

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT,
IN AND FOR LAKE COUNTY, FLORIDA**

ADMINISTRATIVE ORDER L-2022-33

**RE: INTRODUCTION OF EVIDENCE CONTAINING HAZARDOUS
MATERIAL; INCLUDING HIGH-POTENCY NARCOTICS**

WHEREAS, Article V, section 2(d) of the Florida Constitution and section 43.26, Florida Statutes, charges the chief judge with the authority to promote the prompt and efficient administration of justice in the courts over which he or she is chief judge; and,

WHEREAS, the Florida Supreme Court, pursuant to Rule 2.215(5) of the Florida Rules of General Practice & Judicial Administration permits the Chief Judge to designate a judge in any court or court division as an Administrative Judge; and,

WHEREAS, the undersigned, the Honorable James R. Baxley, has been designated by the Chief Judge as Administrative Judge for Lake County, pursuant to Rule 2.215(b)(5), Florida Rules of General Practice and Judicial Administration; and,

WHEREAS, the amount of opioid-related arrests continues to increase; and

WHEREAS, often an opioid-related arrest includes seizure of high-potency narcotics the power of which is such that the seized material is hazardous as accidental contact or inhalation can be fatal; and

WHEREAS, the health, safety, and welfare of those who conduct business within the Lake County Courthouse, including employees and citizens, are of primary concern; and

WHEREAS, in an effort to prevent any accidental exposure,


a procedure for introducing evidence that contains or may contain high-potency narcotics ("HPN Exhibits") must be established;

It is **THEREFORE ORDERED** as follows:

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, Duragesic-50, Duragesic, Duragesic-75, Sublimaze, Duragesic-25, and Duragesic-12); Carfentanil; Remifentanil; Alfentanil; Sufentanil; and other related high-potency narcotics.
2. Any party intending to introduce HPN Exhibits in any court proceeding, must file a notice of its possession of an HPN Exhibit at least five (5) days prior to the 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 hearing to determine if the HPN Exhibits can be introduced by admission, statement of fact, photographs, stipulation and/or certificate of analysis, or may be introduced remotely using remote viewing technology. 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 hearing to determine method of admission.
4. At the hearing to determine method of admission, 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 determine the mode, method, and manner of the introduction of the evidence.

5. If the parties are unable to reach an agreement or stipulation at the hearing to determine method of admission, the Clerk shall promptly be notified.
6. At no time may an HPN Exhibit be handled without protective equipment, including when it may be handled at a remote location during its introduction via remote viewing technology. Transportation of an HPN Exhibit to a court facility shall be presumed an extreme circumstance and only ordered in the instances Due Process absolutely demands.
7. If an order is entered allowing HPN Exhibits to be brought into the courthouse for any purpose, including but not limited to trial, the HPN Exhibits must be in an airtight container, 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.
8. The Clerk shall promptly notify an entity in possession of the HPN evidence in the event that HPN Exhibits are to be marked as exhibits.

DONE AND ORDERED in chambers in Tavares, Lake County, Florida, this 5th day of July 2022.



JAMES R. BAXLEY
ADMINISTRATIVE JUDGE,
LAKE COUNTY, FLORIDA