

**IN THE THIRD JUDICIAL CIRCUIT OF FLORIDA
ADMINISTRATIVE ORDER NO. 2007-003**

**PROCEDURES FOR DESTRUCTION OF EVIDENCE
NOT FILED AS AN EXHIBIT**

Whereas, Florida Rules of Judicial Administration Rule 2.075 (g) and section 28.213, Florida Statutes, address the destruction of evidence filed as exhibits; and

Whereas, in an effort to standardize procedures throughout the Third Judicial Circuit relating to the destruction of evidence and the disposal of contraband not filed as an exhibit, it is therefore

ORDERED:

1. A law enforcement agency, including but not limited to the Florida Department of Law Enforcement, the State Attorney's Office, the Sheriff of any county in the Third Circuit, the Florida Highway Patrol, the Florida Wildlife Commission, a municipal police department located in the Third Circuit, or any other law enforcement agency located in the Third Circuit, may present a written request in the form of an affidavit to the Third Circuit State Attorney's Office requesting the forfeiture and destruction of items in question, setting forth with specificity in the affidavit or detailed attachment the precise items to be forfeited and destroyed. The affidavit or attachment must include the court case number or agency case number where such numbers have been assigned, as well as the agency to which the items are relevant.

2. If the request by the agency is approved by the Office of the State Attorney of the Third Judicial Circuit, the State Attorney shall petition the appropriate court for an order directing the forfeiture and destruction of said evidence. At the time the petition is submitted for review by the court, the State Attorney shall also provide the

court with an appropriate proposed order granting the petition which lists each item to be forfeited or destroyed. The order shall also specify that the destruction shall take place in the physical presence of not less than two (2) witnesses, one of whom shall be a designated representative of the Office of the State Attorney of the Third Judicial Circuit, and one of whom shall be a law enforcement official of the Third Judicial Circuit. At least one representative of the news media in the Third Judicial Circuit shall also be invited to observe the destruction of the evidence. The failure of an invited media representative to attend the event shall have no effect on the legitimacy of any destruction of evidence.

3. Upon review of the petition, should the court find the petition to be proper, the court shall enter an order authorizing and directing the forfeiture and destruction of the specific items as listed in the petition.

4. If the facility where the evidence is to be destroyed has rules or guidelines as to how many persons may be present during the destruction, those rules or guidelines shall be honored. The destruction shall take place during regular business hours and the destruction shall occur within ten (10) days from the date of the court's order.

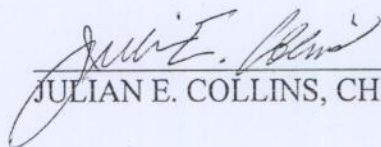
5. After execution of the court's order, the law enforcement official primarily responsible for the destruction of the contraband shall prepare a written and properly sworn acknowledgement. Said acknowledgement shall include the date, time, and place of its execution and the names of the witnesses who were actually present at its execution, specifically identifying the State Attorney's designated representative, the law enforcement official and, if applicable, the news media representative. This acknowledgement shall be filed within ten (10) days of the date the items are destroyed.

If an intervening holiday prevents filing the return within ten (10) days, the return shall be filed on first day the clerk's office is open after the expiration of the ten days referenced above.

6. Methamphetamines, or those chemical ingredients used in the manufacture of methamphetamines, that would constitute a hazard to health, welfare, or public safety, may be destroyed without order of court pursuant to any applicable law enforcement agency guidelines.

7. This Administrative Order rescinds and supersedes Administrative Order No. 2006-017, dated July 12, 2006.

ORDERED on this 30th day of January, 2007.



JULIAN E. COLLINS, CHIEF JUDGE