

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

ADMINISTRATIVE ORDER L-2023-02

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

AND

RESCINDS, SUPERSEDES, AND REPLACES L-2015-18

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 Florida Legislature has authorized the use of an electronic warrants system; and

WHEREAS, an electronic warrants system has been established in Lake County; and

WHEREAS, it is necessary and proper for the prompt and efficient administration of justice in Lake County to establish and

update procedures for applying for search and arrest warrants;

It is **THEREFORE, ORDERED** that the following policies and procedures shall be used in Lake County:

1. Lake County has developed an Electronic Warrant System (hereinafter E-Warrant System). All Lake 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-Warrants system for all warrants with limited exceptions as outlined herein.
2. The E-Warrant System shall **not** be used (a) when the law enforcement officer is directed to use a paper warrant by the Office of the State Attorney, the Office of Statewide Prosecution, or the Office of the Attorney General because a good faith belief exists that the search or arrest warrant is exceptionally sensitive; (b) the E-Warrant System is not operating; or (c) the Fifth Judicial Circuit network is not operating. In these limited situations, paper warrants are required.
3. The following procedures shall apply to all E-Warrants:
 - i. The affidavit shall be signed by both the affiant and a second certified officer or a licensed notary prior to email submission.
 - ii. All warrants shall include a bond amount as set forth by the bail schedule, as stated in Fifth Judicial Circuit Administrative Order A-2014-12-B. If the officer requests a bond amount different from the bond set forth by the bail schedule the requested bond and reason(s) for the deviation from the bond schedule should be clearly set forth in the email sent to the Duty Judge.
 - iii. All affidavit(s) and warrant(s) shall be sent as an attachment to an email in PDF format.

- 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.
- v. The law enforcement officer submitting the warrant shall contact the Lake County Sheriff's Office Communications Center and advise a warrant has been sent to the Duty Judge. The Duty Judge shall not review any affidavit or warrant until receiving a call from the Communications Center notifying the Duty Judge that an E-Warrant is ready for review.
- vi. The law enforcement officer should not contact the Communications Center until the electronically signed, sworn affidavit(s) and warrant(s) have been sent via email to the Duty Judge and are ready for review.
- vii. The Communications Center shall then notify the Duty Judge via telephone advising that an email has been sent to the Duty Judge. The Communications Center may leave a voice mail in the event the Duty Judge cannot answer the phone.
- viii. 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 submitting law enforcement officer via return email.

4. EMERGENCY WARRANTS SUBMITTED AFTER HOURS

Regular business hours are Monday through Friday 8 am until 5 pm, excluding holidays. Warrants submitted outside regular business hours must meet the criteria of an emergency. 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. The basis for the belief the warrant is exigent must be included in the email sent to the Duty Judge or in the accompanying affidavit. 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 EMAIL

If the Duty Judge has been advised by the Communications Center that an email has been sent to the Duty Judge and the Duty Judge has not received the email, the Duty Judge shall immediately notify the Communications Center that the transmission of the email has failed. The Communications Center shall immediately notify the law enforcement officer who submitted the affidavit(s) and warrant(s) to re-send the email. If, after the second attempt, the Duty Judge still does not receive the email the law enforcement officer shall proceed to produce the documents on paper, hand delivered to the Duty Judge. If this procedure is followed, the law enforcement officer shall notify the Communications Center he or she will proceed with a paper warrant. The Communications Center will then notify the Duty Judge of same.

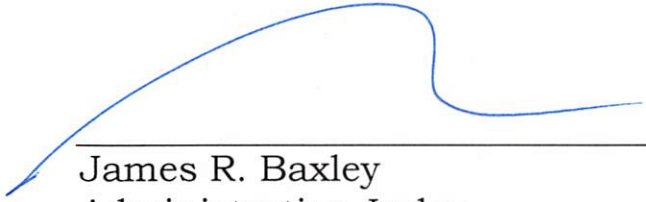
6. REVIEW OF WARRANTS

The email should clearly state that the affidavit(s) and warrant(s) have been reviewed and approved by the Office of the State Attorney, the Office of Statewide Prosecution, or the Office of the Attorney General.

Prior to submission, the law enforcement officer shall verify the statute number(s) listed within the affidavit(s) and warrant(s) are in conformity with the Florida Department of Law Enforcement Statute Table. This Table is a comprehensive resource containing current and past Florida criminal offenses and was developed in conjunction with the Office of the State Courts Administrator, the Florida Clerks and Comptrollers, the Department of Juvenile Justice, and the Department of Corrections. It can be found at <https://web.fdle.state.fl.us/statutes/about.jsf>

7. This Order is effective upon entry and rescinds, vacates, supersedes, and replaces L-2015-18.

DONE and ORDERED in chambers, Lake County Florida this 19th day of January 2023.



James R. Baxley
Administrative Judge
Lake County