

**IN THE CIRCUIT COURT, SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS AND PASCO COUNTIES, FLORIDA**

ADMINISTRATIVE ORDER NO. 2012-053 PA/PI-CIR

**RE: IMPLEMENTATION OF PROCEDURES RELATING TO VIOLATIONS OF
INJUNCTIONS FOR PROTECTION AGAINST VIOLENCE AND STALKING**

The Legislature recently created a new cause of action for an injunction for protection against stalking, effective October 1, 2012. See Ch. 2012-153, Laws of Fla., §784.0485, Florida Statutes. Administrative Order 1995-102 sets forth the procedures for enforcement of an injunction for protection against domestic violence. This administrative order needs to be updated to incorporate the legislative changes on stalking and to provide procedures for enforcement of an injunction for protection against dating, repeat, and sexual violence. See §§741.31, 784.046(9), 784.047, and 784.0487, Florida Statutes.

In accordance with Article V, section 2, Florida Constitution, Rule of Judicial Administration 2.215, and §43.26, Florida Statutes, it is

ORDERED:

1. The Clerk of the Circuit Court for Pasco County and the Clerk of the Circuit Court for Pinellas County, hereinafter Clerks, shall:

- A. assist those petitioners who contact their offices alleging a violation of an injunction for protection against violence or stalking;
- B. provide the petitioner with a form Affidavit in Support of Violation of Injunction which is Attachment A to this Administrative Order;
- C. following the preparation of the sworn Affidavit in Support of Violation of Injunction, immediately deliver the Affidavit and a form Order on Violation in Support of Violation of Injunction, which is Attachment B to this Administrative Order, to the assigned judge or if the assigned judge is unavailable to the judge as specified in a separate administrative order on Duty coverage;
- D. assist the petitioner in completing a Service Information for Injunctions for Protection Against Violence or Stalking form to assist law enforcement in effecting service upon or arrest of the respondent in the cause. See Attachment C.

2. The judge shall:

- A. review the Affidavit and make a determination of appropriate action.
- B. execute a written Order and submit it to the Clerk with the Affidavit. A Form Order on Violation in Support of Violation of Injunction is Attachment B to this Administrative Order. That Order or any other Order shall provide for further action deemed appropriate by the Court (See Attachments D & E which may be used).

3. Upon receipt of the executed Order, the Clerk shall immediately forward a copy of the Injunction, Affidavit in Support of Violation of Injunction, Order entered by the Court in response to the Affidavit, and the updated Service Information form to the State Attorney for review and action. The original Affidavit and Order shall be retained in the court file.

4. The State Attorney agrees to perform the function of reviewing the Affidavit to determine if it alleges that a crime has been committed and to contact the appropriate law enforcement agency to initiate investigation.

5. The State Attorney shall determine within thirty (30) working days whether to file criminal charges, or prepare a Motion for an Order to Show Cause, or both, or file a notice that the case remains under investigation or is pending subject to some other action.

Administrative Order 95-102 is hereby rescinded.

DONE AND ORDERED in Chambers at Clearwater, Pinellas County, Florida this ____ day of November, 2012.

ORIGINAL SIGNED ON NOVEMBER 14, 2012
J. THOMAS MCGRADY, CHIEF JUDGE

Attachment A: Affidavit in Support of Violation of Injunction Order
Attachment B: Order on Violation in Support of Violation of Injunction
Attachment C: Service Information for Injunctions for Protection Against Violence or Stalking
Attachment D: Order to Show Cause and Scheduling Criminal Contempt Arraignment
Attachment E: Order to Show Cause and Order of Arrest for Violation of Injunction Against Violence or Stalking

cc: All Judges
The Honorable Bernie McCabe, State Attorney
The Honorable Bob Dillinger, Public Defender
The Honorable Ken Burke, Clerk of the Circuit Court, Pinellas County
The Honorable Paula O'Neil, Clerk of the Circuit Court, Pasco County
Gay Inskip, Trial Courts Administrator
Ngozi C. Acholonu, Assistant Regional Counsel
Myriam Irizarry, Chief Deputy Director, Pinellas County Clerk's Office
Kimberly Collins, Director of Criminal Courts, Pasco County Clerk's Office
Lillian Simon, Director of Administrative Services for Pasco County
Bar Associations, Pasco and Pinellas Counties
Law Libraries, Pasco and Pinellas Counties