

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

ADMINISTRATIVE ORDER NO. 2015-026 PI-CIR

RE: MUNICIPAL POLICE AGENCIES AND SHERIFFS, OR LAW ENFORCEMENT AGENCIES OUTSIDE OF PINELLAS COUNTY, SERVING INJUNCTIONS AGAINST DATING, DOMESTIC, REPEAT, AND SEXUAL VIOLENCE AND STALKING

The Sheriff has jurisdiction to serve process in all dating, domestic, repeat, and sexual violence and stalking injunction cases. Sections 741.30(8)(a)(1), 784.046(8)(a)(1), and 784.0485(8)(a)(1), Florida Statutes, provide that the Chief Judge, in consultation with the Sheriff, may authorize a law enforcement agency within the Chief Judge's jurisdiction to effectuate this type of service.

In 1996, the Chief Judge, after consultation with the Pinellas County Sheriff, authorized certain municipal police departments to effect service of process during a call for municipal police services when the petitioner had a certified copy of the injunction. Administrative Order 2000-37 authorized all municipal police departments located in Pinellas County to serve a domestic violence injunction or a repeat violence injunction when provided a certified copy of the injunction by the petitioner upon arriving at a call for police service. Administrative Order 2012-055 authorized all municipal police departments located in Pinellas County to serve injunctions against dating, domestic, repeat, and sexual violence and stalking when provided a certified copy of the injunction by the petitioner upon arriving at a call for police service.

A number of respondents live or are found outside of Pinellas County and are served by the sheriff or law enforcement agency of that locality. Accordingly, the Court finds it necessary to update the Return of Service procedures to ensure that the appropriate sheriff or law enforcement agency receives all the required paperwork.

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

ORDERED:

1. Municipal police departments located in Pinellas County and their individual sworn officers are hereby authorized to effect service of process in lieu of the Pinellas County Sheriff's Department when provided a certified copy of an injunction against dating, domestic, repeat, or sexual violence, or stalking by the petitioner upon arriving at a call for police service.

2. When serving an injunction against dating, domestic, repeat, or sexual violence, or stalking, law enforcement officers must serve it in accordance with Attachment A – Notice To All Local Law Enforcement Agencies (Notice). The Pinellas Clerk of the Circuit Court (Clerk) must attach the Notice to a certified copy of the injunction to be served on the respondent. The Clerk must also provide Attachment B – Return of Service/Certificate of Non-service, when forwarding the injunction for service to law enforcement, including to sheriffs of other Florida counties or to another law enforcement agency, where the respondent resides or can be found.

3. After service of process has been made, the law enforcement officer who served the injunction must immediately file the Return of Service/Certificate of Non-service, Attachment B, in accordance with the provisions of Chapter 48, Florida Statutes. If attempts at service of process are unsuccessful, the law enforcement officer attempting service must immediately file the attached Return of Service/Certificate of Non-service with the relevant facts that indicate the reason for non-service.

4. Service of process authorized by this Administrative Order will give the Court personal jurisdiction over the respondent.

5. Nothing herein changes the existing policy that gives primary responsibility for service of dating, domestic, repeat, and sexual violence, and stalking injunctions in Pinellas County to the Pinellas County Sheriff. However, if a municipal police agency receives a call for initial service of an injunction, and the agency believes an immediate harm might occur if the injunction is not served immediately, the agency may elect to serve the injunction. The agency must immediately notify the Pinellas County Sheriff's Office upon serving injunctions under these circumstances.

6. The Court may revise the Attachments to this Administrative Order without further amendment to this Administrative Order.

Administrative Order 2012-055 PI-CIR is hereby rescinded.

DONE AND ORDERED in Chambers at Clearwater, Pinellas County, Florida, this ____ day of May, 2015.

ORIGINAL SIGNED ON MAY 12, 2015
BY J. THOMAS MCGRADY, CHIEF JUDGE

Attachment A: Notice to All Local Law Enforcement Agencies

Attachment B: Return of Service/Certificate of Non-service

cc: All Pinellas 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 Bob Gualtieri, Sheriff, Pinellas County
Gay Inskeep, Trial Courts Administrator
Ngozi Acholonu, Assistant Regional Counsel
Myriam Irizarry, Chief Deputy Director, Pinellas County Clerk's Office
The Haven, Domestic Violence Center
Community Action Stops Abuse, (CASA)
Bar Associations, Pasco and Pinellas Counties
Law Libraries, Pasco and Pinellas Counties

NOTICE TO ALL LAW ENFORCEMENT AGENCIES

The injunction should be read aloud to the respondent. Injunctions must be personally served on the respondent. They cannot be served on any other person. Any questions on service should be referred to the Pinellas County Sheriff's Office, Fugitive Section (727-582-6192). Once service has been made pursuant to Section 741.30(8)(a)(1), 784.046(8)(a)(1), or 784.0485(8)(a)(1), Florida Statutes, this service information form must be completed and faxed to the Pinellas County Sheriff's Office, Fugitive Section (727-582-6142). The agency serving the injunction must complete a Return of Service form and forward it to the Pinellas County Clerk of the Circuit Court's Office, 315 Court Street, Clearwater, FL 33756.

SERVICE INFORMATION

Served on: _____
(Name of Respondent)

Race: _____ Sex: _____ Date of birth: _____

Date served: _____ Time served: _____

Address where served: _____

Served by: _____
(Name of Officer)

Agency: _____

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA**

_____,
PETITIONER,
Vs.
_____,
RESPONDENT.

Case No.: _____
UCN: _____

Return of Service

SERVE TO: _____
RESPONDENT

Address: _____
Street Address

City, State, Zip

Type of Process: (Mark ALL that Apply)

- Temporary Injunction (type) _____
- Final Injunction (type) _____
- Firearms Affidavit (Respondent's Sworn Statement of Possession of
Firearms/Ammunition)
- Order to Attend Batterer's Intervention Program
- Order to Appear at Mandatory Compliance Hearing
- Other _____

I received this process on _____, 20_____, and served it on _____
Month Day Year Name of Respondent / Defendant

at _____
Address City, State, Zip

in _____ County at _____ a.m. / p.m., on _____, 20_____,
Time Month Day Year

by delivering to the above-named person a certified copy of the Order entered in the above-styled cause with the date and hour of service endorsed thereon by me.

- Respondent refuses to surrender his / her firearms and ammunition.
- Respondent stated he / she has no firearms and ammunition.
- Respondent surrendered his / her firearms and ammunition. _____
- Respondent was identified by his / her _____
- Additional Comments: _____

Respondent stated that his / her current residential address is _____
Address City, State, Zip

NON-SERVICE: For the reason that after diligent search and inquiry, _____
Name of Respondent / Defendant

could not be found or _____
Reason

_____, 20_____.
Month Day Year

Served by:

Law Enforcement Agency _____
City or County of _____
State of _____

Signature of Officer Serving Process Badge / ID #

Print Name