

**IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR HARDEE, HIGHLANDS, AND POLK COUNTIES, FLORIDA**

ADMINISTRATIVE ORDER NO. 5-28.3

**IN RE: SERVICE OF PROCESS FOR PROTECTIVE INJUNCTIONS
AND
ENTITLEMENT TO SERVICE OF PROCESS FEES**

WHEREAS, §741.30, Florida Statutes, provides for protective injunctions for victims of domestic violence and sets out procedures for service of process; and

WHEREAS, §784.046, Florida Statutes, provides for protective injunctions for victims of repeat violence, dating violence, and sexual violence and sets out procedures for service of process; and

WHEREAS, §784.0485, Florida Statutes, provides for protective injunctions for victims of stalking and sets out procedures for service of process; and

WHEREAS, Rule 12.610, Florida Family Law Rules of Procedure, provides for service of temporary and permanent injunctions for protection against domestic violence, repeat violence, dating violence, sexual violence, and stalking violence; and

It is, therefore,

ORDERED and **ADJUDGED** that:

1. Administrative Order No. 5-28.2 is vacated.
2. Pursuant to §741.30(8)(a)1., Florida Statutes, §784.046(8)(a)1., Florida Statutes, and §784.0485(8)(a)1., Florida Statutes, the clerk of court shall provide a copy of the petition for injunction for protection against domestic violence, repeat violence, dating violence, sexual violence, or stalking violence along with any other required submittals to the sheriff or a law enforcement agency of the county where the respondent resides or can be found, who shall serve it upon the respondent as soon thereafter as possible on any day of the week and at any time of the day or night.
3. Section 741.30(8)(a)1., Florida Statutes, §784.046(8)(a)1., Florida Statutes, and §784.0485(8)(a)1., Florida Statutes, provide that the chief judge of each circuit, in consultation with the appropriate sheriff, may authorize a law enforcement agency within the chief judge's jurisdiction to effect service. Accordingly, the sheriff's departments of Polk, Highlands, and Hardee Counties have primary responsibility of serving or executing protective injunctions issued pursuant to §741.30, Florida Statutes, §784.046, Florida Statutes, and §784.0485, Florida Statutes; however, the local law enforcement agencies of Polk, Highlands, and Hardee Counties may assist their respective Sheriff's Department in serving or executing these protective injunctions. A law enforcement

agency that serves injunctions for protection shall use service and verification procedures consistent with those of the sheriff's department in their respective county.

4. Section 741.30(8)(a)2., Florida Statutes, §784.046(8)(a)2., Florida Statutes, and §784.0485(8)(a)2., Florida Statutes, provide that if the petitioner requests the assistance of a law enforcement agency at the time the injunction is issued, the court may order that an officer from the appropriate law enforcement agency accompany the petitioner and assist in the execution or service of the injunction. In the case of an injunction for protection against domestic violence, the law enforcement officer may assist in placing the petitioner in possession of the dwelling, and, upon request, shall use any and all reasonable force to physically deliver the minor child(ren) to the parent to whom 100% timesharing is awarded in the injunction. A law enforcement officer shall accept a copy of an injunction for protection against domestic violence, repeat violence, sexual violence, ~~or~~ dating violence, or stalking violence, certified by the clerk of the court, from the petitioner and immediately serve it upon a respondent who has been located but not yet served.
5. If service of process is effected by a local law enforcement agency, pursuant to §741.30(8)(c)2., Florida Statutes, §784.046(8)(c)2., Florida Statutes, or §784.045(8)(b)2., Florida Statutes, said local law enforcement agency shall forward the written proof of service of process to the sheriff of the county in which the injunction was issued.
6. Pursuant to §741.30(2)(a), Florida Statutes, §784.046(3)(b), Florida Statutes, and §784.0485(2)(a), Florida Statutes, the clerk of the court may not assess a filing fee for petitions for injunctions for protection against domestic violence, repeat violence, dating violence, ~~or~~ sexual violence, or stalking violence.
7. Pursuant to §741.30(2)(a), Florida Statutes, §784.046(3)(b), Florida Statutes, and §784.0485(2)(a), Florida Statutes, subject to legislative appropriation, the clerk of the court may submit a certified request for reimbursement of petitions for protection against domestic violence, repeat violence, dating violence, sexual violence, and stalking violence to the Office of the State Courts Administrator on a quarterly basis. The rate of possible reimbursement is \$40.00 per petition. From this reimbursement, the clerk shall pay any law enforcement agency serving the injunction the fee requested by the law enforcement agency; however, this fee shall not exceed \$20.00.
8. Section 741.315(2), Florida Statutes, provides that pursuant to 18 U.S.C. s. 2265, an injunction for protection against domestic violence issued by a court of a foreign state must be accorded full faith and credit by the courts of this state and enforced by a law enforcement agency as if it were the order of a Florida court issued under s. 741.30, s. 741.31, s. 784.046, or s. 784.047 and provided that the court had jurisdiction over the parties and the matter and that reasonable notice and opportunity to be heard was given to the person against whom the order is sought sufficient to protect that person's right to due process.

9. Section 741.315(3), Florida Statutes, provides that notwithstanding s. 55.505 or any other provision to the contrary, neither residence in this state nor registration of foreign injunctions for protection shall be required for enforcement of this order by this state and failure to register the foreign order shall not be an impediment to its enforcement. See §741.315(3)(a)-(c), Florida Statutes, for the registration procedure for foreign protection orders.
10. Additionally, §741.315(4)(a), Florida Statutes, provides that law enforcement officers shall enforce foreign orders of protection as if they were entered by a court of this state. Upon presentation of a foreign protection order, a law enforcement officer shall assist in enforcement of all of its terms, pursuant to federal law, except matters related to child custody, visitation, and support. As to those provisions only, enforcement may be obtained upon domestication of the foreign order pursuant to ss. 55.501-55.509 unless the foreign order is a “pickup order” or “order of bodily attachment” requiring the immediate return of a child.
11. The Court Administrator’s Office shall furnish a copy of this Administrative Order to the sheriff’s departments of Polk, Highlands, and Hardee Counties and to the local law enforcement agencies within these counties and shall make a copy available to others upon request.

DONE AND ORDERED on this 4th day of September, 2013.

WM. BRUCE SMITH
Chief Judge

Copies:
All Judges
Clerk of Courts, Polk County
Clerk of Courts, Highlands County
Clerk of Courts, Hardee County
Polk County Sheriff’s Office
Highlands County Sheriff’s Office
Hardee County Sheriff’s Office
Local Law Enforcement, Polk County
Local Law Enforcement, Highlands County
Local Law Enforcement, Hardee County
Manager, Domestic Violence Department
Family Law Staff Attorney
Family Law Case Manager