

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR POLK COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. 1-51.0

AUTHORIZATION FOR LAW ENFORCEMENT AGENCIES WITHIN POLK COUNTY TO
EFFECT SERVICE PURSUANT TO SECTION 790.401, FLORIDA STATUTES

WHEREAS, the Marjory Stoneman Douglas High School Public Safety Act (hereinafter referred to as “The Risk Protection Order Act”) was enacted on March 9, 2018; and

WHEREAS, The Risk Protection Order Act, among other things, created §790.401, Florida Statutes; and

WHEREAS, §790.401(5)(a), Florida Statutes, mandates that “the sheriff of the county where a respondent resides or can be found . . .” serve “a copy of the notice of hearing, petition, and temporary ex parte risk protection order or risk protection order, as applicable, . . . upon the respondent” unless the chief judge, “in consultation with the appropriate sheriff, . . . authorize[s] a law enforcement agency with the jurisdiction to effect service”; and

WHEREAS, §790.401(3)(a)(1), Florida Statutes, mandates that the “clerk of the court shall cause a copy of the notice of hearing and petition to be forwarded on or before the next business day to the appropriate law enforcement agency for service upon the respondent as provided in subsection (5)”; and

WHEREAS, §790.401(5), Florida Statutes mandates that the “clerk of the court shall furnish a copy of the notice of hearing, petition, and temporary ex parte risk protection order or risk protection order, as applicable, to the sheriff of the county where the respondent resides, or can be found, who shall serve it . . .”; and

WHEREAS, §790.401(10)(b), Florida Statutes, mandates that “within 24 hours after issuance, the clerk of the court shall forward a copy of an order issued under this section to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order, the law enforcement agency shall enter the order into the Florida Crime Information Center and National Crime Information Center . . .”; and

WHEREAS, pursuant to §790.401(5)(a), Florida Statutes, the chief judge, after consultation with the Polk County Sheriff, finds it beneficial for the prompt and efficient administration of justice in this circuit to authorize law enforcement agencies within Polk County to effect service as prescribed in §790.401(5), Florida Statutes; and

WHEREAS, the Chief Judge, after consultation with the Clerk of the Circuit Court, the Polk County Sheriff, and other local law enforcement agencies, finds it beneficial for the prompt and efficient administration of justice in this Circuit for the Clerk to open files with an assigned

case number on an expedited basis allowing orders and notices of hearing issued by the Court to be immediately available for service and entry into the Florida Crime Information Center and the National Crime Information Center by the petitioning law enforcement agency or the Polk County Sheriff; and therefore ORDERS that:

1. In addition to the Polk County Sheriff, all Polk County law enforcement agencies are permitted to effect service, as prescribed in §790.401(5), Florida Statutes, of “notice[s] of hearing, petition[s], and temporary ex parte risk protection order[s] or risk protection order[s], as applicable.” Fla. Stat. §790.401(5)(a).
2. If the Respondent resides, or can be found, within the jurisdictional boundary of the law enforcement agency that filed the Petition for Risk Protection Order (hereinafter “Petition”), that agency is responsible for effecting service.
3. If the Respondent resides outside the jurisdictional boundary of the law enforcement agency that filed the Petition, the petitioning agency shall be responsible for arranging service with a law enforcement agency where the Respondent resides or can be found or with the Polk County Sheriff’s Office.
4. “A law enforcement agency effecting service pursuant to . . . [§790.401(5)(a), Florida Statutes, and this administrative order,] shall use service and verification procedures consistent with those of the sheriff.” Fla. Stat. §790.401(5)(a).
5. “Service under [§790.401, Florida Statutes,] takes precedence over the service of other documents, unless the other documents are of a similar emergency nature.” Fla. Stat. §790.401(5)(a).
6. The petitioning law enforcement agency shall accept the conformed copy of the notice of hearing, and temporary risk protection order or risk protection order, as applicable, issued by the Court and a copy of the petition filed as the copy referenced in §§ 790.401(3)(1)(a), 790.401(5), and 790.401(10)(b) to expedite service upon respondent and to expedite entry into the Florida Crime Information Center and the National Crime Information Center by the agency effecting service. The petitioning law enforcement agency shall forward the copies for service in accordance with this Administrative Order. Any law enforcement agency who relies upon the Polk County Sheriff for reporting shall forward the order within the required 24 hours to the Polk County Sheriff for reporting
7. This administrative order is effective immediately.

DONE AND ORDERED in Chambers, Bartow, Florida, Polk County, this 19th day of June, 2018.

DONALD G. JACOBSEN
Chief Judge

Original:
Polk County Clerk of the Court

Distribution:
All Judges
Trial Court Administrator
Polk County Clerk of the Court
Polk County Law Enforcement Agencies
Florida Polytechnic University Police
Electronic Bar Mailing