

**IN THE COURTS OF THE FIRST JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA**

ADMINISTRATIVE ORDER NO. 2014-19

IN RE: SECURITY OF A COURT ORDER MODIFYING A SENTENCE

ORDER

WHEREAS, there have been instances of fraud in other portions of the state related to circuit court orders modifying the sentence of a person already incarcerated, and

WHEREAS, this circuit court has an interest in guarding against fraud, and

WHEREAS, the Supreme Court of Florida has issued an administrative order (AOSC14-18) directing the circuit court chief judges and the clerks of court to implement the statewide process prescribed by the Florida Supreme Court to verify court orders that change the scheduled release date or otherwise change the sentence of an inmate,

It is therefore

ORDERED AND ADJUDGED that:

Definitions

For purposes of this order, “modification order” is defined as a court order that changes the scheduled release date, or otherwise changes the sentence, of an inmate incarcerated in a state correctional facility or a person in a detention facility.

Orders in Paper Format

1. For a modification order that the clerk of court receives in paper format:

A. The clerk of court shall provide the modification order to the Department of Corrections or the detention facility, as applicable, using a secure process. The modification order shall be accompanied by a court verification form (“verification form”), attached to and incorporated into this administrative order, which is signed by the judge who issued the modification order, or his or her designee. For purposes of this administrative order the judge’s “designee” shall be the judge’s judicial assistant.

The verification form attached to this order may be edited to suit each county of the circuit; however, the verification form shall indicate that the order is legitimate. The verification form should always be in paper format.

B. If the judge or the judge’s designee indicates on a verification form that a purported modification order is not legitimate, the clerk of court shall immediately notify the chief judge of the circuit and the Department of Corrections or operator of the detention facility, as applicable, of the attempt to falsify a court document. The clerk of court shall also provide a copy of the falsified document and the verification form to the Department or facility.

C. The secure process for the exchange of modification orders in paper format and for the exchange of court verification forms and other documents related to modification orders shall be as follows: The judge or judge’s designee shall take the modification order, verification form and/or supporting documents to the clerk’s office and physically deposit the modification order, verification form, and/or other related documents into the hands of the clerk of court or an employee of the clerk of court designated to receive such orders. At no time shall a verification form be placed in an inbox or similar receptacle; verification forms must always be delivered in person.

Orders transmitted electronically

2. For a modification order that is transmitted by the judge to the clerk of court electronically:

A. The modification order may be transmitted by the judge to the clerk of court through the Florida Courts E-Filing Portal (hereinafter "Portal") or directly to the clerk's case maintenance system. Modification orders transmitted electronically by the judge to the clerk of court need not be accompanied with a verification form.

B. Regardless of whether the modification order is transmitted through the Portal or directly to the clerk's case maintenance system, the security of the transmission and the security of the order must comply with security measures in place for the Portal as outlined in approved standards.

C. In providing the modification order to the Department of Corrections or the detention facility, the clerk shall indicate to the Department or the detention facility that the legitimacy of the order has been verified based on security measures in place for the Portal as outlined in approved standards.

Orders pronounced orally

3. For a modification order that the judge pronounces orally, a verification form shall be signed by the judge in the courtroom, or signed subsequently by the judge or the judge's designee, and delivered to the clerk of court. In the event the judge or the judge's designee signs the verification form in the courtroom, the verification form should be placed in the hands of the clerk who is in attendance during the court session for delivery to the office of the clerk of court. If the verification form is signed in the courtroom and no clerk is present, then the verification

form should be delivered to the clerk of court by using the secured process established for the exchange of modification orders and verification forms in paper format. If the verification form is not signed in the courtroom, the verification form should be prepared and signed as soon as possible after the oral pronouncement and exchanged via the applicable channels for modification orders and verification forms in paper format. Verification forms regarding oral pronouncements should always be in paper format. The clerk shall provide documentation of the court event and the signed verification form to the Department of Corrections or the detention facility, as applicable.

Filing of orders and verification forms

4. The clerk of court shall include a legitimate modification order and the verification form (in the case of an order received in paper format or orally pronounced) in the court file and shall docket the documents to the clerk's case maintenance system.

This administrative order shall take effect April 1, 2014, and remain in full force and effect until further order of the Court.

DONE AND ORDERED at Pensacola, Escambia County, Florida this 2nd day of April, 2014.

/S/ TERRY D. TERRELL

TERRY D. TERRELL
CHIEF JUDGE

Copies furnished to:
Pam Childers, Clerk of Courts, Escambia County
Donald Spencer, Clerk of Courts, Santa Rosa County
Don Howard, Clerk of Courts, Okaloosa County
Alex Alford, Clerk of Courts, Walton County
All Judges in Escambia, Santa Rosa, Okaloosa, and Walton counties

**IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT
IN AND FOR _____ COUNTY, FLORIDA**

**STATE OF FLORIDA,
Plaintiff/Respondent,**

v. Case No.: _____

_____,
Defendant/Petitioner.

COURT VERIFICATION FORM

DEFENDANT NAME: _____
Last First Middle

Type of Order:

| | | | |
|-----------------|--------------------------|-----------------------|--------------------------|
| Modify Sentence | <input type="checkbox"/> | Change Sentence | <input type="checkbox"/> |
| Reduce Sentence | <input type="checkbox"/> | Release | <input type="checkbox"/> |
| Other | <input type="checkbox"/> | Please Explain: _____ | |

VERIFIED AS LEGITIMATE **NOT LEGITIMATE***

Date: _____

Signature: _____

Judge/Designee Name: (Please Print Name)

FOR CLERK'S USE

Transmitted to Local Detention Facility Transmitted to Department of Corrections

Date Deputy Clerk

***Upon receipt of a "not legitimate" court verification form, the Clerk of Court is directed to immediately notify the Chief Judge. Copy provided to DOC/Local Detention facility.**

