



**IN THE CIRCUIT COURT OF THE FOURTEENTH JUDICIAL CIRCUIT  
OF THE STATE OF FLORIDA**

**ADMINISTRATIVE ORDER 2021-00-05  
(Rescinding AO 2005-00-06)**

**RE: DISPOSITION OF SMALL (NON-COMMERCIAL) QUANTITIES OF  
PERISHABLE GAME, FRESH AND SALTWATER FISH SEIZED AS EVIDENCE**

Whereas, section 379.338 (1), Florida Statutes, empowers the Court to forfeit wildlife, fresh and saltwater fish prior to conviction and to dispose of such evidence; and

Whereas, a request has been made by the Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, for circuit-wide authorization to dispose of small (non- commercial) quantities of wildlife, fresh and saltwater fish prior to any conviction to avoid spoilage of such perishable wildlife, fresh and saltwater fish and prevent waste of such resources of the State; and

Whereas, any evidentiary issue present by pre-conviction forfeiture of the perishable wildlife, fresh and saltwater fish can be remedied by the use of secondary evidence with proper authentication and identification by Florida Fish and Wildlife Conservation Commission Law Enforcement Officers.

Now Therefore, it is **ORDERED and ADJUDGED** that the following procedures shall be followed before disposing of any small quantity of perishable wildlife, freshwater or saltwater fish as prescribed by section 379.338(1), Florida Statutes:

1. The law enforcement agency, upon the proper arrest and seizure pursuant to the provisions of Chapters 379, Florida Statutes, shall photograph illegally taken wildlife, freshwater fish, or saltwater fish. Such photograph may be deemed competent evidence of such property and may be admissible in the prosecution to the same extent as if such wildlife, freshwater fish, or saltwater fish were introduced as evidence. Such photograph shall bear a written description of the wildlife, freshwater fish, or saltwater fish alleged to have been illegally taken, the name of the violator, the location where the alleged illegal taking occurred, the name of the investigating law enforcement officer, the date the photograph was taken, and the name of the photographer. Such writing shall be made under oath by the investigating law enforcement officer, and the photograph shall be identified by the signature of the photographer.

2. Once a secondary source of the evidence has been secured, the law enforcement agency which seized the perishable wildlife, ~~freshwater~~ or saltwater fish shall be authorized to either donate the products to a charity or appropriate 501C not-for-profit agency or destroy the products prior to the conclusion of the case.

3. If small amounts of perishable wildlife, freshwater or saltwater fish have been retained as evidence in a case and the case has been unduly delayed or a capias has been issued for the defendant for failure to appear, and the evidence is deteriorating, the seizing agency shall photograph the evidence as detailed in Item 1. above. Once the product is photographed, the evidence can then be destroyed and disposed.

**DONE AND ORDERED** in Panama City, Bay County, Florida, this 16<sup>th</sup> day of February 2021.



CHRISTOPHER N. PATTERSON  
CHIEF JUDGE



A CERTIFIED TRUE COPY  
BILL KINSAUL CLERK  
OF THE CIRCUIT COURT

By Christina Barlow  
Deputy Clerk