

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT  
IN AND FOR INDIAN RIVER, MARTIN, OKEECHOBEE AND ST. LUCIE COUNTIES,  
STATE OF FLORIDA

**ADMINISTRATIVE ORDER 2013-11**

In Re: Standing Order for the Sale and Disposition of Perishable Fish and Game Products

Pursuant to Florida Rule of Judicial Administration 2.050, as Chief Judge of the  
Nineteenth Judicial Circuit it is hereby ordered:

1. When a law enforcement officer makes an arrest pursuant to the provisions of Florida Statutes Chapter 379 and seizes illegally taken wildlife, freshwater fish, or saltwater fish, the law enforcement officer shall promptly, pursuant to Florida Statutes 379.337(5) and 379.338, establish the fair value of any marketable product by obtaining three bids, when feasible, from licensed wholesale dealers, and using the highest price obtainable. The defendant shall be informed of the fair market value and be given a reasonable time to post a bond or a cash deposit in the amount of the fair market value to the Fish and Wildlife Conservation Commission, to be held in escrow pending the outcome of the case. The defendant shall then have twenty-four hours from the time of posting the bond or cash deposit to transport the product outside the State of Florida for sale or other disposition.

If the defendant does not post a bond or a cash deposit within a reasonable time, or the defendant waives in writing his right to do so, the law enforcement officer shall sell the product to the licensed wholesale dealer supplying the highest bid. The proceeds of the sale shall be held in escrow by the Fish and Wildlife Conservation Commission pending the disposition of the case, pursuant to Florida Statute 379.3379(5).

2. If the wildlife, freshwater fish, or saltwater fish seized are undersized, taken during closed season, or cannot be sold in this state, the law enforcement officer shall so indicate on the complaint and may thereafter donate the product to any charitable organization or governmental entity for its use. A representative sample of the product may be retained for discovery or evidentiary purposes pending the outcome of the case.

3. If there are seized wildlife, freshwater fish, or saltwater fish that are not usable by a charitable organization or governmental entity, a representative sample of the product may be retained for discovery or evidentiary purposes pending the outcome of the case. The law enforcement officer may destroy the remainder of the unusable product, pursuant to Florida Statute 379.338(1).

4. In all cases the law enforcement officer shall prepare all necessary documentation or reports regarding the disposition of the seized wildlife, freshwater fish, or saltwater fish. The officer shall submit this documentation with the complaint to the Office of the State Attorney and, upon request, to the Court.

5. Upon conviction, the Court shall direct the Fish and Wildlife Conservation Commission to deposit any funds held in escrow into the Marine Resources Conservation Trust Fund or the State Game Trust Fund, pursuant to Florida Statutes 379.337(5) and 379.338.

6. This Order amends and replaces Administrative Order 2005-08, entered on November 22, 2005.

7. This Order shall take effect immediately and shall remain in effect until further order of this Court.

**Done and Ordered** this 7<sup>th</sup> day of October, 2013, at Stuart, Martin County, Florida.



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Steven J. Levin  
CHIEF JUDGE  
NINETEENTH JUDICIAL CIRCUIT