a search warrant has issued shall be retained by the issuing judge in a place secure from unauthorized inspection until a return of the search warrant is made.


4. Any applicant obtaining a search warrant by other than electronic means shall make a return of his or her doings before the judge who issued the warrant.

5. The judge before whom a return is made shall file the originals of the application for the search warrant, the search warrant, the return and the inventory

and receipt together with the Clerk of Courts by hand-delivery. Hand-delivery may be accomplished by a judicial assistant employed by any judge within the Tenth Judicial Circuit. "Originals of the application, the search warrant, the return, and the inventory and receipt", in the context of a search warrant issued by other than electronic means, shall mean those documents bearing the original ink signatures and/or initials of those affixing their signatures and initials, as applicable, to the documents.

This Order, effective upon signing, revokes and supersedes Administrative Order No. 2-13.2 entered May 21, 2009.

Done and Ordered on this 24th day of October, 2016.


DONALD G. JACOBSEN
Chief Judge

Distribution:

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