

THE ELEVENTH JUDICIAL CIRCUIT,
MIAMI-DADE COUNTY, FLORIDA

CASE NO. 00-1
(Court Administration)

IN RE: FCIC/NCIC RECORDS)
) ADMINISTRATIVE ORDER
) No. 00-14
)

WHEREAS, dissemination of criminal history record information by the Federal Bureau of Investigation is governed by Title 28, U.S.C., sec. 534 and the Privacy Act of 1974 (5 U.S.C. 552a), secondary dissemination of criminal history record information is governed by federal regulations found in Title 28, C.F.R., part 20, and dissemination of criminal history record information by the Florida Department of Law Enforcement is governed by sec. 943.053, Fla. Stat.;

WHEREAS, in order to ensure the effective administration of the Criminal Divisions of the Courts in the Eleventh Judicial Circuit, that the routine handling of bond hearings, pleas and sentencings in felony and misdemeanor cases be expedited, and

WHEREAS, considerations for determination of appropriate bonds and sentencing require that the prior record of the defendant be taken into account by the Court, and by the state and defense counsel at the earliest practical time; and

WHEREAS, information regarding the prior record of a defendant, is routinely available to the State at arrest, but generally, except for local charges and convictions, has not been provided to the Court or defense counsel until a formal discovery demand is filed under the applicable rules of criminal procedure, Fla.R.Crim.P. 3.220, and

WHEREAS, providing of the defendant's complete prior record as early as possible to the Court and the defense counsel, will expedite the handling of these cases,

NOW, THEREFORE, I, JOSEPH P. FARINA, pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida, do hereby order as follows:

Should the Office of the State Attorney obtain FCIC/NCIC records on a defendant arrested in Miami-Dade County, copies of the same shall be provided as soon as practical, upon request, to the Court; and to the Office of the Public Defender, when that office represents the defendant; or to court appointed or private counsel representing the defendant.

This Administrative Order shall take effect upon the date of signing.

DONE AND ORDERED in Chambers at Miami, Miami-Dade County, Florida, this
____ day of September, 2000.

JOSEPH P. FARINA, CHIEF JUDGE
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA