

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
IN AND FOR MARION COUNTY, STATE OF FLORIDA

ADMINISTRATIVE ORDER NO. M-2019-47

ADMINISTRATIVE ORDER ESTABLISHING PROCEDURES FOR ELECTRONIC
SEARCH AND ARREST WARRANTS IN MARION COUNTY

WHEREAS, it is necessary and proper for the prompt and efficient administration of justice in Marion County to establish procedures for applying for search and arrest warrants; and

WHEREAS, the Florida Legislature has authorized the use of an electronic warrant system; and

WHEREAS, Administrative Order M 2015-53 established an Electronic Warrants system in Marion County; and

WHEREAS, in the interest of speedy, efficient and proper administration of justice, Marion County has adopted an electronic warrant system; and

NOW THEREFORE in accordance with Florida Rule of Judicial Administration 2.215 and authority as Administrative Judge in and for Marion County, of this Fifth Judicial Circuit, it is

ORDERED AS FOLLOWS: Effective upon the entry of this order, the following policies and procedures shall be implemented in Marion County:

1. Marion County has developed an Electronic Warrant System (hereinafter E-warrant System). All Marion County law enforcement agencies and Judges will be approved and trained on the E-warrant System. Law enforcement officers seeking to obtain search and arrest warrants shall use the E-warrant System for all warrants with limited exceptions as outlined herein. The goal is for all search and arrest warrants, with very few exceptions, to be processed via the E-warrant System and paper submissions will end.
2. The E-warrant System shall not be used when: (a) the State Attorney has a good faith belief that the search or arrest warrant is exceptionally sensitive and directs the law enforcement officer to use a paper warrant (b) the law enforcement officer seeking the warrant has a good faith belief that the search or arrest warrant is exceptionally sensitive and uses a paper warrant; (c) the E-Warrant System is not operating (d) the Fifth circuit network is not operational or (e) other specific exceptions granted in this document. In such an event, paper warrants will be required.
3. The following procedures shall apply to all E-warrants:


- i. The affidavit shall be signed by both the officer, and a second certified officer or a licensed notary prior to email submission.
 - ii. All arrest warrants shall include a bond amount as set forth by the Bond Schedule.
 - iii. All affidavit(s) and warrant(s) shall be uploaded as an attachment to an e-mail in PDF format only.
 - iv. The email, which shall include the affidavit(s) and warrant(s) as a PDF attachment, shall include all special circumstances that may exist and/or special conditions requested to be imposed. The e-mail should also clearly state whether the Office of the State Attorney or the legal advisor for the law enforcement agency has reviewed and approved the warrant.
 - v. The law enforcement officer shall thereafter notify the Duty Judge via telephone advising that the e-mail has been sent to the central e-mail address. The officer may leave a voice mail in the event the Duty Judge cannot answer the call. The law enforcement officer should not contact the Duty Judge until the electronically signed sworn affidavit(s) and warrant(s) have been uploaded and the e-mail with those documents attached, has been sent to the Duty Judge and are ready for review and signature.
 - vi. If the affidavit(s) and warrant(s) are legally sufficient and the Duty Judge signs the warrant(s), the Duty Judge will then send the signed warrant(s) to the sending law enforcement officer via return e-mail. Alternatively, an e-mail informing the officer of rejection will be returned.
4. **EMERGENCY WARRANTS AFTERHOURS:** An emergency exists when the law enforcement officer has a good faith belief that unless a warrant is signed and executed immediately it will frustrate an arrest, endanger lives, or permit the destruction of evidence. In the case of such an emergency, an officer may request signature of the warrant via the most expedient method, to include electronic or paper submission.
5. **FAILURE IN TRANSMISSION OF THE E-MAIL: SYSTEM FAILURE**
- a. If the Duty Judge has been advised by an officer that an e-mail has been sent to the central e-mail repository and the Duty Judge does not receive the email, the Duty Judge shall immediately notify the officer that the transmission of the e-mail has failed. The law enforcement officer shall immediately resend the e-mail. If, after the second attempt, the Duty Judge still does not receive the e-mail, the law enforcement officer will have to proceed with a paper warrant, hand delivered to the Duty Judge.

- b. If the sending officer, after sending the e-mail and its accompanying attachments, receives a return message that the e-mail was undeliverable or similar transmission failure message, the officer shall carefully review the submission e-mail for errors and re-send the email a second time. If the second attempt is unsuccessful, the sending officer shall assume there is an unforeseen system failure and shall notify the Duty Judge they wish to proceed with a paper warrant.
6. All Marion County Law Enforcement agencies seeking to obtain search and arrest warrants shall use the E-warrant System and only in the scenarios described in paragraph 2 may use paper search and arrest warrants after the effective date of this order.
7. REVIEW OF WARRANTS:
 - a. Non-homicide and non-sexual battery offenses: Law enforcement officers seeking search warrants and arrest warrants for non-homicide and non-sexual battery offenses are encouraged, but not required, to seek the review and approval of the warrant by the Office of the State Attorney or their agency's legal advisor prior to submitting the warrant to the Duty Judge.
 - b. Homicide and sexual battery offenses: All search warrants and arrest warrants for homicide offenses and sexual battery offenses shall be approved by the Office of the State Attorney.
8. LOCATING A JUDGE IN EMERGENCIES
 - a. If a law enforcement officer from any Marion County Law Enforcement Agency, needs to contact the Duty Judge in an emergency and the Duty Judge is on the bench, the officer may call the Duty Judge's Judicial Assistant to notify the Duty Judge of the emergency. The Duty Judge may then take a recess and address the emergency or request assistance from another Judge. If the Duty Judge's Judicial Assistant is not available, the officer may notify any of the Marion County Judicial Assistants to locate the Duty Judge or contact the Marion County Sheriff's Office Civil Division to locate the Duty Judge.
 - b. In the event the Duty Judge cannot be located, an officer may bring a paper warrant or search warrant to the Marion County Courthouse during business hours and contact any Judge for assistance.
 - c. If the Duty Judge cannot be located after hours, any law enforcement should first contact the undersigned Administrative Judge. If not successful, General

Counsel for Fifth Judicial Circuit can be contacted in an emergency after hours for assistance in finding a Judge to assist.

- d. The Marion County Sheriff's Office Communication Center and/or any other Marion County law enforcement agency, shall not release any personal information about a Judge or General Counsel to any third party except for the investigating officer or the investigating officer's supervisor. Telephone numbers will be provided by separate document.

DONE AND ORDERED in chambers, Marion County, Florida, this 23rd day of October, 2019.


EDWARD L. SCOTT
ADMINISTRATIVE JUDGE
MARION COUNTY

Distribution list:

Copies to: Clerk of Court Marion County
All Judges, Marion County
Court Administration, Fifth Judicial Circuit
All Law Enforcement Agencies serving Marion County
Office of the State Attorney