

ADMINISTRATIVE ORDER
NO. 2017-07-01

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

AMENDED ADMINISTRATIVE ORDER GOVERNING
PROBABLE CAUSE AFFIDAVITS

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, judges sign arrest warrants as part of their responsibilities; and

WHEREAS, judges rely upon the facts mentioned in the affidavit of probable cause when presented with arrest warrants from law enforcement agencies; and

WHEREAS, the Court, the State of Florida, and counsel for the defense need access to the probable cause affidavit at first appearance in order to determine if probable cause exists to detain the defendant and to determine appropriate conditions of release; and

WHEREAS, access to the probable cause affidavits for arrest warrants at first appearance has proven difficult; and

WHEREAS, the Court and the parties to first appearance need access to the probable cause affidavit in order to perform essential responsibilities;

NOW, THEREFORE, I, Frederick J. Lauten, in order to facilitate the efficient operation of the 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 that, **effective immediately** unless otherwise

provided herein, to continue until further order, and superseding any provisions in prior Administrative Orders which may be inconsistent:

1. All law enforcement agencies must file with the Clerk of the Court the affidavit of probable cause with the signed arrest warrant.
2. The Clerk of Court shall event the affidavit of probable cause as a confidential document immediately upon receipt.
3. The Clerk of Court shall seal the affidavit of probable cause until no longer confidential as defined by the Florida Statutes and the Florida Rules of Court.

Administrative Order 2017-07 is vacated and set aside except to the extent that it has been incorporated and/or amended herein. Vacating an Administrative Order that vacates a prior Order does not revive the prior Order.

DONE AND ORDERED at Orlando, Florida, this 13th day of October, 2017.

_____/s/_____
Frederick J. Lauten
Chief Judge

Copies provided to:

Clerk of Court, Orange County
Clerk of Court, Osceola County
General E-Mail Distribution List
<http://www.ninthcircuit.org>