

ADMINISTRATIVE ORDER
NO. 2003-23-01

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA

**AMENDED ORDER GOVERNING THE COLLECTION OF
BIOLOGICAL SPECIMENS FOR THE
FLORIDA DEPARTMENT OF LAW ENFORCEMENT DNA DATA BANK**

WHEREAS, pursuant to Article V, section 2(d) of the Florida Constitution and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice; and

WHEREAS, pursuant to the chief judge's constitutional and statutory responsibility for administrative supervision of the courts within the circuit and to create and maintain an organization capable of effecting the efficient, prompt, and proper administration of justice for the citizens of this State, the chief judge is required to exercise direction, *see* Fla. R. Jud. Admin. 2.215(b)(2), (b)(3); and

WHEREAS, the Florida Legislature mandated in 1989 that the Florida Department of Law Enforcement create and maintain a data bank for accumulating and analyzing Deoxyribonucleic Acid ("DNA") samples from persons convicted of certain offenses; and

WHEREAS, section 943.325, Florida Statutes, requires biological specimens from a qualifying offender as defined in section 943.325(2)(g); and

WHEREAS, section, 943.325(3), Florida Statutes, includes a timetable for expanding the DNA data bank on January 1st of each odd-numbered year through January 1, 2019; and

WHEREAS, section, 943.325(7)(e), Florida Statutes, requires the Sheriff or designee to collect DNA samples from persons convicted of the specified crimes who are not incarcerated

following conviction; and

WHEREAS, establishing procedures for collecting these biological specimens in a designated secure location within the Orange County Courthouse will aid in the efficient and prompt processing of this data;

NOW THEREFORE, I, Belvin Perry, Jr., in order to facilitate the efficient administration of justice, and pursuant to the authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida under Florida Rule of Judicial Administration 2.215, hereby order the following, effective **immediately**, and to continue until further order:

1. If a defendant is convicted as an adult or juvenile of an offense listed in section 943.325, Florida Statutes, for DNA sampling, or he or she pleads guilty, delinquent, or nolo contendere of such a crime, but the defendant is due to be released from custody at the proceeding, the Judge shall order deputies designated for such duty by the Orange County Sheriff's Office ("OCSO") to collect a DNA swabbing of the defendant before the Judge releases the offender from the custody of the Orange County Corrections Department, Florida Department of Corrections, or Florida Department of Juvenile Justice.

2. The Chief Judge may consult with the OCSO with regard to implementing procedures for safe and efficient collection of the biological specimens.

3. Pursuant to section 943.325(12), Florida Statutes, the sentencing court shall include in the judgment order for a qualifying offender a provision requiring collection of a DNA sample from the defendant in a manner consistent with section 943.325, Florida Statutes.

4. As for qualifying offenders who are not released from custody at these proceedings, the Judge shall order the personnel of the Orange County Corrections Department,

Florida Department of Corrections, or Florida Department of Juvenile Justice to collect the DNA swabbing of these offenders at the appropriate correctional facility or juvenile facility as required by section 943.325, Florida Statutes.

DONE AND ORDERED at Orlando, Florida, this 4th day of August, 2011.

_____/s/_____
Belvin Perry, Jr.
Chief Judge

Copies provided to:

Clerk of Court, Orange County
Clerk of Court, Osceola County
General E-Mail Distribution List
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