



IN THE COURTS OF THE FOURTEENTH JUDICIAL CIRCUIT
Bay, Calhoun, Gulf, Holmes, Jackson, and Washington Counties
THE STATE OF FLORIDA

ADMINISTRATIVE ORDER # 2018-00-02

RE: Mandatory E-filing for Arrest and Search Warrants-Effective January 1, 2019

Whereas, Rule 2.215(b) (3), Florida Rules of Judicial Administration, directs the chief judge to develop an administrative plan for the efficient and proper administration of all courts within the circuit.

Whereas, the Florida Legislature has authorized the use of an electronic warrant system.

Whereas, The Fourteenth Judicial Circuit has utilized an E-warrant System since 2016.

Whereas, in the interest of speedy, efficient and proper administration of justice, the court is transitioning to electronic search and arrest warrants with the goal of having all search and arrest warrants, with very few exceptions, processed via the E-warrant System and that paper submissions will end.

Accordingly, it is adjudged that the following procedures shall govern applications for electronic search and arrest warrants.

1. The E-warrant System need not be used if: (a) the search and arrest warrant requires mandated reviews; (b) the law enforcement officer has good faith belief that the search or arrest warrant is exceptionally sensitive; or (c) the E-warrant System is not operating. In these instances, law enforcement may submit a paper warrant.
2. All information about the case, the subjects of arrest or search shall be provided in the affidavits presented for review. No other information is permitted or authorized and will not be considered by the receiving judge.

3. The law enforcement officer shall direct the affidavit and e-warrant to the duty judge, unless the case is ongoing, in which case the officer *may* direct the warrant to the judge who signed the first warrant.

4. If a judge declines to execute a warrant based upon a finding of no probable cause, the warrant shall be presented to the same judge if resubmitted after changes are made to the affidavit.

5. WARRANTS DURING BUSINESS HOURS:

After uploading the electronically signed sworn affidavit and e-warrant, the officer shall phone the assigned Judge's Office. If an emergency exists, the law enforcement officer must contact the JA who will immediately bring it to the attention of the judge or locate an available judge to review the warrant. *An emergency is 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 judge will determine if the law and the totality of circumstances require immediate attention.

6. EMERGENCY WARRANTS AFTER HOURS -

- a. For emergency search and arrest warrants after hours, weekends, holidays or any time the courthouse is closed, the law enforcement officer should first contact the duty judge at his/her after hours contact number. *An emergency is 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.* If the law enforcement officer is unable to make contact with the assigned duty judge within a reasonable amount of time, the officer should contact another judge residing in the county, and should advise the judge of all attempts to reach the assigned duty judge. Law enforcement should not resend the e-warrant to the "substitute" judge as he/she will be able to access the originally sent e-warrant and resending the e-warrant could result in conflicting or duplicative results.
- b. The law enforcement officer should not contact the judge until the electronically signed sworn affidavit and warrant have been uploaded and are ready for review and signature.

NOW THEREFORE, IT IS ORDERED that all Fourteenth Judicial Circuit Law Enforcement agencies and officers seeking to obtain search and arrest warrants shall use the E-warrant System beginning January 1, 2019.

DONE AND ORDERED in Chambers, at Panama City, Bay County, this 13th day of August 2018.



ELIJAH SMILEY, CHIEF JUDGE



A CERTIFIED TRUE COPY
BILL KINSAUL CLERK
OF THE CIRCUIT COURT

By Patricia Barbera
Deputy Clerk