

THE ELEVENTH JUDICIAL CIRCUIT
MIAMI-DADE COUNTY, FLORIDA

CASE NO. 03-1
(Court Administration)

IN RE: THE RECISSION OF	)	ADMINISTRATIVE ORDER
EXPEDITED EX-PARTE	)	NO. 03-16
PROCEDURE FOR THE	)	(Rescinding Administrative Order
COMMISSION ON ETHICS AND	)	No. 01-19)
PUBLIC TRUST AND THE OFFICE	)	
OF THE INSPECTOR GENERAL	)	

WHEREAS, pursuant to Sections 2-1074(g) and 2-1076(c)(3) of the Code of Miami-Dade County, Florida, the Commission on Ethics and Public Trust (“Commission”) and the Office of the Inspector General (“OIG”), are empowered to subpoena relevant witnesses to compel their attendance and testimony, and require by subpoena the production of any books, papers, records, or other items relevant to the performance of their respective duties; and

WHEREAS, in accordance with the provisions of said Sections, in the case of a refusal to obey a subpoena issued to any person, the Commission and the OIG may make application to any circuit court of the State of Florida which shall have jurisdiction to order the witness to appear before the Commission and the OIG and to produce evidence, if so ordered, or to give testimony touching on the matter in question; and

WHEREAS, Administrative Order No. 01-19 established an expedited ex-parte procedure for filing petitions for an order to show cause and issuance of the order pertaining thereto in those instances where a subpoena has been disobeyed. The expedited procedure called for one circuit court judge to be designated to hear all such cases; and

WHEREAS, the expedited procedure enacted through Administrative Order No. 01-19 was instituted to provide judicial intervention with regard to limited, discrete issues arising out of the failure to obey a subpoena issued by the Commission and the OIG; and

WHEREAS, Administrative Order No. 01-19 did not contemplate providing expedited judicial services on substantive and exhaustive legal matters arising out of these

subpoenas; and

WHEREAS, it has been determined that cases filed through the expedited procedure have the great potential to exceed the limited parameters described herein;

NOW, THEREFORE, pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida, under Rule 2.050 of the Rules of Judicial Administration, it is hereby ordered:

1. The expedited procedure set forth in Administrative Order No. 01-19 which authorized the Commission on Ethics and Public Trust and the Office of the Inspector General to appear before one designated circuit court judge in an ex-parte proceeding to file a petition for an order to show cause and issuance of the order pertaining thereto in those instances where a subpoena has been disobeyed, is rescinded.
2. In the event that the Commission on Ethics and Public Trust and the Office of the Inspector General require judicial assistance with regard to the refusal to obey a subpoena, they must blind file the matter pursuant to Revised Administrative Order No. 79-2.

This Order shall take effect immediately. Administrative Order No. 01-19 is hereby rescinded and held for naught.

DONE AND ORDERED in Chambers at Miami-Dade, Florida, this 30th day of October, 2003.

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